

Title 480 WAC

UTILITIES AND TRANSPORTATION COMMISSION

Chapters

- 480-04 **Public access to information and records.**
- 480-09 **Procedure.**
- 480-11 **SEPA procedures.**
- 480-12 **Motor carriers.**
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- 480-110 **Water companies.**
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- 480-122 **Washington telephone assistance program.**
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- 480-146 **Commission general—Securities, liens, affiliated interests, refunding of notes, lease of utility facilities.**
- 480-149 **Tariff Circular No. 6.**

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
- Certificated Boat (Passenger)
- Non-Certificated Boat (Freight)
- Electric Utilities:
 - Classes A & B

Class C
 Class D
 Water Utilities:
 Classes A, B and C
 Class D
 Telephone Utilities:
 Classes A & B
 Gas Utilities:
 Classes A & B
 Classes C & D
 Telegraph Utilities:
 Wire-Telegraph Carriers
 Miscellaneous Common Carriers:
 Licensee in Domestic Public Land Mobile Radio Service

480-08-090 Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040. 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.
 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.
 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.
 480-08-015 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.
 480-08-020 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.
 480-08-030 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.
 480-08-040 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.
 480-08-050 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.
 480-08-055 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.
 480-08-060 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.
 480-08-070 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, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.
 480-08-080 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,

480-08-120 Subpoenas. [Order R-5, § 480-08-120, 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.
 480-08-130 Depositions. [Order R-5, § 480-08-130, 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 Hearings. [Order R-5, § 480-08-140, 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 Continuances. [Order R-5, § 480-08-150, 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 Stipulation as to facts. [Order R-5, § 480-08-160, 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 Conduct at hearings. [Order R-5, § 480-08-170, 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.
 480-08-180 Order of procedure. [Order R-5, § 480-08-180, 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 Rules of evidence. [Order R-5, § 480-08-190, 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.
 480-08-200 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.
 480-08-210 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.
 480-08-220 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.
 480-08-230 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.
 480-08-240 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.
 480-08-250 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.
- 480-08-260 No discussion of proceeding until decision. [Order R-5, § 480-08-260, 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.
- 480-08-270 Joint hearings. [Order R-5, § 480-08-270, 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.
- 480-08-280 Administrative rulings. [Order R-5, § 480-08-280, 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.
- 480-08-290 Segregation of functions in formal proceedings. [Order R-5, § 480-08-290, 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.
- 480-08-300 Compliance with orders. [Order R-5, § 480-08-300, 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.
- 480-08-310 Computation of time. [Order R-5, § 480-08-310, 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.
- 480-08-320 Suspension of tariffs. [Order R-66, § 480-08-320, filed 5/8/74; Order R-5, § 480-08-320, 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.
- 480-08-330 General application—Special rules—Exceptions—Cancellation of former rules. [Order R-5, § 480-08-330, 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.
- Chapter 480-10**
RULES IMPLEMENTING
THE STATE ENVIRONMENTAL POLICY ACT
- 480-10-010 Authority. [Order R-81, § 480-10-010, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW. Later promulgation, see chapter 480-11 WAC.
- 480-10-020 Purpose. [Order R-81, § 480-10-020, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-025 Scope and coverage of this chapter. [Order R-81, § 480-10-025, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-030 Integration of SEPA procedures with other governmental operations. [Order R-81, § 480-10-030, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-040 Definitions. [Order R-81, § 480-10-040, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-050 Use of the environmental checklist form. [Order R-81, § 480-10-050, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-055 Timing of the EIS process. [Order R-88, § 480-10-055, filed 10/20/76; Order R-81, § 480-10-055, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-060 Scope of a proposal and its impacts for the purposes of lead agency determination, threshold determination, and EIS preparation. [Order R-81, § 480-10-060, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-100 Summary of information which may be required of a private applicant. [Order R-81, § 480-10-100, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-150 Exemptions exclusive—CEP approval of changes in exemptions. [Order R-81, § 480-10-150, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-160 No presumption of significance for nonexempt actions. [Order R-81, § 480-10-160, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-170 Categorical exemptions. [Order R-81, § 480-10-170, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-175 Exemptions and nonexemptions applicable to the commission. [Order R-88, § 480-10-175, filed 10/20/76; Order R-81, § 480-10-175, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-180 Exemption for emergency actions. [Order R-81, § 480-10-180, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-190 Use and effect of categorical exemptions. [Order R-81, § 480-10-190, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-200 Commission, when it is the lead agency—Responsibilities. [Order R-81, § 480-10-200, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-203 Determination of lead agency—Procedures. [Order R-81, § 480-10-203, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-205 Lead agency designation—Governmental proposals. [Order R-81, § 480-10-205, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-210 Lead agency designation—Proposals involving both private and public construction activity. [Order R-81, § 480-10-210, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-215 Lead agency designation—Private projects for which there is only one agency with jurisdiction. [Order R-81, § 480-10-215, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-220 Lead agency designation—Private projects requiring licenses from more than one agency, when one of the agencies is a county/city. [Order R-81, § 480-10-220, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-225 Lead agency designation—Private projects requiring licenses from more than one state agency. [Order R-81, § 480-10-225, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-230 Lead agency designation—Specific proposals. [Order R-81, § 480-10-230, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-235 Local agency transfer of lead agency status to a state agency. [Order R-81, § 480-10-235, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-240 Agreements as to lead agency status. [Order R-81, § 480-10-240, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-245 Agreements between agencies as to division of lead agency duties. [Order R-81, § 480-10-245, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

- 480-10-270 Assumption of lead agency status by another agency with jurisdiction. [Order R-81, § 480-10-270, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-300 Threshold determination requirement. [Order R-81, § 480-10-300, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-305 Notice of timing for threshold determination. [Order R-81, § 480-10-305, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-310 Threshold determination procedures—Environmental checklist. [Order R-81, § 480-10-310, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-320 Threshold determination procedures—Initial review of environmental checklist. [Order R-81, § 480-10-320, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-330 Threshold determination procedures—Information in addition to checklist. [Order R-81, § 480-10-330, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-340 Threshold determination procedures—Negative declarations. [Order R-81, § 480-10-340, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-345 Assumption of lead agency status by commission—Prerequisites, effect and form of notice. [Order R-81, § 480-10-345, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-350 Affirmative threshold determination. [Order R-81, § 480-10-350, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-355 Form of declaration of significance/nonsignificance. [Order R-81, § 480-10-355, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-360 Threshold determination criteria—Application of environmental checklist. [Order R-81, § 480-10-360, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-365 Environmental checklist. [Order R-81, § 480-10-365, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-370 Withdrawal of affirmative threshold determination. [Order R-81, § 480-10-370, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-375 Withdrawal of negative threshold determination. [Order R-81, § 480-10-375, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-390 Effect of threshold determination by lead agency. [Order R-81, § 480-10-390, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-400 Duty to begin preparation of a draft EIS. [Order R-81, § 480-10-400, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-405 Purpose and function of a draft EIS. [Order R-81, § 480-10-405, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-410 Predraft consultation procedures. [Order R-81, § 480-10-410, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-420 Preparation of EIS by persons outside the commission. [Order R-81, § 480-10-420, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-425 Organization and style of a draft EIS. [Order R-81, § 480-10-425, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-440 Contents of a draft EIS. [Order R-81, § 480-10-440, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-442 Special considerations regarding contents of an EIS on a nonproject action. [Order R-81, § 480-10-442, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-444 List of elements of the environment. [Order R-81, § 480-10-444, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-446 Draft EIS—Optional additional elements—Limitation. [Order R-81, § 480-10-446, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-450 Public awareness of availability of draft EIS. [Order R-81, § 480-10-450, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-455 Circulation of the draft EIS—Review period. [Order R-81, § 480-10-455, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-460 Specific agencies to which draft EIS will be sent. [Order R-81, § 480-10-460, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-465 Agencies possessing environmental expertise. [Order R-81, § 480-10-465, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-480 Public hearing on a proposal—When required. [Order R-81, § 480-10-480, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-485 Notice of public hearing on environmental impact of the proposal. [Order R-81, § 480-10-485, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-490 Public hearing on the proposal—Use of environmental documents. [Order R-81, § 480-10-490, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-495 Preparation of amended or new draft EIS. [Order R-81, § 480-10-495, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-510 Responsibilities of commission as a consulted state agency with jurisdiction. [Order R-81, § 480-10-510, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-520 Responsibilities of commission as a consulted state agency with environmental expertise. [Order R-81, § 480-10-520, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-530 Responsibilities of commission as a consulted agency—When predraft consultation has occurred. [Order R-81, § 480-10-530, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-535 Cost of performance of commission responsibilities as a consulted agency. [Order R-81, § 480-10-535, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-540 Limitations on responses to consultation. [Order R-81, § 480-10-540, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- 480-10-545 Effect of no written comment. [Order R-81, § 480-10-545, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

- 480-10-550 Preparation of the final EIS—Time period allowed. [Order R-81, § 480-10-550, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
 - 480-10-570 Preparation of the final EIS—Contents—When no critical comments received on the draft EIS. [Order R-81, § 480-10-570, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
 - 480-10-580 Preparation of the final EIS—Contents—When critical comments received on the draft EIS. [Order R-81, § 480-10-580, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
 - 480-10-600 Circulation of the final EIS. [Order R-81, § 480-10-600, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
 - 480-10-650 Effect of an adequate final EIS prepared pursuant to NEPA. [Order R-81, § 480-10-650, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
 - 480-10-652 Supplementation by the commission of an inadequate final NEPA EIS. [Order R-81, § 480-10-652, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
 - 480-10-660 Use of previously prepared EIS for a different proposed action. [Order R-81, § 480-10-660, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
 - 480-10-690 Use of commission's EIS by other acting agencies for the same proposal. [Order R-81, § 480-10-690, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
 - 480-10-695 Draft and final supplements to a revised EIS. [Order R-81, § 480-10-695, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
 - 480-10-700 No action for seven days after publication of the final EIS. [Order R-81, § 480-10-700, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
 - 480-10-710 EIS combined with existing planning and review processes. [Order R-81, § 480-10-710, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
 - 480-10-810 Responsibility of commission—Amendments to this chapter. [Order R-81, § 480-10-810, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
 - 480-10-830 Commission SEPA public information center. [Order R-81, § 480-10-830, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
 - 480-10-835 Regional SEPA public information centers. [Order R-81, § 480-10-835, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
 - 480-10-840 Application of these rules to ongoing actions. [Order R-81, § 480-10-840, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.
- Chapter 480-35**
LIMOUSINE CHARTER PARTY CARRIERS
- 480-35-010 Definitions. [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.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.
 - 480-35-020 Licenses. [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.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.
 - 480-35-030 Certificates. [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.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.
 - 480-35-040 Applications. [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.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.
 - 480-35-050 Liability and property damage insurance. [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.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.
 - 480-35-060 Self-insurance. [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.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.
 - 480-35-070 Equipment of motor vehicles. [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.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.
 - 480-35-080 Operation of motor vehicles. [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.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.
 - 480-35-090 Equipment—Safety. [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.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.
 - 480-35-100 Registered carriers. [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.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.
 - 480-35-110 Registration of interstate authority. [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.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.
 - 480-35-120 Identification decals—Intrastate limousine charter party carrier operations. [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.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

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-50, § 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 480-63

RAILROAD COMPANIES—WEIGHING

- 480-63-010 Scales must be balanced. [Order R-5, § 480-63-010, filed 6/6/69, effective 10/9/69.] Repealed by 98-21-040 (Docket No. TR-980079), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.
- 480-63-020 Uncoupling and spotting cars. [Order R-5, § 480-63-020, filed 6/6/69, effective 10/9/69.] Repealed by 98-21-040 (Docket No. TR-980079), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.
- 480-63-030 Tare weights. [Order R-5, § 480-63-030, filed 6/6/69, effective 10/9/69.] Repealed by 98-21-040 (Docket No. TR-980079), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.
- 480-63-040 Weighing of empty cars. [Order R-5, § 480-63-040, filed 6/6/69, effective 10/9/69.] Repealed by 98-21-040 (Docket No. TR-980079), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.
- 480-63-050 Long cars and over scale capacity cars. [Order R-5, § 480-63-050, filed 6/6/69, effective 10/9/69.] Repealed by 98-21-040 (Docket No. TR-980079), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.
- 480-63-060 Double and triple loads. [Order R-5, § 480-63-060, filed 6/6/69, effective 10/9/69.] Repealed by 98-21-040 (Docket No. TR-980079), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.
- 480-63-070 Foreign matter on cars. [Order R-5, § 480-63-070, filed 6/6/69, effective 10/9/69.] Repealed by 98-21-040 (Docket No. TR-980079), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.
- 480-63-080 Care of scale. [Order R-5, § 480-63-080, filed 6/6/69, effective 10/9/69.] Repealed by 98-21-040 (Docket No. TR-980079), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.
- 480-63-090 Commission inspection and testing. [Order R-5, § 480-63-090, filed 6/6/69, effective 10/9/69.] Repealed by 98-21-040 (Docket No. TR-980079), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.

Chapter 480-69

RAILROAD COMPANIES—TRACK SCALES

- 480-69-010 Track scales—Approval and seal. [Order R-5, § 480-69-010, filed 6/6/69, effective 10/9/69.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.
- 480-69-020 Track scales—Testing. [Order R-5, § 480-69-020, filed 6/6/69, effective 10/9/69.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.
- 480-69-030 Track scales—Tolerances. [Order R-5, § 480-69-030, filed 6/6/69, effective 10/9/69.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.
- 480-69-040 Track scales—Approved. [Order R-5, § 480-69-040, filed 6/6/69, effective 10/9/69.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.
- 480-69-050 Track scales—Condemned. [Order R-5, § 480-69-050, filed 6/6/69, effective 10/9/69.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97,

- effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.
- 480-69-060 Track scales—New installations—Specifications. [Order R-5, § 480-69-060, filed 6/6/69, effective 10/9/69.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.
- 480-69-070 Track scales—New installations—Testing. [Order R-5, § 480-69-070, filed 6/6/69, effective 10/9/69.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.
- 480-69-080 Track scales—Test cars. [Order R-5, § 480-69-080, filed 6/6/69, effective 10/9/69.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.
- 480-69-090 Track scales—Repairs. [Order R-5, § 480-69-090, filed 6/6/69, effective 10/9/69.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.
- 480-69-100 Track scales—Approach rails. [Order R-5, § 480-69-100, filed 6/6/69, effective 10/9/69.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.
- 480-69-110 Track scales—Scale pits. [Order R-5, § 480-69-110, filed 6/6/69, effective 10/9/69.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.
- Chapter 480-95
HEAT SUPPLIERS**
- 480-95-010 Application of rules. [Statutory Authority: RCW 80.01.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-010, filed 4/26/84.] Repealed by 98-21-041 (Docket No. UG-980081), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.
- 480-95-020 Definitions. [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.] Repealed by 98-21-041 (Docket No. UG-980081), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.
- 480-95-030 Permit required. [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.] Repealed by 98-21-041 (Docket No. UG-980081), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.
- 480-95-040 Operation under trade name. [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.] Repealed by 98-21-041 (Docket No. UG-980081), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.
- 480-95-050 Application for permit. [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.] Repealed by 98-21-041 (Docket No. UG-980081), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.
- 480-95-060 Notice of applications. [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.] Repealed by 98-21-041 (Docket No. UG-980081), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.
- 480-95-070 Procedure before commission. [Statutory Authority: RCW 80.01.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-070, filed 4/26/84.] Repealed by 98-21-041 (Docket No. UG-980081), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.
- 480-95-080 Sale, lease, or transfer of permit. [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.] Repealed by 98-21-041 (Docket No. UG-980081), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.
- 480-95-090 Duplicate permits. [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.] Repealed by 98-21-041 (Docket No. UG-980081), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.
- 480-95-100 Contracts. [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.] Repealed by 98-21-041 (Docket No. UG-980081), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.
- 480-95-110 Fees. [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.] Repealed by 98-21-041 (Docket No. UG-980081), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.
- 480-95-120 Complaints. [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.] Repealed by 98-21-041 (Docket No. UG-980081), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.
- 480-95-125 Exemptions. [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.] Repealed by 98-21-041 (Docket No. UG-980081), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.
- 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.
- Chapter 480-150**
COMPLIANCE WITH ECONOMIC STABILIZATION ACT OF 1970 AS AMENDED
- 480-150-010 Preamble. [Order R-46, § 480-150-010, filed 5/9/73; Order R-38, § 480-150-010, filed 6/28/72.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.
- 480-150-020 Definitions. [Order R-38, § 480-150-020, filed 6/28/72.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.
- 480-150-030 Criteria applicable. [Order R-46, § 480-150-030, filed 5/9/73; Order R-38, § 480-150-030, filed 6/28/72.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.
- 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.
- 480-150-060 Exemptions. [Order R-38, § 480-150-060, filed 6/28/72.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.
- 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.
- 480-150-090 Construction. [Order R-46, § 480-150-090, filed 5/9/73; Order R-38, § 480-150-090, filed 6/28/72.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.
- Chapter 480-04 WAC**
PUBLIC ACCESS TO INFORMATION AND RECORDS
- WAC**
- 480-04-020 Definitions.
- 480-04-030 Organization of the Washington utilities and transportation commission.
- 480-04-050 Public information; public submissions 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 charges.
- 480-04-110 Information for commercial purposes.
- 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.
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. "Writing" includes letters; words; pictures; sounds; symbols; telefacsimile copies; papers; maps; magnetic or paper tapes; photographic films and prints; magnetic or punched cards; diskettes; 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 under 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. Unless otherwise restricted, the term "secretary" also refers to the acting secretary and to the secretary's designee.

(5) You. The word "you" in this chapter means a person who requests access to public records.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-04-020, filed 12/29/97, effective 1/29/98. 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.]

WAC 480-04-030 Organization of the Washington utilities and transportation commission. (1) The Washington utilities and transportation commission consists of three members appointed by the governor under RCW 80.01.010. The governor designates one member as the commission chair.

(2) The administrative office of the commission, also known as the headquarters office, 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. The commission maintains no other offices.

(3) The commission is organized into the following principal parts: Regulatory services division; administrative services division; policy planning and research section; public

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affairs section; and legal, accounting, and policy development section. The head of each section or division is responsible directly to the commissioners.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-04-030, filed 12/29/97, effective 1/29/98. 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 submissions or requests other than requests for public documents. (1) General information concerning topics within the commission's jurisdiction is available through the commission's administrative office, and on the commission's internet home page. The home page address at the time this rule is adopted is <<http://www.wutc.wa.gov>>.

(2) Anyone may request information from the commission administrative office, concerning whether a common or contract carrier of solid waste or household goods currently has operating authority; the scope of that authority; and the carriers' current tariffs.

(3) Written requests for information should be submitted to the office of the secretary of the commission.

(4) Requests for information may also be made by telephone or electronic mail. The commission will do its best to route the inquiry to staff who can assist the requester.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-04-050, filed 12/29/97, effective 1/29/98. 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 will respond in accordance with these rules to requests received by mail for identifiable public records.

(4) Public records are available for inspection and copying during the commission's customary office hours which are from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-04-060, filed 12/29/97, effective 1/29/98. 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;

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declaratory orders; interpretive statements; and policy statements.

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

(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 the commission branch of the Washington state library, at the commission's office in Olympia.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-04-065, filed 12/29/97, effective 1/29/98. 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 commission's public records officer for all records maintained by the commission. The secretary's office is located in the commission's administrative office. The public records officer is responsible for implementing the commission's rules about 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, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-04-070, filed 12/29/97, effective 1/29/98. 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. (1) Many requests for public records can be handled quickly and informally. You may ask to look at a document, or get a copy of a document. You may ask orally, in person or by telephone. You may also ask informally in writing, by letter or electronic mail. Requests may be made by electronic mail to <records@wutc.wa.gov>. Commission staff will advise you if a written request is required.

(2) The commission normally requires a written request.

(a) If you ask for large quantities of information, or have a list or an unusual request, the commission may need a written record to make sure that you get all the information you have requested, or to make sure that the charges are proper.

(b) If the information that you want might be within one of the exceptions to the law requiring disclosure, the commission may need a written request to make sure that the decision is made properly, by the right person, and that you get the response you are entitled to. Examples of information that might be exempt from disclosure include documents that have been designated "confidential" by the person providing them to the commission, documents containing private or personal information, and documents that may be involved in litigation or hearings.

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(3) If you need to make a written request for information, you may use a "public records request" form provided by the commission or you may write a letter that contains the information listed below. If you want to use the form, you can get a copy at the commission's office or you can ask to have it sent to you.

(4) You should take or send written requests for documents to the secretary of the commission. You may give the request to the receptionist or to any other available commission staff member; except that a request for a record 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 required by WAC 480-09-015(5).

(5) A request shall include the following information:

(a) Your name and address.

(b) When you are making the request.

(c) For whom (the individual, business, or other organization) you are making the request, if not only for yourself personally.

(d) A clear indication (such as in a heading or title) that you are requesting public records, to help make sure that the request is handled properly.

(e) Whether you want to inspect the document or get a copy of it, or both.

(f) A description of the record you want that is clear enough that commission staff can find the record. If you know how it is described in the index maintained by the commission, that would be helpful in identifying it.

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

(6) Commission staff will make a reasonable effort to assist in identifying and providing the public record.

(7) The commission may waive the need for a completed form when doing so supports the commission's administrative convenience and is not inconsistent with legal requirements or public policies.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-04-090, filed 12/29/97, effective 1/29/98. 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) The secretary will promptly notify you if commission staff finds that the request is incomplete, and will tell you what the problem is. The secretary will assist you in completing or correcting your request. Notifying you of a deficiency is not a denial of your request. The secretary may act on a deficient request to the extent that doing so is reasonable.

(2) Upon receiving a complete request, the secretary will review the requested record to determine whether the record or a portion of it is exempt from disclosure under any provision of law. The review shall also determine whether any of the requested records include confidential information, as defined in pertinent law.

(3) To the extent required to protect the 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. Whenever that happens, the commission will explain the reasons for the deletion.

(4) Only the secretary is authorized to deny requests for public records. Any action other than granting access to public records, when taken by a person other than the 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 when a complete written request is made must immediately take or send the requested document together with the written request to the secretary for a prompt decision granting or denying the request.

(5) If the secretary refuses to grant access to all or part of a public record, the secretary shall give you a written statement identifying the exemption authorizing the action and how it applies to the requested record. Any portion of the record that is not subject to exemption shall be promptly disclosed.

(6) Records containing "confidential information."

(a) If a requested record contains information that has been designated confidential under RCW 80.04.095 and WAC 480-09-015, and you have not specifically asked for confidential information, the secretary shall tell you that material has been designated confidential, and make sure that you do want the confidential information, before processing the request.

(b) A request for a record designated as confidential under RCW 80.04.095 and WAC 480-09-015 shall be processed in accordance with the provisions of WAC 480-09-015.

(7) After receiving the secretary's written explanation for nondisclosure under this rule, if you still want disclosure you may request a review under WAC 480-04-120.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-04-095, filed 12/29/97, effective 1/29/98. 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 charges. The commission will provide copies of public records upon request.

(1) The commission shall charge a published fee for copying and providing information. The commission may, by order, within the requirements of RCW 42.17.300, establish and change prices and establish the maximum number of various kinds of copies that will be provided without charge.

(2) Except as provided in WAC 480-09-125 for producing for internal distribution, copies that parties to a proceeding have failed to file, the charges for services at the time this rule is adopted are as follows:

(a) Photocopies, fifteen cents per page for fifty-one or more copies.

(b) Certified copies, three dollars per certified sheet.

(c) Telefacsimile (FAX) transmissions, fifty cents per page, for transmissions of six or more pages.

(d) Computer lists or printouts, fifty cents per page for six or more pages.

(e) Computer data copied onto floppy diskettes shall cost five dollars per diskette.

(f) Audio tapes, five dollars each.

(g) Video tapes, five dollars each.

(h) Color copies, one dollar per page.

(i) No charge is made for documents provided by electronic mail.

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

[Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-04-100, filed 12/29/97, effective 1/29/98. 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 Information for commercial purposes. Except as provided in RCW 42.17.260(6), the commission will not give, sell, or provide access to lists of individuals if the information is requested for commercial purposes.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-04-110, filed 12/29/97, effective 1/29/98. 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 you are denied disclosure of a public document and disagree with the denial you may ask the secretary, in writing, for a review of the denial. The request for review must describe or enclose the secretary's written statement explaining the reasons for the denial.

(2) A request for review must be made in writing. It may be made in person at the commission's administrative office or by mail or electronic mail.

(3) Promptly after receiving a written request for review the secretary shall review the decision. He or she may personally reconsider the denial decision, or may refer the request to the commission for review at a commission meeting.

(4) The commission's review of a decision denying disclosure is final at the end of the second business day following the secretary's initial denial decision, unless the commission provides a revised decision to you during that period. This does not prevent 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, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-04-120, filed 12/29/97, effective 1/29/98. 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) Only commission staff may copy public documents unless the secretary decides that copying by others will not disrupt commission administration or pose any risk to the integrity and safety of the documents.

(2) No person may take any document from the area designated by the secretary for the public inspection of documents unless the secretary authorizes doing so.

(3) When a member of the public asks to examine an entire file or group of documents, as distinguished from spe-

cific documents that can be individually identified and supplied, the commission may take a reasonable time for inspection to remove any material designated as confidential and any information protected from disclosure by RCW 42.17.310 or other provision of law.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-04-130, filed 12/29/97, effective 1/29/98. 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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480-09-820	Rehearing or reopening.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-09-830	Compliance with orders. [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.] Repealed by 99-05-031 (Order R-455, Docket No. A-970591), filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 34.05.220 and 80.01.040.
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WAC 480-09-005 Scope of this chapter—How to communicate with the commission. This chapter explains how to present written communications to the Washington utilities and transportation commission (called "the commission" in this chapter) and how various proceedings are conducted at the commission. Topics covered include how these rules operate; where and how to send letters to assure that they reach a person who can deal with them; requirements for submitting formal written documents such as pleadings; and rules that guide various proceedings.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-005, filed 2/10/99, effective 3/13/99.]

WAC 480-09-010 When this chapter applies—Exceptions. (1) General application. This chapter applies generally to most dealings with and proceedings before the commission.

(2) Special rules. When rules in other chapters apply to certain classes of public service companies or to particular proceedings, those special rules govern if they conflict with these general rules.

(3) Modifications and exceptions. The commission may make exceptions to these rules in individual cases when doing so is just and reasonable.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-010, filed 2/10/99, effective 3/13/99. 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 or order is available for public inspection at the Washington utilities and transportation commission branch of the Washington state library. The branch library is located in 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. The commission incorporates or references the version of the incorporated or referenced material that is current on the day the commission adopts a rule or enters an order that makes the incorporation or reference, unless the

commission specifies another version or unless another version is apparent from the reference.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-012, filed 2/10/99, effective 3/13/99. 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 Sending communications to the commission. This section governs communications to the commission except requests for public records, which are governed by chapter 480-04 WAC.

(1) Limitation of content. Letters and electronic mail messages to the Washington utilities and transportation com-

mission ("commission") must include only one subject, to assure that the message is properly handled.

(2) Required identification of sender, proceeding, and document.

(a) Identification of sender. All communications must identify the name and title or position of the sender, the name of the entity on whose behalf the communication is sent, and a return address. Any letter or other communication that the holder of any commission-issued permit, license, or certificate sends to the commission must also identify the exact name and the number (if any) under which the authority is held.

(b) Identification of proceeding. Any letter, pleading, or other communication to the commission that relates to a commission proceeding must identify the proceeding to the best of the writer's ability, at the top of the first page. The identification must include the docket number and name of the proceeding, if known to the writer, the name and position of the party for whom it is submitted.

(c) Identification of communication. Any communication that relates to a commission proceeding must identify the name of the communication (e.g., comment; motion; answer) at the top of the first page.

(3) How to address communications. All communications relating to formal proceedings must be addressed to the commission secretary. Formal communications should not be addressed to individual members of the commission staff because such documents may escape the filing and record-keeping necessary to document control.

(a) All written communications to the commission must be addressed to: The Secretary, Washington Utilities & Transportation Commission, 1300 S. Evergreen Park Dr SW, PO Box 47250, Olympia, WA 98504-7250. The commission records center will see that the correspondence promptly reaches a person who is able to deal with it.

(b) Electronic transmissions—E-Mail and Telefacsimile transmissions.

(i) When electronic transmission may be used. Electronic mail and telefacsimile messages may be used to submit correspondence or documents for filing as specified in WAC 480-09-120, for informal communication with commission staff members, and for providing courtesy copies to staff. Electronic transmission is not acceptable for formal correspondence or documents to be filed. The commission may make exceptions to this requirement in individual cases and may impose conditions on the use of electronic transmission.

(ii) Where to send electronic submissions. All electronic mail should be addressed to **records@wutc.wa.gov**. All telefacsimile transmissions should be sent to (360) 586-1150 or another number designated by the commission secretary. Courtesy or informational copies may be sent to other commission telefax machines or other electronic mail addresses for individual commission staff members.

(4) Updated addresses. The addresses listed in this chapter are current at the time of rule adoption. The commission will provide current information at any time on request.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-100, filed 2/10/99, effective 3/13/99. 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 480-09-101 When communications are received; required identification of sender; communications from the commission. (1) When documents are officially received. All communications and other submitted materials are officially received only when physically received in the commission records center and stamped with the date and time. Documents and communications that are received in the commission records center after 5:00 p.m. of one business day and before the start of the next business day are not considered officially received until the next business day when they are stamped with the date and time. Documents that are submitted by telefacsimile or electronic mail are officially received only when a paper copy is stamped with the date and time. The date-stamped time will determine whether a document meets any deadline that applies and will determine the timing of any later deadlines based on filing.

(a) During a meeting or hearing, the presiding officer may accept documents relating to the subject of the meeting or hearing.

(b) Requests for public records are governed in chapter 480-04 WAC.

(2) Communications from the commission. Official communications from the commission must be signed by the commissioners, the secretary of the commission, or the secretary's designee. Communications relating to an adjudication may be signed by the presiding administrative law judge or the administrative law judge's designee.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-101, filed 2/10/99, effective 3/13/99.]

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. The commission will hold regular meetings for the conduct of business under chapter 42.30 RCW, the Open Public Meetings Act. The meetings will begin at 9:30 a.m., on the second, fourth and fifth Wednesday of each month 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 will be held on the next business day or on an alternate schedule published in the *Washington State Register*. Regular meetings may be canceled, and special meetings may be convened, under RCW 42.30.080. The commission may change the time and place of regular meetings from the information set out in this section. The current time and place are published, as required, in the *Washington State Register*; on the commission's Internet web site, and are available through telephone inquiry.

(2) Agenda. The commission secretary will direct the preparation and distribution of an agenda for each meeting. When feasible, the secretary will identify each item sched-

uled 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." The secretary shall group similarly identified items together on the agenda.

(3) "No action" agenda. Any request, proposal, or other filing which 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. The secretary may place any item which the secretary believes to be noncontroversial on a "consent agenda" portion of the open meeting agenda. The commission will ask at the meeting if any person wants to address any consent agenda item and an item will 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 and may be collectively approved by a single vote of the commission.

(5) Orders. The secretary may enter any order or sign any document necessary to implement an open meeting decision of the commissioners, when the commission so directs.

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

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-115, filed 2/10/99, effective 3/13/99. 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 filing by telefacsimile; number of copies. (1) When filing is complete. Filing of any document is complete only when the document and the required number of copies are received by the commission records center, printed (if printing is necessary to produce a paper copy) and stamped with the date and time. When authorized by the presiding officer of a proceeding before the commission, filing of a document for purposes of the proceeding is complete when the presiding officer receives the document.

(a) When telefacsimile filing is allowed. Receipt in the commission's telefax machine, or similar device, does not constitute filing except as otherwise allowed in this rule. The following documents may be filed by telefacsimile device when the filing party, except as specifically noted, sends a hard copy postmarked on the day of filing, which is received in the normal course of commerce.

(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;

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

(v) Other documents, when the commission specifically allows or requires filing by telefacsimile in individual instances, when required for timely consideration or for the commission's convenience. The commission may charge for making copies for internal distribution under WAC 480-09-125.

(b) Number of copies. Unless the commission specifies a different number of copies, every original pleading submitted to the commission shall be filed with nineteen copies. Parties who file an electronic copy of a pleading may file an original plus six paper copies. The electronic copy must comply with (b)(ii) of this subsection. When a person files a document by telefacsimile, the document should not be sent more than once except to cure transmission or receiving errors. 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 should ask the commission records center or the presiding officer whether fewer copies may be required in a given case. If the required number of copies would be a hardship, a party may describe the hardship and request exemption from the stated number of copies.

(ii) The commission encourages parties submitting pre-filed testimony and exhibits, briefs, and pleadings to submit the document in electronic form, with the agreed number of hard copies. In some instances electronic submissions are required, and in some instances electronic submissions will substitute for hard copies. Unless the commission directs otherwise, electronic submissions are to be provided on a 3 1/2 inch IBM formatted high-density disk, in WordPerfect version 5.1, 6.0, or 6.1, labeled with the docket number of the proceeding, the name of the company and/or individual submitting the document, and type of software used.

(c) Filing and service are different. 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) Certificate of service. Filing 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 subsection (2)(f) of this rule.

(e) The commission encourages each party to provide courtesy copies of documents that it files in rulemakings and adjudications to presiding officers and other staff persons by electronic mail. Providing such copies does not relieve a party of the obligation to otherwise file or serve documents.

(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 must be made upon the representative. Service upon the representative is valid service upon the party.

(b) Service by parties. Parties must serve documents by delivering one copy to each other party by one of the following methods: In person; by mailing, properly addressed with first class postage prepaid; by commercial parcel delivery

company properly tendered with fees prepaid, or by telefacsimile transmission, when originals are mailed simultaneously. Service by mail is complete when a copy of the document is properly addressed and stamped and deposited in the United States mail. Service by commercial parcel delivery company is 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 is complete when a 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) Electronic mail. A party may consent to receive service by electronic mail. The consent, which waives the party's right to other forms of service, must be in writing and filed with the commission in the docket for which consent is given.

(e) The risk of failure of service by electronic means falls upon the person choosing that form of service.

(f) Certificate of service. Each person filing a pleading with the commission must include on the original of the pleading under this subsection (2) of this section either an acknowledgment of service or the following certificate:

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

Dated at this day of
(signature)

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-120, filed 2/10/99, effective 3/13/99. 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) If 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 hamper the commission in fulfilling its duties.

(2) If 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.

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(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 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-125, filed 2/10/99, effective 3/13/99. 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 the last day is excluded from the computation.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-130, filed 2/10/99, effective 3/13/99. 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. (1) Time set by chapter 34.05 RCW. The commission in individual instances may lengthen or shorten the time stated in chapter 34.05 RCW for action in its discretion, under RCW 34.05.080.

(2) Time set by the commission rule. The commission may lengthen or shorten the time stated in these rules for action in its discretion.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-135, filed 2/10/99, effective 3/13/99. 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 an adjudicative proceeding begins and before a final determination, no party to the proceeding, or counsel for a party 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 to the proceeding, so that they may attend 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 that 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.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-140, filed 2/10/99, effective 3/13/99. 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) (a) How to make an informal complaint. Persons may make informal complaints to the commission about any business that the

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commission regulates by letter, sent by mail, telefax, or electronic mail, or by telephone. See WAC 480-09-100 and 480-09-101 for general information about addressing correspondence. Persons may also register an informal complaint by telephone with a commission service examiner.

(b) Commission response; result. Commission staff may discuss the subjects of informal complaints with the affected persons, by correspondence or otherwise, to assist the parties to resolve the complaint by agreement without formal hearing or order. The commission encourages the informal settlement of disputes whenever possible. (See WAC 480-09-465.) An informal complaint may not result in an order that compels a person to do something or forbids a person from doing something.

(2) Contents. An informal complaint should present all facts needed to resolve the complaint, including a description, with all relevant dates, of the acts or omissions that led to the complaint. The complaint should cite to all relevant statutes or rules if the writer knows them.

(3) Making an informal complaint does not prevent any party, or the commission, from filing a formal complaint with the commission. See WAC 480-09-420 and 480-09-425.

[Statutory Authority: RCW 34.05.220 and 80.01.040, 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-150, filed 2/10/99, effective 3/13/99. 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, or upon its own motion, the commission may make and issue interpretive and policy statements when necessary to end a controversy or to remove a substantial uncertainty about the application of statutes or rules of the commission.

(2) The commission will 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 commission will update the roster periodically. When the commission issues an interpretive or policy statement, it will send a copy of the statement to each person on the roster.

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

[Statutory Authority: RCW 34.05.220 and 80.01.040, 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-200, filed 2/10/99, effective 3/13/99. 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 procedures—Rules coordinator. (1) The commission will conduct rule-making proceedings in compliance with the requirements of RCW 34.05.310 through 34.05.395.

(2) The commission maintains a list of persons interested in potential rule-making proceedings. The list is subdivided by regulated industries and other areas of potential interest. The commission sends notice of rule-making proceedings to persons on the list. Any person may be listed by asking in writing that the commission put the person on the relevant list

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or lists for the person's area of interest. The commission may by order establish a fee for this service.

(3) Inquiries regarding rules being proposed or being prepared within the commission for proposal may be made to Office of the Secretary, Rules Coordinator at the address listed in WAC 480-09-100.

[Statutory Authority: RCW 34.05.220 and 80.01.040, 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-210, filed 2/10/99, effective 3/13/99. 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) Petitions for new rules or for the amendment or repeal of existing rules are governed by RCW 34.05.330 and chapter 82-05 WAC.

(3) The commission will provide on request a copy of chapter 82-05 WAC and the form for petitioning for adoption, amendment, or repeal of a state administrative rule.

[Statutory Authority: RCW 34.05.220 and 80.01.040, 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-220, filed 2/10/99, effective 3/13/99. 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 will consider the petition. Within fifteen days after receiving the petition, the commission will give notice of the petition to all persons required by law and to any other person the commission deems desirable. Within thirty days of receipt of a petition for declaratory order, the commission will:

(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. If a hearing is held, it must be held no more than ninety days after receipt of the petition. If a hearing is held, the commission will give at least seven days' notification to the petitioner, all persons to whom notice is required by law and any other person it deems desirable. The notice must include the time, place, and 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.

(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 will serve its order upon all persons who are required to receive notice under subsection (4) of this section.

[Statutory Authority: RCW 34.05.220 and 80.01.040, 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-230, filed 2/10/99, effective 3/13/99. 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.

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

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

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

(i) Requested capital structure.

(j) Requested net operating income.

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

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

(4) Contemporary with its filing, the company shall mail the summary document required in subsection (3) of this section to public counsel and to all intervenors on the commission's master service list for the company's most recent general rate case and all intervenors on the master service list for any other rate proceeding involving the company during the five years prior to the filing if the rates established or considered in that proceeding may be affected in the company's proposed general rate filing. The utility shall enclose a cover letter stating that the prefiled testimony and exhibits 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 curb-

side 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 480-09-337 Filing requirements—General rate increases water companies. A rate increase filing for a water company must include at least the following information:

(1) Cover letter - each filing must include a cover letter. The letter must:

(a) Provide a description of the filing, and the requested action, in understandable terms;

(i) Technical terms are acceptable, but descriptions must use common terms so the public can easily understand the impact of the filing;

(ii) Acronyms, if used, must be defined before they are used in the text of the letter;

(b) State why the filing is being made, e.g.; increased costs for water testing;

(i) Compliance filings required by prior commission action must include the docket number of the commission action and the name of that proceeding;

(ii) Rate change filings must describe each service that is impacted and the dollar and percentage change for each service as well as the net impact of all changes on the company's total regulated revenue;

(iii) Filings that only address changes to the text of the tariff must describe the general effect, and reasons for the changes;

(c) Requests for permission to change tariffs on less than statutory notice will be granted by the commission only when it deems the circumstances or conditions justify the lack of notice. The request must include a complete explanation of the reasons that support less than statutory notice treatment;

(d) Failure to include required information in the cover letter could result in the filing being rejected.

(2) The proposed tariff with explanatory markings.

(3) Supporting work papers for the test period. The supporting work papers must include:

(a) A calculation of the revenue impact of proposed rates by each class affected;

(b) Balance sheet and statement of revenues and expenses;

(c) Depreciation schedule;

(d) If adjustments are proposed, the company must file:

(i) Schedule showing adjustments to the statement of revenues and expenses, including any restating adjustments and/or proforma adjustments including effect of proposed rates;

(ii) Work papers explaining both restating and proforma adjustments;

(e) Usage statistics verifying test year revenues and proposed revenues;

(f) Public water system identification number assigned by Washington department of health for each system that the new rates will affect; and

(g) Schedule showing separation of revenues and expenses between regulated and nonregulated operations.

(4) A copy of the notice mailed to customers.

[Statutory Authority: RCW 80.01.040, 99-24-100 (Order R-467, Docket No. UW-980082), § 480-09-337, filed 11/30/99, effective 12/31/99.]

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) The person making a compliance filing must also file accompanying work papers and must serve a copy of the filing and the work papers on the attorney of each party to the proceeding in which the compliance filing was authorized or required. Service must 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 must 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 must 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 must be made with the required statutory notice period unless the order provides otherwise. The commission will docket such a filing under its own docket number and will not consider it 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 must 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.

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(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 with the relevant commission order before approval does not preclude the commission from taking later steps as authorized by law to secure compliance.

[Statutory Authority: RCW 34.05.220 and 80.01.040, 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-340, filed 2/10/99, effective 3/13/99. 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 must 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. A person who fails to enter an appearance as prescribed by WAC 480-09-720, will not 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 the person may have filed an objection to a proposed crossing closure under the provisions of subsection (1) of this section, the person will not 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 the commission may send the person a courtesy copy of the initial or final order.

(3) Interested persons who lack party status, will 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 34.05.220 and 80.01.040, 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-390, filed 2/10/99, effective 3/13/99. 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 disputed matters. Each application should specify every issue to be adjudicated in the proceeding.

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(2) The following, when properly and timely filed, are applications for adjudicative proceedings except:

(a) When specified to the contrary in statute or rule;

(b) When the document is presented during an existing adjudication; or

(c) When the subject is not required to be resolved in an adjudication as defined in chapter 34.05 RCW: Petitions, when the action sought requires adjudication, 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 and set them for hearing.

(4) Within thirty days after receiving an application for an adjudicative proceeding, the commission will 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 of a person on the commission staff 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 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-400, filed 2/10/99, effective 3/13/99. 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 an individual; corporation; partnership; association, or body politic; agency; or municipal corporation. A "party" is a person that 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 will be called applicants, complainants, petitioners, respondents, intervenors, or protestants, according to the nature of the proceeding and the relationship of the parties. The commission staff and the public counsel division of the attorney general's office become parties to an adjudicative proceeding for all purposes upon entering an appearance.

(3) Applicants.

(a) Persons applying for any right or authority that the commission has jurisdiction to grant are "applicants."

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

(4) Complainants. Persons who file a formal complaint with the commission are "complainants." When the commission brings an adjudication on its own motion, the commission is the "complainant."

(5) Petitioners. Persons petitioning for relief are "petitioners." Persons filing a motion for relief are "movants" or "moving parties."

(6) Respondents. Persons against whom any complaint, petition, or motion is filed are "respondents."

(7) Intervenors. Persons permitted to intervene are "intervenors."

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

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-410, filed 2/10/99, effective 3/13/99. 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 and briefs—Applications for authority—Protests. Pleadings. Pleadings include formal complaints, petitions, answers, replies, applications for authority, protests, and written motions.

(1) Legibility; size; length; service. All pleadings and briefs must be legible and, unless the commission authorizes a different size, must be submitted on 8-1/2 x 11 inch paper. Parties may not submit pleadings or briefs that exceed sixty pages without prior permission from the commission. Each party must serve a copy of each of its pleadings upon each party to the proceeding.

(2) Errors in pleadings. The commission may return a pleading to the party filing it for correction when the commission finds the pleading to be defective or insufficient. The commission may correct typographical errors, errors in captions, or errors in spelling of names of parties.

(3) Form. Every pleading must conform with the following form.

At the top of the first page must appear the phrase, "Before the Washington Utilities and Transportation Commission." On the left side of the page, next below, the caption of the proceeding must be set out or, if no caption exists, the following: "In the Matter of the (Complaint, Petition, Motion, etc.) of (name of the pleading party) for (identify relief sought)." On the right side of the page, opposite the caption must 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 must be set out in numbered paragraphs. The first paragraph must state the name and address of the pleading party. The second paragraph must state all rules or statutes that may be brought into issue by the pleading. Succeeding paragraphs must set out the statement of facts relied upon in form similar to complaints in civil

actions before the superior courts of this state. The concluding paragraphs must 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 pleading or briefing party must file with the commission an original and the number of legible copies of each pleading that is required in WAC 480-09-120 (1)(b). Copies must be on three-hole punched white paper, 8-1/2" x 11" in size. Notices of "confidentiality agreements" are distributed within the commission via e-mail, so only an original needs to be filed. If a pleading is received by the commission via telefacsimile, the commission will make the required number of copies unless other arrangements are made, and will charge the costs of the copies to the party as specified in WAC 480-09-120. After filing by telefacsimile, the party must file only the original of the pleading with the commission and need not file additional copies.

(5) Complaints.

(a) Defined. Formal complaints are complaints that are filed in accordance with RCW 80.04.110 and 81.04.110, complaints filed under 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 for the complaint and the relief requested. The complaint must state facts constituting the basis of the complaint, including relevant dates, together with citations to relevant statutes or commission rules. 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 proceedings under RCW 80.04.110 or 81.04.110, the provisions of the respective statutes also apply.

(6) Protests. A person whose interests would be adversely affected by the granting of an application may file a protest. Protests to applications must conform to the requirements of any special rules that apply to the type of the application being protested. A protestant must serve a copy of the protest upon the applicant.

(7) Petitions.

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

(b) Petitions - contents. A petition must 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 and regulations upon which the petition is based.

(8) Motions.

Motions must be filed separately from any other pleading. The commission will not consider motions that are merely stated within the text of correspondence or in the body of another pleading. The commission may refer to the rules in the superior court of Washington as guidelines for handling 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. Answers must fully and completely disclose the nature of the defense

and must admit or deny specifically, and in detail, all material allegations of the complaint or petition. A respondent must separately state and number affirmative defenses.

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

[Statutory Authority: RCW 34.05.220 and 80.01.040, 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-420, filed 2/10/99, effective 3/13/99. 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.]

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, must 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 must 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, a party opposing a pleading must file any motion directed to the pleading 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 extend the time for answering the pleading. Other motions must be filed within the times specified in WAC 480-09-420 or 480-09-736.

(3) Answers; time for answer; reply.

(a) An answer is not mandatory. A party answering a pleading must file the answer within twenty days after the service of the pleading to which it is directed. 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 party may request permission to reply to an answer. The request must be filed within ten days after service of the answer to which it is directed. During a hearing, the presiding officer may shorten the time for requesting leave to reply or may rule from the bench on such requests. A party requesting leave to reply may attach a proposed reply to the request. Requests should address whether the answer raises new material requiring response, or other reason why a reply is necessary. A request to file a reply is deemed denied unless specifically granted by the commission. If the commission allows a reply, the commission will set the time for filing the reply.

(c) The commission may alter the time allowed for any answer or reply if it believes that the public interest so requires.

(4) Liberal construction. The commission will construe pleadings liberally 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 that 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 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-425, filed 2/10/99, effective 3/13/99. 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 ruling upon 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 will not automatically stay any scheduled procedures. Except with permission from the commission, motions for summary disposition must be presented more than thirty days prior to the next applicable hearing session. Responses must 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 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-426, filed 2/10/99, effective 3/13/99. 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.

(a) Who may petition; when petitions must be filed. 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 petition in writing for leave to intervene at least five days prior to the time it is initially called for hearing or prehearing conference, whichever occurs first; or 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.

(b) Contents of petition. The petition to intervene must disclose the name and address of the petitioner; the name and address of petitioner's attorney, if any; petitioner's interest in the proceeding; and petitioner's position in regard to the mat-

ter in controversy. Petitions for intervention must be filed with the commission and served on the original parties to the proceeding. In utility rate cases, the original parties are the company seeking a rate change, commission staff, and public counsel.

A form petition for intervention is available on request from the secretary of the commission. The commission encourages use of the form to ensure that the petitioner provides adequate information.

(2) Special intervention—broadening the issues.

(a) Who may petition; when petitions must be filed. Any person other than the original parties 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 special intervention in the proceeding. The petition must be in writing, filed with the commission, and served upon the parties of record to the proceeding, at least ten days prior to the date of the prehearing conference or initial hearing session, whichever occurs first. The commission may, for good cause, shorten the ten-day filing period. When there is no prejudice to other parties, the commission may consider an oral petition that is filed less than ten days in advance.

(b) Contents of petition. The petition must disclose the name and address of the petitioner; the name and address of the petitioner's attorney, if any; the petitioner's interest in the proceeding; and the petitioner's position in regard to the matter in controversy. The petitioner must attach to the petition an affidavit or declaration setting forth clearly and concisely the facts supporting the relief sought.

(3) Disposition of petitions to intervene. The commission may consider petitions to intervene at hearings or prehearing conferences, or, if persons entitled to respond to the petition have done so, before or after a hearing or prehearing conference. The commission will allow parties the opportunity to be heard upon the petition. 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). If the commission grants intervention, the petitioner becomes a party to the proceeding as an "intervenor." If the commission determines, during a proceeding, that an intervenor has no substantial interest in the proceeding, or that the public interest will not be served by the intervention, the commission may dismiss the intervenor from the proceeding. The commission may dismiss an intervenor from a proceeding only after notice and a reasonable opportunity to be heard. The commission may review the decision by an administrative law judge regarding a petition to intervene or dismissal of an intervenor pursuant to WAC 480-09-760.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-430, filed 2/10/99, effective 3/13/99. 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. In this section, continuances include postponements and extensions of time. With notice to all other parties,

any party may request a continuance. The commission may grant a continuance if the requesting party demonstrates good cause for the continuance. The commission or the presiding officer may direct a continuance without the request of any party when doing so is in the public interest or furthers administrative needs of the commission. In this section, "deadline" means any date that is sought to be continued.

(2) Procedure. Subject to subsection (3) of this section, requests for continuances may be made orally on the record during a hearing. Whenever possible, requests should be made by letter. The presiding officer or the commission may rule upon requests orally at a prehearing conference or hearing session, or by letter or order. Requests may be granted; granted, with modification or upon condition; or denied.

(3) Timing. Oral requests must be made at least five days before 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 must be made orally when a related hearing is held prior to the stated response deadline. The commission may consider requests for continuance that are made after the deadline stated in this rule if the requester demonstrates good cause that prevented 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, and whether the new deadline poses scheduling problems for any party;

(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 the continuance is consistent with the public interest.

(5) Date certain—Dismissal. The commission will grant continuances to a specified date. A party seeking an indefinite continuance must demonstrate why a specific date is not feasible. Each ninety days after the initial request for an indefinite continuance 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

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infeasible to establish a specific date, or must (b) request a specific date. Failure to file the statement required in this subsection is grounds for dismissal without further notice. The commission may at any time rescind an indefinite continuance and set the proceeding for hearing.

(6) Agreed requests. An "agreed request" is a request for a continuance that all parties agree to. Agreed requests for continuances other than hearings may be made orally before the deadline, if 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 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-440, filed 2/10/99, effective 3/13/99; 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. In any proceeding the commission may, by written notice or by oral notice on the record of the hearing, request or direct all parties and persons requesting party status 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 must 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. In the absence of a showing of good cause, a party's failure to attend the conference 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 or an administrative law judge shall preside at each 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; and

(g) Any other matters that may aid in the disposition of the proceeding, whether by commission decision or by settlement.

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 may be made orally on the record or by a conference order 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 call the parties together for a conference prior to the taking of testimony, or may recess the hearing for a conference, to carry out the purpose of this section. The presiding officer shall state on the record the results of a 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, 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 an administrative law judge to preside at a discovery conference. On its own motion or on the request of a party, the commission may designate a person, who is not associated with any party, with commission advisory staff as to that proceeding, or with commission advocacy staff, to facilitate a discovery conference.

(5) Order conference. On the commission's own motion or at the request of a 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 or discuss disagreements about the commission order. 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, so 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. An order 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. An order 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 presiding officer will determine whether an order conference will 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 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-460, filed 2/10/99, effective 3/13/99. 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 commission may direct parties to a proceeding to enter negotiations aimed at resolving issues in the proceeding.

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

(a) The parties, as their first joint act will consider the commission's guidelines for negotiations, set out in a policy statement adopted pursuant to RCW 34.05.230, 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 without the consent of the participants or unless necessary to address the process of the negotiations;

(c) Parties may agree that information be treated as confidential to the extent provided in a commission protective order; and

(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 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-465, filed 2/10/99, effective 3/13/99. 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; settlements. The commission favors the voluntary settlement of disputes within its jurisdiction. It will approve settlements when doing so is lawful and when the result is appropriate and consistent with the public interest in light of all the information available to the commission.

(1) In support of a voluntary settlement of any dispute within the commission's jurisdiction, the commission may 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. A settlement is an agreement among two or more parties to a proceeding to resolve one or more issues.

(a) The commission may exercise discretion whether to accept a proposed settlement for its review. 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 for the commissioners to inquire about 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 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-466, filed 2/10/99, effective 3/13/99. 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

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assigned to or identified by the collaborative participants. Membership in the collaborative must reflect the interests reasonably expected to be substantially affected by the result of the collaborative.

(2) When beginning a collaborative, participants must 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 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-467, filed 2/10/99, effective 3/13/99. 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. The commission encourages parties to enter stipulations of fact. The parties to any proceeding or investigation before the commission may agree upon the facts or any portion of the facts involved in the controversy. The parties to a stipulation may file it in writing or enter it orally into the record. This stipulation, if accepted by the commission, shall be binding upon the parties. The parties may present the stipulation as evidence at the hearing. The commission may reject the stipulation or require proof of the stipulated facts, despite the parties' agreement to the stipulation.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-470, filed 2/10/99, effective 3/13/99. 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. A commissioner, an administrative law judge, or the attorney of any party to the proceeding may issue a subpoena. 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 as provided in RCW 34.05.446(7). Each subpoena must bear the name of the party requesting or issuing the subpoena and the party responsible for paying witness fees.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-475, filed 2/10/99, effective 3/13/99. 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 predistributed exhibits. Exhibits associated with the deposition shall be separately marked and numbered.

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

At hearing, if portions of a deposition are admitted into evidence, other parties shall have the right at the time the deposition is admitted to offer other portions of the deposition for the purpose of offering a complete picture of the witness' testimony. Offers for other purposes, as for impeachment or to eliminate the need to repeat questions and answers, may be made at any time. Time limits may be modified by prehearing order to the extent necessary to conform to the commission's hearing schedule. The portions of the deposition moved into evidence shall be admitted as testimony if the testimony is otherwise admissible, and if admitting the testimony would substantially reduce repetitive questioning.

(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 commis-

sion 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)

The commission may use brief adjudicative proceedings under RCW 34.05.482 when doing so does not violate the law, when protection of the public interest does not require the commission to give notice and an opportunity to participate to persons other than the parties and when the commission believes that the brief adjudication is consistent with the public interest. Those circumstances include, but are not limited to:

- (a) Review of denials or partial denials of applications that are not protested;
- (b) Contested applications for temporary authority;
- (c) Proceedings that 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) Petitions for mitigation of penalty assessments, including any challenge to the validity of a penalty assessment or the existence of an underlying violation.

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 may desire 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 and appropriate to satisfy the parties' and the commission's interests.

(2) Any person may apply for a brief adjudicative proceeding by filing a letter of request stating reasons why a brief adjudication should be used and a certificate of service upon all other identified or necessary parties with the secretary of the commission. If the commission grants the request, it will designate an administrative law judge or the director or

deputy director of regulatory services as a presiding officer. 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. The commission or the presiding officer may decide whether to consider oral comments from the parties.

(a) A party to a brief adjudicative proceeding who desires an opportunity to make an oral statement may request oral statements in the application or in the response to the application if the commission has not provided for oral statements. If the presiding officer believes an oral statement would be beneficial in reaching a decision, the presiding officer may grant a request to make an oral statement or may ask the parties to make oral statements.

(b) 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 must 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 will become the final order only if it is adopted by the commission by means of a commission order.

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

(6) If a party requests review of the initial order, in writing or orally, within twenty-one days after service of the initial order, the commission will review it. If no request is timely filed, the commission may adopt, modify, or reject the initial order.

(7) The commission encourages written requests for review so parties have the greatest opportunity to state reasons for their views. A written request for review of an initial order should 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 must 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 must include a description of any further available administrative review or, if none is available, a notice that judicial review may be available.

(9) 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 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-500, filed 2/10/99, effective 3/13/99. 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) The commission may use emergency adjudicative proceedings pursuant to RCW 34.05.479 to suspend or cancel authority, to require that a dangerous condition be terminated or corrected, or to require immediate action in any situation involving an immediate danger to the public health, safety, or welfare requiring immediate action by the commission. Such situations include, but are not limited to:

- (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 commission shall hear the matter and enter an order. If a majority of the commissioners is not available, a commissioner shall hear the matter. If no commissioner is available, a commission administrative law judge shall hear the matter.

(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 must 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 is effective when entered. The commission must serve the order pursuant to WAC 480-09-120.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-510, filed 2/10/99, effective 3/13/99; 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

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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 pre-filed 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 480-09-530 Petitions for enforcement of interconnection agreements. (1) **Petitions for enforcement.** A telecommunications company that is party to an interconnection agreement with another telecommunications company may petition under this rule for enforcement of the agreement.

(a) **What the petition must contain.** Each petition for enforcement must contain the following elements:

(i) A statement, including specific facts, demonstrating that the petitioner engaged in good faith negotiations to resolve the disagreement, and that despite those negotiations the parties failed to resolve the issue.

(ii) A copy of the provision of the interconnection agreement that the petitioner contends is not being complied with.

(iii) A description of facts demonstrating failure to comply with the agreement. The description must be supported by one or more affidavits, declarations or other sworn statements, made by persons having personal knowledge of the relevant facts.

(b) **How to serve the petition.** The petitioner must serve the petition for enforcement on the responding party on the same day the petition is filed with the commission. For purposes of this section, service must be effected on:

(i) The responding party's authorized representative, attorney of record or designated agent for service of process;

(ii) The responding party's representatives with whom the petitioner conducted the negotiations addressed in (a)(i) of this subsection; and

(iii) All parties designated in the interconnection agreement to receive notices.

If the petitioner chooses to serve the respondent by mail or parcel delivery service, it must deliver, a copy of the petition for enforcement and all supporting documents by hand delivery, telefacsimile, or electronic mail (to the e-mail address specified by the recipient for the purpose of receiving a copy of the petition) to the responding party's attorney of record, or if the party has no attorney, to the responding party, on the same day as filed with the commission.

(c) At least ten days prior to filing a petition for enforcement at the commission, the petitioner must give written notice to the respondent that the petitioner intends to file a petition for enforcement. The notice must identify the contract provision the petitioner alleges was violated, and the exact behavior or failure to act that petitioner alleges violates the agreement. Service of the written notice must be accomplished in the same manner as set forth in (b) of this subsection. The petitioner must include a copy of this notice with its petition for enforcement.

(2) **Answering a petition.** The respondent may answer the petition. The respondent waives the opportunity to present any matter that is not raised in the answer, except that the answer may be amended under subsection (3) of this section.

(a) **Contents of the answer.** The answer to a petition for enforcement must respond to each allegation of failure to comply with the terms of the interconnection agreement, stating relevant facts. Any facts relied upon must be supported by affidavits, declarations or other sworn statements by persons having personal knowledge of the facts.

(b) **Filing and service of the answer.** The respondent must file the answer with the commission and serve it on the petitioner within five business days after service of the petition for enforcement. Service must be accomplished so that a copy of the response to the petition for enforcement and all supporting documents must reach the petitioner's attorney, or the person who signed the petition, if petitioner has no attorney, on the same day the answer is filed with the commission. If the respondent chooses to serve the petitioner by mail, a copy of the petition for enforcement and all supporting documents must be delivered to the person identified above on the same day as filed with the commission.

(3) **Amendment of petition and answer.** In the discretion of the presiding officer, for good cause shown, and to avoid substantial prejudice to the responding party that is not caused by the fault of the responding party, the responding party may amend its answer to the petition. In the discretion of the presiding officer, either party may amend its petition or answer to conform to the evidence presented during the proceeding. In determining whether to permit amendment of the petition or answer to conform to the evidence, the presiding officer may refer to, but is not bound by, civil rule 15(b).

(4) **Prehearing conference.** The commission will conduct a prehearing conference regarding each petition that is filed for enforcement of an interconnection agreement.

(a) **Schedule; mandatory attendance.** The presiding officer will within ten days after the petition is filed schedule a prehearing conference. Both the petitioner and the respondent must attend the prehearing conference. At the discretion of the presiding officer, the prehearing conference may be conducted by telephone.

(b) **Procedural determination.** At the prehearing conference, the presiding officer will determine, based on the petition and the answer, together with all supporting documents filed by the parties and the parties' oral statements, whether the issues raised in the petition can be determined on the pleadings and submissions, without further proceedings. In determining whether to schedule an oral enforcement hearing session, the presiding officer will consider, but is not limited to considering, the preferences of the parties and the reasons they advance, the need to clarify statements by means of asking questions, whether the issues are largely factual, largely legal, or involve questions of fact and law, the apparent complexity of facts and issues, the need for speedy resolution, and the completeness of information presented. The presiding officer may ask the parties to submit written briefs on the issues of the petition.

(c) **Means of obtaining additional information.** If the presiding officer determines that further proceedings are necessary, the presiding officer will establish a schedule for receiving additional facts or evidence and may, in the discretion of the presiding officer, schedule an enforcement hearing session to explore the facts and issues raised in the petition and the answer. If shown to be essential to the requesting party, the presiding officer may, in his or her discretion, allow discovery of facts relating to matters directly at issue pursuant to WAC 480-09-480. The party filing the complaint or answer may file with the complaint or answer a request for discovery, stating the matters to be inquired into and their relationship to matters directly at issue. To comply with the time lines of this rule, the presiding officer may alter the discovery time lines in WAC 480-09-480.

(5) **Appointment and powers of the presiding officer; recommended or final decision.** The commission will appoint an administrative law judge to preside over the proceeding. The commissioners may, in their discretion, preside over the enforcement proceeding.

(a) In any proceeding to enforce the provisions of an interconnection agreement, the presiding officer has broad discretion to conduct the proceeding in a manner that best suits the nature of the petition, including, but not limited to, converting the proceeding into a complaint proceeding under RCW 80.04.110. The presiding officer may limit the record in the enforcement proceeding to written submissions or may schedule an enforcement hearing session. The presiding officer may limit the number of exhibits and witnesses and the time for their presentation.

(b) The enforcement proceeding concludes when the presiding officer has sufficient information to resolve the issues. The presiding officer shall serve a recommended decision on the parties within seventy-five days of the date the petition for enforcement was filed, or twenty-one days after the last hearing session or submission, whichever is later. The recommended decision is subject to the approval of the commission. If the commission presides over the

enforcement proceeding, it may serve a final decision within the time requirements applicable to recommended decisions.

(6) **Review of the recommended decision.** After the presiding officer serves the recommended decision, the commission will hear the arguments or comments of the parties regarding the recommended decision at a regular or special open public meeting. The parties may submit written comments to the commission prior to the meeting on a schedule established in the recommended decision. The commission may, in its discretion, request a presentation at the meeting from commission staff. The commission will conduct this session within ten days after the date of the recommended decision, or as soon thereafter as the commissioners' schedules permit.

(7) **Commission decision on petition for enforcement.**

(a) **Extent of commission discretion.** The commission will serve a final decision on the parties, in the form of a commission order, resolving the issues. The commission may adopt, modify or reject all or part of the recommended decision.

(b) **Time of service of order.** The commission will serve its order on the petition for enforcement no later than ninety days of the date the petition is filed or fifteen days after the meeting at which it reviews the recommended decision, whichever is later. The commission may extend this time for lack of resources or for other good cause.

(c) **Petition for reconsideration.** Within ten days after the commission serves its order on the petition for enforcement, the parties may petition for reconsideration. A petition for reconsideration is denied unless the commission by separate decision grants it within ten days after the petition for reconsideration is filed, or such longer time established by the commission secretary. If a party files a petition for reconsideration, the commission may, in its discretion, request that an answer be filed or call for additional comments, briefing, evidence, or argument from the parties. Filing a petition for reconsideration of the order does not stay the effect of the order.

(d) **Failure to comply with the order.** Any party who fails to comply with the terms of the commission's final order on petition for enforcement is subject to penalties under RCW 80.04.380 and any other penalties or sanctions as provided by law. A company against whom a penalty is assessed may challenge the penalty or the facts on which it is based, or seek mitigation of the penalty, pursuant to pertinent law and commission rules.

[Statutory Authority: RCW 80.01.040, 98-21-042 (Order R-451, Docket No. A-970591), § 480-09-530, filed 10/14/98, effective 11/14/98.]

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

(2) The start of the new proceeding is the time the original proceeding began, provided that all statutory and regulatory requirements for the new proceeding are met.

[Statutory Authority: RCW 34.05.220 and 80.01.040, 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-600, filed 2/10/99, effective 3/13/99. 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.]

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WAC 480-09-610 Consolidation of proceedings. The commission may in its discretion, consolidate two or more proceedings in which the facts or principles of law are related.

(1) Parties must address a motion for consolidation or for the severance of consolidated matters to the commission. The commission may rule on the motion or may refer the motion to an administrative law judge 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 34.05.220 and 80.01.040, 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-610, filed 2/10/99, effective 3/13/99; 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. (1) **Federal.** In any proceeding in which the commission participates jointly with a federal agency, the rules of practice and procedure of the federal agency shall govern.

(2) **State.** 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.

(3) **Who may appear.** 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 34.05.220 and 80.01.040, 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-620, filed 2/10/99, effective 3/13/99. 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 the first hearing session or prehearing conference in any adjudication will be set by the commission in a notice served upon all parties at least twenty days in advance of the hearing or conference. The commission may establish a shorter notice if it believes that good cause exists. 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.** When a hearing is not concluded in one day, the time and place of continued hearing sessions may be set:

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

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

(iii) By letter from the presiding officer.

The commission need not give twenty days' prior notice of continued hearing sessions.

(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 commission may dismiss the party or find the party in default. The presiding officer may recess the hearing for a brief period to enable the party to attend the hearing. If the party is not present or represented when the hearing resumes, the commission may dismiss the party or find the party in default.

(b) When the commission finds a party in default, it will implement the default 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) When the commission dismisses a party from a proceeding it will do so by an order of dismissal or by a dismissal provision in the order disposing of the issues in the proceeding. A person who is dismissed may contest a dismissal order by seeking interlocutory review. If interlocutory review is denied, or if the dismissal is a provision of an initial or final order, the person who is dismissed may 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.

(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, or a protestant to such an application must appear at any scheduled adjudicative hearing session 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.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-700, filed 2/10/99, effective 3/13/99. 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, must either be in the primary language of the party or must 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 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-705, filed 2/10/99, effective 3/13/99. 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) Minimum qualifications. No person may

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appear before the commission as a representative of a party to an adjudicative proceeding without meeting one of the following qualifications:

(a) Membership in good standing in the Washington State Bar Association;

(b) Admission to practice, in good standing before the highest court of any other state;

(c) Upon permission of the presiding officer, an officer or employee of a party or person seeking party status;

(d) Legal interns admitted to limited practice under Rule 9 of the Washington state Supreme Court's Admission to Practice Rules. No legal intern may appear without the presence of a supervising lawyer unless the presiding officer approves the intern's appearance in advance.

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. Attorneys or other authorized representatives appearing on behalf of a party or withdrawing from a proceeding must immediately notify the commission and all parties to the proceeding.

(3) Unethical conduct. Persons appearing in proceedings before the commission in a representative capacity must conform to the standards of ethical conduct required of attorneys before the courts of Washington. If any representative fails to conform to those standards, the commission may expel the person from the proceeding and decline to permit the person to appear before it in a representative capacity in any future proceeding.

(4) Former employees. Former employees of the commission are subject to the provisions of chapter 42.18 RCW.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-710, filed 2/10/99, effective 3/13/99. 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. All persons who will be representing a party in a formal proceeding must give their names and addresses in writing to the court reporter immediately before the first hearing session in which they appear. The presiding officer conducting the hearing or prehearing conference will require appearances to be stated orally at the initial hearing session, and may also ask for oral appearances at subsequent sessions in the same proceeding, so that all persons attending the hearing will know the identity and interest of all parties present.

(2) The commission will not grant party status 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 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-720, filed 2/10/99, effective 3/13/99. 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 is prohibited at hearings of the commission.

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(2) Testimony under oath. The presiding officer shall administer an oath or affirmation to each witness who is heard in an adjudicative proceeding before the witness takes the stand. The oath or affirmation shall be administered as follows: The prospective witness shall stand and raise his or her hand, while the presiding officer asks the following, or its equivalent: "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?"

(3) When members of the public testify about their sentiments on a proposal that is the subject of an agency adjudication, the commission may provide a form of oath for witnesses on sign-up sheets in lieu of an oral oath.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-730, filed 2/10/99, effective 3/13/99. 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) The party having the burden of proof;
- (b) Commission staff, if it supports the party having the burden of proof;
- (c) Parties supporting the party having the burden of proof;
- (d) Commission staff, if it opposes the party having the burden of proof;
- (e) Other parties opposing the party having the burden of proof;
- (f) The commission staff, if it does not oppose the party having the burden of proof;
- (g) Rebuttal by the party having the burden of proof;
- (h) Response by other parties to any new material received on rebuttal;
- (i) Response by the party having burden of proof to any new material received from others.

(2) Modification of procedure. The presiding officer may direct a modified order of proceeding. When hearing several proceedings on a consolidated record, or when parties do not oppose or support all of another party's positions, the presiding officer will designate the order of presentations, considering the parties' preferences.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-735, filed 2/10/99, effective 3/13/99. 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, parties, or witnesses 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

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start of the day, unless they arise from matters emerging during the hearing that are not reasonably foreseeable. The presiding officer must be notified no later than the start of the hearing session of any motion that counsel anticipates 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) Counsel who request off-the-record discussions must ask leave to go off the record and state the purpose for the request.

(5) Extended colloquies regarding procedural issues should be conducted off the record. Each attorney will have 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) Predistribution of evidence. The commission may require that parties distribute their proposed evidence to other parties before the start of the hearing.

(a) Number of copies. When predistribution of evidence is required, each party shall file twenty copies of its evidence with the commission unless the commission specifies a different number. Because a smaller number may satisfy commission needs in some proceedings, and because electronic copies may substitute for paper copies, parties should inquire at a prehearing conference or directly of the presiding officer about the number of required copies. Because the required number of filed copies includes copies for the commission staff, the accounting adviser, and the administrative law judge, parties need not provide additional copies for those persons.

(b) Changes or corrections. Each party must advise other parties of substantive corrections to evidence that has been prefiled as soon as the need for change is discovered. Parties should prepare an errata sheet or a revised exhibit for submission at the hearing to reflect changes from prefiled testimony. Counsel should not ask a witness on the stand to correct obvious typographical errors in the prefiled testimony or to make more than three substantive changes—if more than three corrections are required, the party must submit an errata sheet or revised documents.

(c) Distribution at hearing. When a party offers new exhibits, revised exhibits, or errata sheets at a hearing, the party must provide sufficient copies for all parties and for the commission's distribution requirements. Corrections and revisions should be made upon 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. Each party should bring two complete sets of current exhibits to the hearing, one for the court reporter and one for the official record.

(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 ask the presiding officer for further guidance. The presiding officer will assign exhibit numbers for the case 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, and the witness' response should include 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 must 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 must 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) Revisions to exhibits. Parties submitting revisions to predistributed or previously admitted testimony or exhibits must prominently label them "REVISED", stating the date of the revision. The revised portions must be highlighted, in legislative style or other manner clearly indicating the change for comparison with the original submissions. This practice should be followed even with minor changes that involve only one page of an exhibit. Counsel should identify partial revisions by page and date, or identify the revision of the exhibit, 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) The presiding officer will limit cross-examination to two rounds unless counsel demonstrates that good cause exists for asking additional questions. Counsel should not ask witnesses to perform calculations or extract detailed data while the witness is on the stand. Counsel should provide such questions to the witness in advance, should ask the witness to provide the answer to the record later in the hearing session, or should provide an answer and ask the witness to accept it "subject to check." When a witness accepts information "subject to check," the witness must perform the "check" as soon as possible. A response given "subject to check" will be considered accurate unless the witness disputes it in writing, stating reasons. Counsel for the party sponsoring the witness must provide the witness' statement and serve a copy on each party prior to the closing of the record or within ten days after distribution of the transcript 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) Parties must address all case-related correspondence to the secretary of the commission, under commission

rules. The parties are cautioned that correspondence that is 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) Parties must file petitions or motions seeking the dismissal of any party or any portion of a proceeding, or any other pleading that in the moving party's judgment requires the submission of a written motion, petition, brief or statement of authorities, and serve them on other parties no later than one week prior to the first scheduled hearing session after grounds for the petition or motion become apparent; the commission may approve later filing upon a showing of good cause. A party answering such a pleading shall file the answer and serve it on other parties at least three days prior to the hearing. The commission may allow oral argument in the commission's discretion. Parties must serve pleadings so as to effect actual receipt within the required time.

(15) When a party requests that the commission take some action prior to the next hearing session, the petitioner or movant shall serve all other parties. Responses are due 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 shall 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 must 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 a party requests it.

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

(19) When a witness presenting testimony as a member of the public presents a document in conjunction with his testimony, the commission may receive the document as an illustrative exhibit. The commission may receive as illustrative of the opinions of correspondents any letters that have been received by the secretary of the commission and by public counsel from members of the public regarding a proceeding. Documents presented by a public witness that are exceptional in their detail or their probative nature may be received into evidence separately, provided that a sponsoring witness is available for cross-examination. Only exhibits and testimony received in evidence 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 34.05.220 and 80.01.040, 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-736, filed 2/10/99, effective 3/13/99. 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 and handling of evidence in commission proceedings.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-740, filed 2/10/99, effective 3/13/99. 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. A party who offers evidence that consists of a portion of a document, must designate the portion that is offered. If irrelevant matter would unnecessarily encumber the record, the document will not be received in evidence, but the relevant or material matter may be read into the record, or the presiding officer may receive a copy of the excerpt as an exhibit. If only a portion is offered or received, other parties shall be afforded an opportunity to examine the document, and to offer other portions in evidence.

(2) Official records. An official document, prepared and issued by any governmental authority may be evidenced by a certified copy. When 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, that the party offering the document clearly identifies the record. The party offering the evidence may be required to provide a copy to the record and to all parties.

(3) Commission's files.

(a) The presiding officer may receive documents on file with the commission by reference to number, date, or by any other method of identification satisfactory to the presiding officer. If only a portion of a document is offered in evidence, the part offered must be clearly designated. The presiding officer may require the party offering the evidence to provide a copy to the record and to each party.

(b) Intra-office commission memoranda and reports, to the extent permitted by RCW 42.17.310, are not public records subject to inspection and the commission may not receive them into evidence without a waiver of the protections of the law.

(4) Records in other proceedings. A portion of the record of any other commission proceeding, in the discretion of the presiding officer, may be received as an exhibit in the form of a copy; by citation to the transcript or exhibit number; or by incorporation into the transcript of the current proceeding.

(5) Objections. Any evidence offered shall be subject to appropriate and timely objection.

(6) Copies of exhibits. A party offering documentary exhibits must furnish copies to opposing counsel, the presiding officers and the reporter, unless the presiding officer otherwise directs. The presiding officer may require the distribution of exhibits, including exhibits that may be introduced on cross-examination, before the hearing. The parties should exchange copies of exhibits before the hearing starts.

(2001 Ed.)

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-745, filed 2/10/99, effective 3/13/99. 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; official notice; resolutions. (1) General. Subject to the other provisions of this section, all relevant evidence is admissible that, 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.

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 a party objects to the evidence. Parties objecting to the introduction of evidence must state the grounds for the objection at the time the evidence is offered. The presiding officer may permit the party offering rejected evidence to describe briefly for the record its nature and purpose as an offer of proof.

(2) Official notice.

(a) The commission may take official notice of:

(i) Any judicially cognizable fact. Examples of such facts include, but are not limited to:

(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 notice to all parties, inspect physical conditions that are at issue and take official notice of the results of its inspection.

(c) Parties shall be notified before or during the hearing, or by reference in preliminary reports or otherwise, of material officially noticed and its sources, and the presiding officer must afford parties an opportunity to contest facts and material so noticed. The presiding officer may require the party proposing official notice to provide copies of officially noted matter to the record and to all other parties.

(3) Resolutions. The presiding officer may receive in evidence authenticated resolutions of the governing bodies of municipal corporations and of chambers of commerce, boards of trade, commercial, mercantile, agricultural, or manufacturing societies and other civic organizations. Any recital of facts contained in a resolution may not be considered as proof of those facts.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-750, filed 2/10/99, effective 3/13/99.]

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. 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. The presiding officer shall also allow cross-examination of each witness upon matters within the witness's direct evidence.

[Statutory Authority: RCW 34.05.220 and 80.01.040, 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-751, filed 2/10/99, effective 3/13/99. 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) 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;

(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 or issuance of the ruling for which review is requested, stating clearly why the ruling 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 34.05.220 and 80.01.040, 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-760, filed 2/10/99, effective 3/13/99. 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 an adjudication 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 that 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 must be clearly legible. Briefs must not exceed sixty pages without permission from the presiding officer for good cause shown. The presiding officer will consider the number and complexity of the issues in varying the allowed length of briefs. Briefs must be presented in 12 point Times

New Roman or Arial typeface or equivalent, with margins at least one inch from each edge of the page. Footnotes must be presented in the same font, no smaller than 10 point type. Unless the commission specifies a different number of copies, parties offering briefs must file an original and nineteen copies with the secretary of the commission and must serve one copy on each party not later than the date set for filing. Parties must furnish proof of service to the commission as provided in WAC 480-09-120(2).

[Statutory Authority: RCW 34.05.220 and 80.01.040, 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-770, filed 2/10/99, effective 3/13/99. 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 under RCW 34.05.461, he or she must serve a copy of the order upon each party of record and upon the party's attorney, or other authorized representative pursuant to WAC 480-09-120(2).

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

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

(b) Unless the commission authorizes a different number a petitioner for administrative review must file an original and nineteen copies of the petition with the secretary of the commission and must serve one copy upon each other party to the adjudication. The petitioner must provide proof of service in accordance with WAC 480-09-120(2).

(3) Contents - length. Petitions must clearly identify the nature of each challenge to the initial order, the evidence, law, rule or other authority that the petitioner relied upon to support the challenge, and the remedy that the petitioner seeks. Petitions for review of initial orders must be specific. The petitioner must separately state and number every contention. A petition that challenges a finding of fact must provide citations to the pertinent page or part of the record or must otherwise state the evidence relied upon to support the petition, and should include a recommended finding of fact. A petition that challenges conclusions of law must cite the appropriate statute, rule, or case involved and should include a recommended conclusion of law. A petition that challenges the summary or discussion portion of an initial order must include a statement showing the legal or factual justification for the challenge, together with a statement of how the asserted defect affects the findings of fact, the conclusions of law, and the ultimate decision. Petitions for administrative review shall not exceed sixty pages, without prior permission from the commission.

(4) Answers.

(a) Any party to the adjudication may answer a petition for administrative review.

(b) Unless the commission authorizes filing a different number an answering party must file with the secretary of the commission, the original plus nineteen copies and must serve a copy on 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 considered denied or is otherwise disposed of.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-780, filed 2/10/99, effective 3/13/99. 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. Any party to an adjudication may petition for stay of the 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 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-800, filed 2/10/99, effective 3/13/99. 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 petition for reconsideration of the final order within ten days after the order is served.

(2) Number of copies - filing - service. Unless the commission has authorized filing a different number of copies, the person filing a petition for reconsideration must file an original and nineteen copies with the commission and must serve a copy of the petition upon each party of record.

(3) Contents. The petition must clearly identify each portion of the challenged order that the petitioner contends is erroneous or incomplete, must cite those portions of the record and each law or rule of the commission that the petitioner relies upon to support the petition, and must present brief argument in support of the petition.

(4) Answers. No party may file an answer unless requested by the commission. If the commission after examining the petition believes that reconsideration involving a possible change in a significant term of the order may be appropriate, it shall request answers from the other affected parties. The commission may grant without seeking answers

a petition for reconsideration that asks the correction of obvious or ministerial errors.

(5) Oral argument. Oral argument will not be heard on petitions for reconsideration except on request of the commission.

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

(a) Enter an order resolving the petition; or

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

(7) Action. If the commission grants the petition, the commission may modify its prior order or take such other action as it believes to be proper.

(8) Stay. Filing a petition for reconsideration does not stay the effectiveness of an order.

(9) Reconsideration of reconsideration. No party may petition for reconsideration of an order on reconsideration.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-810, filed 2/10/99, effective 3/13/99. 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, rescission or correction of order. (1) Amendment or rescission. The commission may on its own motion amend or rescind any order which it has entered under RCW 80.04.210 or 81.04.210, after notice to the public service company or companies affected, and after allowing an opportunity for hearing as in the case of complaints.

(2) Correction. The commission on its own motion or on the request of any party may correct obvious or ministerial errors by letter from the secretary or by subsequent order. The time for any available posthearing review shall begin with the service of the correction, as to the matter corrected.

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-815, filed 2/10/99, effective 3/13/99. 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. Any person affected by a final order of the commission may file a petition for rehearing under RCW 80.04.200 or 81.04.200.

(2) Reopening. Any party to an adjudication may file a petition for reopening with the commission at any time after the close of the record and before entry of the final order.

(a) In uncontested proceedings, the commission may grant reopening to correct failure to allow receipt of written evidence when otherwise permissible.

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

[Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-820, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and chapter

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

Chapter 480-11 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 created under RCW 43.21C.120 and chapter 197-11 WAC.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-11-010, filed 12/29/97, effective 1/29/98. 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 commission adopts provisions of chapter 197-11 WAC (SEPA guidelines adopted by the department of ecology) to be applicable to the Washington utilities and transportation commission. A copy of the rules adopted by reference in this section is available for inspection at the Washington utilities and transportation commission branch of the Washington state library, at the commission's headquarters office in Olympia.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-11-020, filed 12/29/97, effective 1/29/98. 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 affected by SEPA is the director of regulatory services.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-11-030, filed 12/29/97, effective 1/29/98. Statutory Authority: Chapter 43.21C RCW. 84-21-030 (Order R-222, Cause No. TE-1817), § 480-11-030, filed 10/10/84.]

Chapter 480-12 WAC MOTOR CARRIERS

WAC

480-12-100 Forwarders and brokers.
480-12-375 Bond required—Broker—Forwarder.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-12-001 Supersession of 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.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-003 Procedure. [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.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-005 Communications. [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.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-010 Rule book must be in main office—Rule book fee—Updates—Notification of pending and adopted rule changes—Compliance with 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.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-015 Documents—When filed. [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.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-020 Remittances. [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.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-022 Procedures for contest of fees. [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.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-025 Address, change of. [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.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-030 Applications. [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.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-031 Petition to amend permit to incorporate commercial zone authority. [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.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-033 Temporary permits. [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.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

- 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.
- 480-12-040 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.
- 480-12-045 Application for authority, docketing—Protests—Hearings. [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.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 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.
- 480-12-050 Transfer of permit rights. [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.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 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.
- 480-12-060 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.
- 480-12-065 Permits, canceled—New application. [Order R-5, § 480-12-065, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 480-12-070 Permit rights defined—Classification of carriers. [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.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 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.
- 480-12-080 "Local cartage" defined, and restrictions. [Order R-66, § 480-12-080, filed 5/8/74; Order R-5, § 480-12-080, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 480-12-081 Commercial zones defined. [Statutory Authority: RCW 80.01.040. 82-16-029 (Order R-192, Cause No. TV-1627), § 480-12-081, filed 7/28/82.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 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.
- 480-12-083 Adoption by reference defined. [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.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 480-12-084 Federal Regulations, 49 C.F.R., Part 390—Adoption by reference. [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.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 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.
- 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.
- 480-12-095 "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.
- 480-12-096 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.
- 480-12-105 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.
- 480-12-110 Permit, must abide by—"Tacking"—Extension. [Statutory Authority: RCW 80.01.040. 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-110, filed 9/17/87; 82-12-062 (Order R-188, Cause No. TV-1596), § 480-12-110, filed 6/2/82; Order R-5, § 480-12-110, filed 6/6/69, effective 10/9/69.] 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.
- 480-12-115 Revision of permit. [Order R-5, § 480-12-115, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 480-12-120 Permits, location of. [Order R-5, § 480-12-120, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 480-12-121 Operating authority on vehicles. [Order R-34, § 480-12-121, filed 12/8/71.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 480-12-125 Lost permits. [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.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), effective 1/15/99. filed 12/15/98, Statutory Authority: RCW 81.04.160 and 80.01.040.
- 480-12-126 Interstate operations; requirements; definitions. [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.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 480-12-127 Registered carriers. [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.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

- 480-12-130 Interstate exempt carriers. [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.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 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.
- 480-12-135 Permits and receipts—Return required—Loss improper use of cards or stamps. [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.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 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.
- 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.
- 480-12-145 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.
- 480-12-150 Equipment—Identification. [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.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 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.
- 480-12-160 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.
- 480-12-165 Equipment—Inspection—Ordered for repairs. [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.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 480-12-170 Equipment of carrier suspended. [Order R-5, § 480-12-170, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 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.
- 480-12-180 Equipment—Drivers—Safety. [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.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 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.
- 480-12-185 Equipment, lawful operation of. [Order R-5, § 480-12-185, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 480-12-190 Hours of service—On duty—Adoption of federal safety regulations. [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.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 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 (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.
- 480-12-200 Accidents, reporting of. [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.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 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.
- 480-12-210 Leasing. [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.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 480-12-215 Pseudo leasing. [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.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 480-12-220 Unfair or destructive competitive practices by carrier operating under permit. [Order R-5, § 480-12-220, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 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.
- 480-12-235 Claims for loss or damage. [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.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 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.
- 480-12-250 Accounts—Uniform system adopted—Reports. [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.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 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.
- 480-12-255 Contracts. [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.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 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.
- 480-12-265 Tariffs. [Order R-5, § 480-12-265, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 480-12-270 Tariffs shall be issued, posted and filed. [Order R-5, § 480-12-270, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 480-12-275 Freight classifications. [Order R-5, § 480-12-275, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 480-12-280 Tariffs, must have. [Order R-5, § 480-12-280, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 480-12-285 Tariffs, distribution and fees. [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.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 480-12-290 Rules of distribution. [Order R-5, § 480-12-290, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 480-12-295 Tariffs, proposed changes in—How made. [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.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 480-12-300 Tariff rules. [Order R-5, § 480-12-300, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 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.
- 480-12-320 Routing of freight. [Order R-5, § 480-12-320, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order No. R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 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.
- 480-12-325 Freight charges paid in any manner other than cash. [Order R-5, § 480-12-325, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 480-12-330 Tariffs, observance of. [Order R-5, § 480-12-330, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 480-12-335 Rebating and other violations—Hearing. [Order R-5, § 480-12-335, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 480-12-340 Credit, extension of, by common carriers. [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.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 480-12-345 Credit, extension of, by contract carriers. [Order R-5, § 480-12-345, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 480-12-350 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.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 480-12-355 Insurance, continuance of. [Order R-5, § 480-12-355, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 480-12-360 Insurance endorsement. [Order R-5, § 480-12-360, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 480-12-365 Insurance termination. [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.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 480-12-370 Insurance, carrier shall not misrepresent. [Order R-5, § 480-12-370, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-026 (Order R-454, Docket No. TV-971477), filed 3/30/99, effective 4/30/99. Statutory Authority: 81.04.160 and 80.01.040.
- 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.
- 480-12-385 Inactive status of permits during military service. [Order R-5, § 480-12-385, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 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.
- 480-12-395 Rules—How changed. [Order R-5, § 480-12-395, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 480-12-400 Definitions. [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.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 480-12-405 Determination of weights. [Order R-5, § 480-12-405, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98,

- effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 480-12-410 Discounts prohibited—Rates based on prepayment charges prohibited. [Order R-5, § 480-12-410, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 480-12-415 Prohibition against carrier acting as agent for another carrier. [Order R-5, § 480-12-415, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 480-12-420 Acting as agent for compensation for insurance company prohibited. [Order R-5, § 480-12-420, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 480-12-425 Issuance of receipt or bill of lading for transportation prior to receiving household goods prohibited. [Order R-5, § 480-12-425, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 480-12-430 Liability of carriers. [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.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 480-12-435 Estimates of charges. [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.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 480-12-440 Absorption or advancement of dock charges. [Order R-5, § 480-12-440, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 480-12-445 Information to shipper. [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.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 480-12-450 Minimum weight shipments. [Order R-5, § 480-12-450, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 480-12-455 Underestimates. [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.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 480-12-460 Complaint procedures. [Order R-5, § 480-12-460, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 480-12-465 Charge card plans. [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.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 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.
- 480-12-600 Regulatory fee. [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.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 480-12-990 Appendix A—Classification of brokers, forwarders and motor carriers of property. [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.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

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 480-12-375 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 81.04.160 and 80.01.040, 99-01-077 (rep.) (Order R-454, Docket No. TV-971477) and 99-08-026 (Order R-454, Docket No. TV-971477), § 480-12-375, filed 12/15/98 and 3/30/99, effective 1/15/99 and 4/30/99. 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.]

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

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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 April 1, 1999.

(2) "Title 49 Code of Federal Regulations," cited as 49 CFR, includes the regulations and all appendices and amendments in effect on October 1, 1998.

(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 34.05.310, 34.05.356, 80.01.040, 80.04.160 and 80.04.160 [81.04.160]. 99-20-013 (Order R-465, Docket No. A-980247), § 480-14-060, filed 9/24/99, effective 10/25/99. 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.]

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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 repeals.

(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 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 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.]

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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 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

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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:

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(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 com-

mission, 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.

(2001 Ed.)

(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 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 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.

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(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;

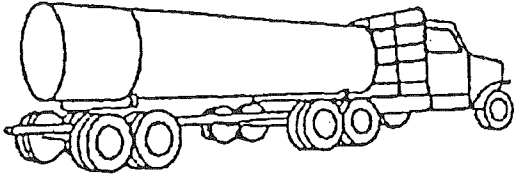
(iv) Frayed, stranded, knotted, or otherwise defective wire rope.

(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.

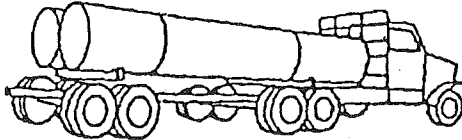
(r) Defective binders. Defective binders shall be immediately removed from service.

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

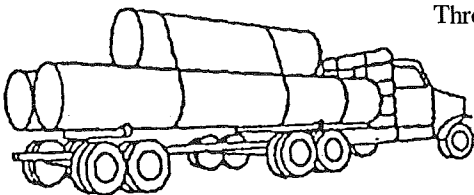
PLACEMENT AND NUMBER OF WRAPPERS



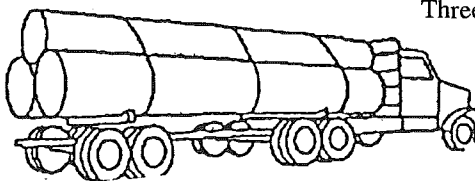
One log load
One wrapper required which shall be secured to the rear bunk. Log shall be blocked or secured in a manner to prevent it from rolling or shifting. A second wrapper secured to the front bunk is optional.



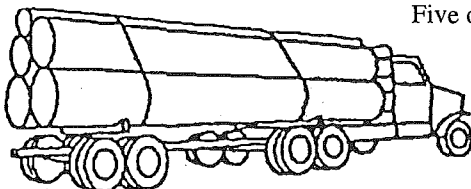
Two log load
A minimum of two wrappers required. Logs shall be blocked to prevent them from rolling or shifting.



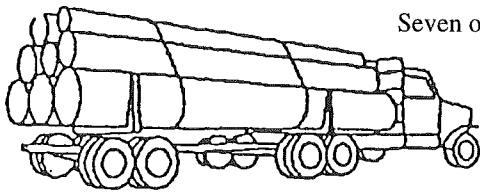
Three or four log load forty-four feet or less
A minimum of two wrappers required.



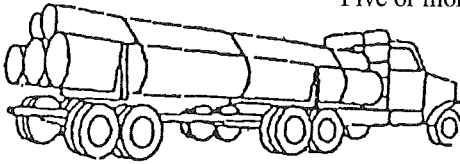
Three or four log loads more than forty four feet
A minimum of three wrappers required.



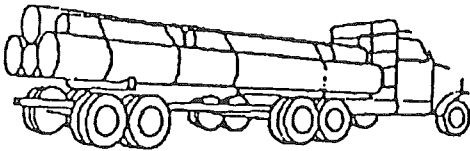
Five or six log load all logs seventeen feet or less
A minimum of two wrappers required.



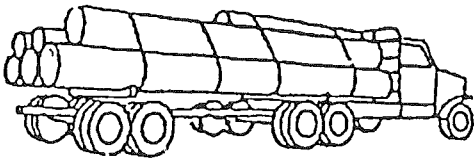
Seven or more log load all logs seventeen feet or less
A minimum of two wrappers required.



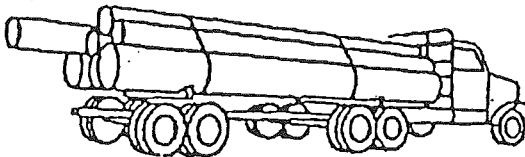
Five or more log load if any logs are more than seventeen feet
A minimum of three wrappers are required.



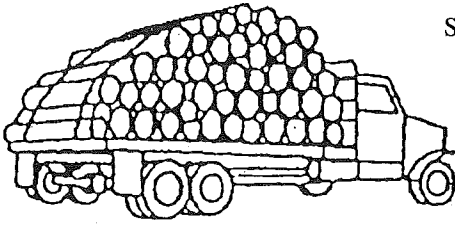
Outside logs or top logs
All outside or top logs shall be secured by a binder near but not within
12 inches of each end.



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 tacograph showing the required driver hourly information may be substituted for the required records.

(4) Carriers operating exclusively in intrastate commerce operating vehicles with a manufacturer's gross vehicle weight rating (GVWR) of less than ten thousand 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,

(2001 Ed.)

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

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 Carrier _____ Vehicle or 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.

(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, 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: _____

C.O.D. charge to be paid by: Shipper Consignee

Street _____ City _____ State _____

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 _____

_____, 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 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.

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 _____	
Routing _____		Delivering Carrier _____		Vehicle or Car Initial _____ No. _____	
Collect on Delivery \$ _____ and remit to: _____				C.O.D. charge to be paid by: <input type="checkbox"/> Shipper <input type="checkbox"/> Consignee	
_____ Street _____ City _____ State _____				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
*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 _____				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: \$ _____					
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, 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 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.

[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 480-15 WAC HOUSEHOLD GOODS CARRIERS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-15-030	Waiver of rules. [Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-030, filed 12/15/98, effective 1/15/99.] Repealed by 00-14-010 (General Order No. R-471, Docket No. TV-991559), filed 6/27/00, effective 7/28/00. Statutory Authority: RCW 81.04.160, 81.04.250, 81.28.040, 81.80.090, 81.80.120, 81.80.130, 81.80.290, 81.80.211, and 80.01.040.
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Part 1 - GENERAL

Part 1.1 - General Information

WAC 480-15-010 Purpose and application. (1) The legislature has declared that operating as a motor carrier of freight, including household goods, for compensation over the highways of this state is a business affected with a public interest and should be regulated. The purpose of these rules is to carry out the policies set forth in RCW 81.80.020 as they apply to household goods carriers, by establishing standards for public safety, fair competitive practices, just and reasonable charges, nondiscriminatory application of rates, adequate and dependable service, consumer protection, and compliance with statutes, rules and commission orders.

(2) This chapter applies to all intrastate household goods carriers.

(3) Nothing in this chapter relieves any household goods carrier from its duties and obligations under the laws of the state of Washington including, but not limited to, public utility, labor, employment, and other taxes, and business and vehicle licensing requirements.

[Statutory Authority: RCW 81.04.160, 81.04.250, 81.28.040, 81.80.090, 81.80.120, 81.80.130, 81.80.290, 81.80.211, and 80.01.040. 00-14-010 (General Order No. R-471, Docket No. TV-991559), § 480-15-010, filed 6/27/00, effective 7/28/00. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-010, filed 12/15/98, effective 1/15/99.]

WAC 480-15-020 Definitions. For the purpose of this chapter, the words, terms, and phrases in this section have the following meaning:

"Accessorial services" means any services provided by a household goods carrier that supplement, or are secondary to, the transportation of household goods, including, but not limited to, packing and unpacking, wrapping or protecting a portion of the shipment, and providing special handling of household goods.

"Agent" means a permitted carrier, who, under the provisions of a formal written agreement, performs services on behalf of another permitted carrier.

"Application docket" means a commission publication listing applications requesting operating authority, and commission action taken on applications for temporary authority.

"Authority" means the rights granted to a common carrier to transport household goods.

"Cancellation" means an act by the commission to terminate a household goods carrier's authority.

"Commission" means the Washington utilities and transportation commission.

"Common carrier" means any person who undertakes to transport property, including household goods, for the general public by motor vehicle, for compensation over the public highways. This term also includes transportation under special and individual contracts or agreements.

"Constructive weight" means a weight based on a formula of seven pounds per cubic foot of properly loaded van space occupied by the customer's goods.

"Consumer" means a person or entity that hires a household goods carrier.

"Customer" means a person or entity that hires a household goods carrier.

"Exempt carrier" means any person operating a motor vehicle exempt from certain provisions of Title 81 RCW pursuant to RCW 81.80.040.

"Filing" means any application, petition, tariff proposal, annual report, comment, complaint, pleading, or other document submitted to the commission.

"Household goods carrier" means a common carrier transporting household goods within the state of Washington.

"Household goods" when the term is used in connection with transportation, means personal effects and property used or to be used in a residence when it is a part of the equipment or supply of such residence, and is transported between residences or between a residence and a storage facility, with the intent to later transport to a residence. This term excludes

transportation of customer packed and sealed self-storage containers that are delivered to and from a self-storage facility, when that transportation is provided in conjunction with a self-storage agreement executed in good faith, and when no accessorial services are provided by a motor carrier in connection with the storage or the transportation of the container.

"I" means a household goods carrier or customer, depending upon the context of the rule.

"Loaded weight" means the weight of a motor vehicle obtained when:

- The customer's goods are loaded into the vehicle;
- The vehicle's fuel tank is full;
- All pads, chains, dollies, hand trucks, and other equipment needed in the transportation of the shipment are on board the vehicle;
- The vehicle's crew is not on board the vehicle.

"Local move" means all moves taking place within the limits of a city or town or moves specifically defined as local in the commission tariff.

"Long distance move" means any move not meeting the definition of a local move.

"May" means an option. You may do something but it is not a requirement.

"May not" means to prohibit from doing something.

"Motor carrier" means "common carrier," "exempt carrier," and "private carrier," as defined in this chapter.

"Motor vehicle" means any vehicle, machine, tractor, trailer, or semi-trailer, propelled or drawn by mechanical power, or any combination of such vehicles, used upon the highways in the transportation of property, including household goods. A motor vehicle is not a self-storage container.

"Must" means a legal obligation. You are required to do something.

"Net weight" means the weight of the goods shipped by the consumer. It is determined by subtracting the tare weight of a motor vehicle from the loaded weight.

"Permit" means a document issued by the commission describing the authority granted to a household goods carrier under the provisions of chapter 81.80 RCW, as amended. A permit may be temporary or permanent in duration, and may allow a household goods carrier to transport household goods throughout the state of Washington or limit the household goods carrier to transportation of household goods in designated areas of the state.

"Person" includes any individual, firm, corporation, company, or partnership.

"Private carrier" means persons who transport their own household goods, household goods being bought or sold by them in good faith, or transport household goods purely as an incidental adjunct to some established business owned or operated in good faith.

"Registered carriers" means motor carriers operating in interstate or foreign commerce under authority issued by the Interstate Commerce Commission, the U.S. Department of Transportation, or a successor agency.

"Registered exempt carriers" means motor 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,

the U.S. Department of Transportation, or a successor agency.

"Shipper" means a person or entity that hires a household goods carrier.

"Small business" means any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the purpose of making a profit, and that has fifty or fewer employees.

"State" means the state of Washington.

"Suspension" means an act by the commission to temporarily withhold a household goods carrier's authority.

"Tare weight" means the weight of an empty motor vehicle obtained when:

- The vehicle's fuel tank is full;
- All pads, chains, dollies, hand trucks, and other equipment needed in the transportation of the shipment are on board the vehicle; and
- The crew is not on board the vehicle.

"Tariff" means a publication containing the rates and charges that must be assessed on shipments of household goods and the rules that govern how rates and charges are assessed.

"Transportation of household goods" means the for hire movement of household goods by motor vehicle over the public highways of the state. This includes providing estimates, arranging for receipt, delivery, storage in transit, handling, and providing any accessorial services in connection with that movement.

"Us" means the Washington utilities and transportation commission.

"We" means the Washington utilities and transportation commission.

"You" means a household goods carrier, customer, insurance company, or other person or entity, depending on the context of the rule.

[Statutory Authority: RCW 81.04.160, 81.04.250, 81.28.040, 81.80.090, 81.80.120, 81.80.130, 81.80.290, 81.80.211, and 80.01.040. 00-14-010 (General Order No. R-471, Docket No. TV-991559), § 480-15-020, filed 6/27/00, effective 7/28/00. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-020, filed 12/15/98, effective 1/15/99.]

WAC 480-15-035 Exemptions from rules. (1) The commission may grant an exemption of any rule in this chapter when doing so is consistent with the public interest, the purposes underlying regulation, and applicable statutes.

(2) To request a rule exemption, a company must file with the commission a written request identifying the rule for which an exemption is sought and giving a full explanation of the reason the exemption is requested.

(3) The commission will assign the request a docket number, if needed, and schedule the request for consideration at one of its regularly scheduled open meetings or, if appropriate under chapter 34.05 RCW, in an adjudication. The commission will notify the company requesting the exemption, and other interested persons, of the date the commission will consider the request.

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(4) The commission will issue an order granting or denying the request or setting it for hearing, pursuant to chapter 480-09 WAC.

[Statutory Authority: RCW 81.04.160, 81.04.250, 81.28.040, 81.80.090, 81.80.120, 81.80.130, 81.80.290, 81.80.211, and 80.01.040. 00-14-010 (General Order No. R-471, Docket No. TV-991559), § 480-15-035, filed 6/27/00, effective 7/28/00.]

WAC 480-15-040 Adoption by reference. We have adopted by reference the following publications:

(1) *"North American Uniform Out-of-Service Criteria"* published by The Commercial Vehicle Safety Alliance, in effect on April 1, 1999.

(2) The sections of "Title 49 Code of Federal Regulations," cited as 49 CFR, listed below, including all regulations and appendices and amendments to those sections in effect on October 1, 1998:

(a) 49 CFR Part 382: Controlled Substance and Alcohol Use and Testing;

(b) 49 CFR Part 383: Commercial Driver's License Standards; Requirements and Penalties;

(c) 49 CFR Part 390: Safety Regulations, General;

(d) 49 CFR Part 391: Qualification of Drivers;

(e) 49 CFR Part 392: Driving of Motor Vehicles;

(f) 49 CFR Part 393: Parts and Accessories Necessary for Safe Operations;

(g) 49 CFR Part 395: Hours of Service of Drivers;

(h) 49 CFR Part 396: Inspection, Repair, and Maintenance; and

(i) 49 CFR Part 397: Transportation of Hazardous Materials; Driving and Parking.

[Statutory Authority: RCW 34.05.310, 34.05.356, 80.01.040, 80.04.160 and 80.04.160 [81.04.160]. 99-20-013 (Order R-465, Docket No. A-980247), § 480-15-040, filed 9/24/99, effective 10/25/99. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-040, filed 12/15/98, effective 1/15/99.]

WAC 480-15-050 Where may I get copies of documents adopted by reference? (1) The *North American Uniform Out-of-Service Criteria* may be viewed at the branch of the Washington state library housed at the commission's headquarters and is available for a fee from the Commercial Vehicle Safety Alliance and third-party vendors.

(2) Title 49 of the Code of Federal Regulations may be viewed at the branch of the Washington state library housed at the commission's headquarters and is available for a fee from the GPO (Government Printing Office) and third-party vendors.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-050, filed 12/15/98, effective 1/15/99.]

Part 1.2 - Contacting the Commission

WAC 480-15-060 How may I contact the commission? You may contact the commission in writing, in person, by telephone, by e-mail, or by FAX. If you are a permit holder, you should provide your permit name and number for proper identification.

(1) Mailing address:

The Secretary
Washington Utilities and Transportation Commission
(or, WUTC)
P.O. Box 47250
Olympia, WA 98504-7250

- (2) E-mail address: transinfo@wutc.wa.gov
- (3) FAX number: (360) 586-1150
- (4) Telephone number: (360) 664-1222.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-060, filed 12/15/98, effective 1/15/99.]

WAC 480-15-070 Where is the commission located?

The Washington utilities and transportation commission is located at 1300 S Evergreen Park Drive SW, Olympia, Washington.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-070, filed 12/15/98, effective 1/15/99.]

WAC 480-15-080 How do I file documents with the commission? You may file documents by mailing them to the address listed in WAC 480-15-060, or by hand delivering them to the commission's records management section. Your documents are officially received when date stamped by the commission's records management section. You may file certain documents electronically, as provided in WAC 480-09-120.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-080, filed 12/15/98, effective 1/15/99.]

WAC 480-15-090 May I submit information to the commission confidentially? Yes, you may submit information confidentially under the following conditions:

(1) **Information other than complaints.** The commission will limit access to information that is identified as confidential and is submitted under the provisions of WAC 480-09-015. Copies of this rule are available upon request.

(2) **Complaints and rule violations.** If you fear for your safety when reporting a complaint for rule violation then, at your request, we will keep your name and address confidential. We require that you sign and submit a form specifying that you fear for your safety if your name and address are made public. Please note, however, that it is difficult to investigate complaints regarding a specific shipment if we are unable to release the name of the shipper, as carrier records are often kept by shipper name and address.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-090, filed 12/15/98, effective 1/15/99.]

WAC 480-15-100 What form of payment does the commission accept? You may pay by money order, check, or certified check payable to the Washington utilities and transportation commission. You may also pay with cash if you make your payment in person. We accept only U.S. funds.

[Title 480 WAC—p. 76]

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-100, filed 12/15/98, effective 1/15/99.]

WAC 480-15-110 If I change my business address or telephone number, must I notify the commission? Yes, if you change your physical or mailing business address or your business telephone number, you must immediately notify the commission in writing at the addresses listed in WAC 480-15-060.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-110, filed 12/15/98, effective 1/15/99.]

WAC 480-15-120 What rules apply to commission proceedings? The commission's rules governing administrative practices and procedures are in chapter 480-09 WAC. When a rule in this chapter is different than a rule in chapter 480-09 WAC, the rule in this chapter applies to household goods carriers.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-120, filed 12/15/98, effective 1/15/99.]

Part 1.3 - Compliance with This Chapter

WAC 480-15-130 What is the commission's compliance policy? (1) In enforcing the law, the commission encourages voluntary compliance with statutes, rules and commission orders, through the following:

- (a) A program emphasizing education and technical assistance; and
- (b) A compliance program including:
 - (i) Investigation and informal dispute resolution of customer complaints;
 - (ii) Investigation of informal and formal company complaints;
 - (iii) Driver and equipment safety compliance reviews;
 - (iv) Economic compliance audits (i.e., concerning rates, charges, and billing practices);
 - (v) Coordinated roadside enforcement; and
 - (vi) Cooperative agreements with other agencies to enable effective enforcement and appropriate use of resources.

(2) Where necessary to ensure compliance with statutes, rules and commission orders, the commission will pursue:

- (a) Administrative actions, including, but not limited to, warnings, sanctions, penalty assessments, suspension or cancellation of permits, and hearings to show cause and classify motor carriers; and
- (b) Proceedings in district and superior court.
- (3) The commission is authorized to administer and enforce the laws and rules relating to household goods carriers by:
 - (a) Inspecting equipment, drivers, accounts, books, and documents, including, but not limited to:
 - (i) Vehicles, drivers, and vehicle and driver records and files;
 - (ii) Business and financial records;
 - (iii) Insurance certificates;

- (iv) Compliance records;
- (v) Billing documents;
- (vi) Shipment records; and

(b) Prosecuting violations of statutes, rules and commission orders.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-130, filed 12/15/98, effective 1/15/99.]

WAC 480-15-140 How will the commission enforce this chapter? The commission authorizes staff to inspect the equipment, accounts, books, papers and documents of household goods carriers and to conduct inspections and investigations on its behalf. The commission will institute appropriate enforcement action against violators based on information collected by its staff. The commission has delegated authority to its staff to place vehicles and drivers out-of-service if they do not meet minimum safety standards. In addition, the commission has delegated authority to its staff to issue citations or arrest without warrant any person found violating this chapter in the presence of staff.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-140, filed 12/15/98, effective 1/15/99.]

WAC 480-15-150 Why would the commission take administrative action? The commission will take administrative action for violations in a manner that it believes will best assure future compliance by the violating household goods carrier and other household goods carriers. The commission may:

- (1) Assess monetary penalties under the provisions in chapter 81.04 RCW as a tool of enforcement and remediation; or
- (2) Suspend or cancel the permit of a household goods carrier under circumstances in which the commission believes education and penalties have not been, or will not be, effective to secure compliance; for serious actions including fraud or misrepresentation; and for willful violation of legal requirements.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-150, filed 12/15/98, effective 1/15/99.]

WAC 480-15-160 What sanctions apply to carriers operating without valid permits? (1) **Operating while suspended.** Household goods carriers who continue to operate after their permits have been suspended are subject to:

- (a) Misdemeanor or gross misdemeanor citations, for which they must appear in district court; and/or
- (b) Monetary penalty assessments or other administrative actions; and/or
- (c) Proceedings to cancel their permit.

(2) **Operating after cancellation.** Household goods carriers who continue to operate after their permits have been canceled are subject to:

- (a) Misdemeanor or gross misdemeanor citations, for which they must appear in district court; and/or
- (b) Enforcement proceedings in superior court.
- (3) **Operating with no permit.**

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(a) Motor carriers who transport household goods entirely within the state of Washington without first obtaining a permit from the commission to do so are subject to citation if observed or contacted by a representative of the commission, or other law enforcement agency, while transporting household goods over the public roads of the state of Washington.

(b) If we receive information that a motor carrier is transporting household goods without a household goods permit, we may issue a citation and/or contact the motor carrier and provide education and technical assistance concerning the applicable rules and regulations. We will supply the motor carrier with a copy of the applicable laws and rules, as well as forms with which to apply for a permit.

(c) If the motor carrier continues to operate without a permit after the commission provides the motor carrier with an opportunity to apply for a permit and the motor carrier does not do so, the commission may institute an administrative proceeding to classify the motor carrier. If, after the hearing, the commission determines the motor carrier is operating as a household goods carrier without the required permit, the commission will issue a cease and desist order to the party(s) involved in the operations pursuant to RCW 81.04.510.

(d) If the motor carrier continues to operate without a permit after applying for a permit and before the commission has acted in that application, the commission may consider those operations in determining whether the carrier is fit to provide the proposed service.

(e) The commission may institute legal action in the appropriate court if it obtains sufficient information that a motor carrier continues to operate in violation of a commission order.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-160, filed 12/15/98, effective 1/15/99.]

Part 2 - PERMITS

Part 2.1 - General Permit Information

WAC 480-15-170 What is a household goods permit?

A household goods permit is a document issued by the commission describing the transportation services a common carrier is authorized to provide, and the territory the common carrier is authorized to serve. It includes at least the following information:

- (1) The permit number issued by the commission;
- (2) The official name of the permit holder;
- (3) The registered trade or business name(s);
- (4) The address of record;
- (5) The date the permit is issued;
- (6) The operating authority granted by the commission; and
- (7) Any conditions imposed by the commission upon on the permit.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-170, filed 12/15/98, effective 1/15/99.]

WAC 480-15-180 When must I have a household goods permit? (1) Unless you are operating in the territory described in WAC 480-15-200, you must receive a permit from us before you transport household goods:

- (a) By motor vehicle;
- (b) Over the public highways;
- (c) Between points in Washington state; and
- (d) For compensation.

(2) If you transport household goods without first obtaining a permit you will be subject to the enforcement actions described in WAC 480-15-160(3).

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-180, filed 12/15/98, effective 1/15/99.]

WAC 480-15-190 Where may I operate with a household goods permit? (1) Household goods permits authorize state-wide operations unless:

- (a) You elect to limit your service territory to specific counties; or
- (b) The commission, by order, limits your service territory.

(2) If you choose to limit your service territory to specific counties, you must notify us in writing at the address shown in WAC 480-15-060. Your written request must include your household goods permit number and name.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-190, filed 12/15/98, effective 1/15/99.]

WAC 480-15-195 When will my existing household goods permit be reissued? If you hold a household goods permit that is valid on the effective date of these rules, it will be recognized as authorizing statewide operations until a new household goods permit is issued, or until January 31, 1999, whichever occurs first.

(1) If you choose to limit your service territory to specific counties, you must notify us in writing at the address shown in WAC 480-15-060. Your written request must include your household goods permit number and name.

(2) For the purpose of this rule, a valid household goods permit does not include temporary permits, suspended permits, canceled permits, or permits that are held by carriers that have not filed required annual reports, paid regulatory fees, or satisfied penalty assessments, or whose checks have been returned because of insufficient funds or closed bank accounts.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-195, filed 12/15/98, effective 1/15/99.]

WAC 480-15-200 Are there areas I may operate without a permit? Pursuant to RCW 81.80.040(1), you do not need a permit to transport household goods exclusively between points within the limits of a city or town with a population of less than ten thousand, unless the city borders a city or town with a population of greater than ten thousand.

Pursuant to RCW 81.80.040(2), you do not need a permit to transport household goods exclusively between points within a city with a population between ten thousand and

thirty thousand, if the commission has issued an order exempting transportation within that city from regulation.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-200, filed 12/15/98, effective 1/15/99.]

WAC 480-15-210 Are there different kinds of household goods permits? We issue household goods permits for emergency temporary, temporary, and permanent authority. We may grant:

(1) Emergency temporary authority for a period of thirty days or less when there is an urgent need for service and time or circumstances do not reasonably allow for filing and processing of an application for temporary authority;

(2) Temporary authority for up to one hundred eighty days to meet a short-term public need or until a decision is made on a pending application for permanent authority. The applicant must be fit, willing, and able, and the proposed service must be in the public interest; and

(3) Permanent authority with no expiration date or renewal requirement when the applicant is fit, willing, and able to provide service, when granting that service is in the public interest, and when the proposed service is needed to meet the current or future public convenience and necessity.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-210, filed 12/15/98, effective 1/15/99.]

WAC 480-15-220 How do I apply for a permit? (1) You may file an application for a permit on forms furnished by the commission. You may file your application in person or by mail. (See WAC 480-15-060 for the commission's address.)

(2) You must include all requested information, attachments, complete signed statements, and fees when you file your application. (See WAC 480-15-230 for the appropriate application fees.) We will not accept your application until all required information is supplied and any outstanding fees or penalties are paid.

(3) We may reject or dismiss your application if you include false, misleading, or incomplete information.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-220, filed 12/15/98, effective 1/15/99.]

WAC 480-15-230 What is the application fee? The maximum application fee, under RCW 81.80.090, is five hundred fifty dollars. After reviewing the actual costs of processing applications, we may set fees at less than the legal maximum. Each application form will clearly state the fee you must submit when filing an application.

The following table lists the application fees in place on the effective date of these rules:

Type of Permit Application:	Fee:
Emergency temporary authority	\$ 50.00
Temporary authority	\$250.00
Permanent authority	\$550.00
Permanent authority (under the exceptions named in WAC 480-15-260)	\$250.00

Type of Permit Application:	Fee:
Permit reinstatement (under provisions of WAC 480-15-460)	\$250.00
Name change only	\$ 35.00

[Statutory Authority: RCW 81.04.160 and 80.01.040, 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-230, filed 12/15/98, effective 1/15/99.]

If you file an application for:	You must also file an application for:	We will:	We will grant an application when:
Permanent authority Refer to WAC 480-15-330	Temporary authority Refer to WAC 480-15-280	Publish your application on an application docket subject to public comment.	The applicant is fit, willing, and able to provide the proposed service; The proposed service is in the public interest; and For applications for permanent authority, the proposed service is required to meet the current or future public convenience and necessity.

[Statutory Authority: RCW 81.04.160 and 80.01.040, 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-240, filed 12/15/98, effective 1/15/99.]

WAC 480-15-250 What is the process to expand the authority in an existing permit? You must file only a per-

WAC 480-15-240 How may a new entrant obtain authority? You must file both a temporary and a permanent authority application if you do not hold an existing permit that allows you to transport household goods within the state of Washington.

The following table describes the application process for new entrants seeking to obtain permanent authority:

manent authority application if you want to expand the authority included in your existing household goods permit.

The following table describes the filing process for existing household goods carriers seeking to obtain additional permanent authority:

If you file an application for:	We will:	We will grant an application when:
Permanent authority Refer to WAC 480-15-330	Publish your application on an application docket subject to public comment.	The applicant is fit, willing, and able to provide the proposed service; The proposed service is in the public interest; and The proposed service is needed to meet the current or future public convenience and necessity.

[Statutory Authority: RCW 81.04.160 and 80.01.040, 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-250, filed 12/15/98, effective 1/15/99.]

WAC 480-15-260 Exceptions to the application process. (1) The commission will grant an application for permanent authority without temporary permit operations, public notice, or comment if the applicant is fit, willing, and able to provide service, and the application is filed to transfer or acquire control of permanent authority for the following reasons:

(a) A partnership has dissolved due to the death, bankruptcy, or withdrawal of a partner, and that partner's interest is being transferred to a spouse, or to one or more remaining partners;

(b) A shareholder in a corporation has died and that shareholder's interest is being transferred to a surviving spouse or one or more surviving shareholders;

(c) A sole proprietor has died and the interest is being transferred as property of the estate;

(d) An individual has incorporated, and the same individual remains the majority shareholder;

(e) An individual has added a partner, but the same individual remains the majority partner;

(f) A corporation has dissolved and the interest is being transferred to the majority shareholder;

(g) A partnership has dissolved and the interest is being transferred to the majority partner;

(h) A partnership has incorporated, and the partners are the majority shareholders; or

(i) Ownership is being transferred from one corporation to another corporation when both are wholly owned by the same shareholders.

(2) The commission will grant an application for permanent authority without temporary permit operations, after the application has been published on the application docket subject to comment for thirty days, if the applicant is fit, willing, and able to provide service and the application is filed to transfer or acquire control of permanent authority for the following reasons:

Ownership or control of a permit is being transferred to any shareholder, partner, family member, employee, or other person familiar with the company's operations and the household goods moving services provided; and

(a) The permit has been actively used by the current owner to provide household goods moving services during the twelve-month period prior to the application; and

(b) The application includes a certified statement from the applicant and the current owner explaining why the trans-

fer of ownership or control is necessary to ensure the company's economic viability; and

(c) The application includes a certified statement from the applicant and the current owner describing the steps taken by the parties to ensure that safe operations and continuity of service to customers is maintained.

[Statutory Authority: RCW 81.04.160, 81.04.250, 81.28.040, 81.80.090, 81.80.120, 81.80.130, 81.80.290, 81.80.211, and 80.01.040. 00-14-010 (General Order No. R-471, Docket No. TV-991559), § 480-15-260, filed 6/27/00, effective 7/28/00. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-260, filed 12/15/98, effective 1/15/99.]

Part 2.2 - Emergency Temporary and Temporary Authority

WAC 480-15-270 When will the commission grant emergency temporary authority? We will grant an application for emergency temporary authority to meet an urgent need when time or circumstances do not reasonably allow for the filing and processing of a temporary permit application. We may grant emergency temporary authority for up to thirty days when a qualified applicant:

- (1) Provides a certified statement of support identifying the need;
- (2) Pays the application fee;
- (3) Furnishes a list of vehicles to be used under emergency temporary authority; and
- (4) Furnishes proof of public liability and property damage insurance.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-270, filed 12/15/98, effective 1/15/99.]

WAC 480-15-280 When must I apply for temporary authority? (1) You must apply for temporary authority if you are a new entrant, or to provide service to meet a short-term need. If you are a new entrant, and the commission grants your application, the temporary authority will allow you to provide service as a household goods carrier on a provisional basis for at least six months. During this time, the commission will evaluate whether you have met the criteria in WAC 480-15-330 to obtain permanent authority.

(2) We will grant or deny an application for temporary authority after we have conducted a complete review of your application, any supporting statements, reports or other information necessary to determine your fitness, and determine whether granting the application is in the public interest.

(3) When determining if an applicant is fit, willing, and able to provide the proposed service we will consider any information provided by the applicant and other members of the public regarding:

(a) The applicant's experience in the industry; knowledge of safety regulations; financial resources and equipment; compliance with tax, labor, employment, business, and vehicle licensing laws and rules; and

(b) Whether the applicant has been cited for violation of state law or commission rules, has been convicted of a Class A or Class B Felony, or has previously been denied authority on the basis of fitness; or has had permit authority canceled.

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(4) When determining if the proposed service is in the public interest we will consider any information provided by the applicant, shippers and other members of the public supporting the proposed service, and whether granting the temporary authority will:

(a) Enhance choices available to consumers, promote a viable yet competitive household goods industry, or fill an unmet need for service; and

(b) Allow us to more efficiently regulate the household goods industry, and provide increased consumer protection through regulation.

(5) Statements and reports from the applicant, shippers, and other members of the public, must include their full name, address, phone number, and state that the information submitted is true and accurate. They must be signed and show the place and date where/when they were signed.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-280, filed 12/15/98, effective 1/15/99.]

WAC 480-15-285 Are there times when the commission will reject my application for temporary authority?

We will reject your application for temporary authority if you file within six months of a denial of a previous application submitted by you. We will reject your application if filed within one year of cancellation of a permit, held by you, under WAC 480-15-320 or 480-15-450 (3), (4), (5), or (6).

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-285, filed 12/15/98, effective 1/15/99.]

WAC 480-15-290 How will I know what the commission has decided?

After reviewing your application, and all supporting statements and reports, the commission will issue an order to you granting or denying your application for temporary authority. An order granting temporary authority may include specific terms and conditions that you must satisfy before you begin or while operating under authority. We publish an application docket listing temporary authority we have granted or denied.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-290, filed 12/15/98, effective 1/15/99.]

WAC 480-15-300 What conditions may be attached to my temporary authority?

Based on a review of your application and supporting statements, we may impose any of the following conditions when granting temporary authority:

- (1) Driver and equipment safety training;
- (2) Rates and billing practices training;
- (3) Surety bond, or other means to ensure compliance;
- (4) Special compliance audits;
- (5) Special customer notices and comment forms which evaluate your services;

(6) Other reporting as the commission may require, such as customer lists, and financial reporting;

(7) Vehicles must pass inspection and be issued a valid Commercial Vehicle Safety Alliance (CVSA) inspection decal; and

(8) Other conditions depending on the circumstances surrounding the application.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-300, filed 12/15/98, effective 1/15/99.]

WAC 480-15-310 May I comment on a decision to grant or deny temporary authority? (1) We publish an application docket listing temporary authority we have granted or denied. We mail the docket to each applicant and, upon written request, to any other person interested in application proceedings.

(2) Anyone having an interest in an application appearing on the docket may file written comments within ten days following publication. Comments may be in the form of statements supporting or protesting the grant of authority or application. Comments must include your full name, address, telephone number, FAX number, and permit number, if applicable. Comments must state the nature of your support or protest and address the following issues: Fitness, public interest, levels of service, business practices, safety, and/or operation of equipment.

(3) We may grant or deny a protest without a hearing. We may, at our own discretion, hold a brief adjudicative proceeding on a protest. Rules governing applications and procedures for brief adjudicative proceedings are in chapter 480-09 WAC.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-310, filed 12/15/98, effective 1/15/99.]

WAC 480-15-320 May the commission cancel a temporary permit? Yes, we may cancel a temporary permit at any time if we determine that:

- (1) The permit was not issued in the public interest;
- (2) The grant of temporary authority was based on fraud, misrepresentation, or erroneous information from the applicant; or
- (3) We find cause to cancel the permit under the circumstances described in WAC 480-15-450.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-320, filed 12/15/98, effective 1/15/99.]

Part 2.3 - Permanent Authority

WAC 480-15-330 When must I apply for permanent authority? (1) You must apply for permanent authority if you are requesting:

- (a) New original authority;
- (b) Transfer of existing authority;
- (c) Acquisition of control of existing authority;
- (d) Additional authority for an existing household goods permit; or
- (e) Household goods authority for an existing general commodities permit granted under the provisions of chapter 480-14 WAC.

(2) We will grant or deny an application for permanent authority after we have conducted a complete review of your application, supporting statements, reports, or other informa-

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tion necessary to determine fitness, public interest, and current or future public convenience and necessity.

(3) Some transfers of existing permanent authority are not subject to the requirements in this rule. The exceptions are listed in WAC 480-15-260.

(4) When determining if an applicant is fit, willing and able to provide the proposed service, we will consider statements and reports including any information provided by the applicant and other members of the public regarding:

(a) The applicant's experience in the industry; knowledge of safety regulations; financial resources and equipment; compliance with tax, labor, employment, business, and vehicle licensing laws;

(b) Whether the applicant has been cited for violation of state law or commission rules, has been convicted of a Class A or Class B Felony, or previously has been denied authority on the basis of fitness; and

(c) The results of any compliance reviews, audits, inspection reports, and consumer complaints filed against the applicant.

(5) When determining if the proposed service is in the public interest we will consider statements and reports, including any information provided by the applicant, and other members of the public supporting the proposed service, and whether granting the permanent authority will:

(a) Enhance choices available to consumers, promote a viable yet competitive household goods industry, or fill an unmet need for service; and

(b) Allow us to more efficiently regulate the household goods industry, and provide increased consumer protection through regulation.

(6) When determining if the proposed service is needed to satisfy the current or future public convenience and necessity, we will consider any information provided by the applicant, shippers, and other members of the public supporting the proposed service, and any reports relating to the operations you conducted under temporary authority, including, but not limited to, the following:

- (a) The number of customers you served;
- (b) The nature of the service you provided;
- (c) Your customers' satisfaction; and
- (d) Statements regarding future need for your services.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-330, filed 12/15/98, effective 1/15/99.]

WAC 480-15-340 May I comment on an application for permanent authority? (1) We publish applications for permanent authority on the application docket which we mail to each applicant and, upon written request, to any other person interested in application proceedings.

(2) Anyone having an interest in an application appearing on the docket may file written comments within thirty days following publication, unless the application is published in conjunction with a grant of temporary authority. If the permanent authority application is published in conjunction with a grant of temporary authority, then comments will be accepted for one hundred eighty days or the full term of the temporary permits.

(3) Comments may be in the form of statements supporting or protesting the application. Comments must include the commenter's full name, address, telephone number, and should also include a FAX number and permit number, if available. Comments should be signed and indicate the place and date when they were signed. Comments must state the nature of your support or protest and address the following issues: Fitness, public interest, levels of service, business practices, safety, operation of equipment, and current or future public need for service.

(4) A comment protesting an application may not cause the application to be set for a hearing.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-340, filed 12/15/98, effective 1/15/99.]

WAC 480-15-350 Will my application be set for a hearing? We may hold a hearing or brief adjudicative proceeding on any application for permanent authority if it is necessary to resolve outstanding issues or concerns related to fitness, public interest, public convenience and necessity, or any other issue resulting from a compliance review, audit, inspection report, complaint, or public comment. Rules governing hearings and brief adjudicative proceedings are contained in chapter 480-09 WAC.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-350, filed 12/15/98, effective 1/15/99.]

Part 2.4 - Using Your Permit

WAC 480-15-360 Where must I keep my permit?

You must keep your original permit in your main office, and also carry a copy of your permit in each vehicle used to transport household goods. You must show a copy of your permit to any law enforcement or compliance officer who asks to see it.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-360, filed 12/15/98, effective 1/15/99.]

WAC 480-15-370 What should I do if my permit is lost or destroyed? You may write to us and request replacement of a lost or destroyed permit. We will issue a replacement permit at no charge.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-370, filed 12/15/98, effective 1/15/99.]

WAC 480-15-380 May I allow others to use my permit authority? You must not allow others to transport household goods under your permit authority. All operations under a household goods permit must be conducted by the lawful permit holder. While you may not lease your permit authority, you may lease vehicles for use in your own operations pursuant to the leasing rules in WAC 480-15-590 and 480-15-600.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-380, filed 12/15/98, effective 1/15/99.]

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WAC 480-15-390 What name may I use? (1) You must conduct operations under the name shown on your household goods permit. If you do business under a trade or assumed name, that name must also appear on your permit.

(2) You may not operate under a name that is similar to that of another carrier unless:

(a) The carrier whose name is similar has given you written permission to use the name; or

(b) The commission authorizes use of the similar name. Before authorizing use of a similar name, the commission must first determine that the use of the similar name will not:

(i) Mislead the shipping public; or

(ii) Result in unfair or destructive competitive practices.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-390, filed 12/15/98, effective 1/15/99.]

WAC 480-15-400 How do I change my permit name?

(1) You must file a name change application if you want to change your permit name, corporate name, trade name, or add a trade name to your permit.

(2) Your name change application must include the application fee (as shown in WAC 480-15-230), copies of any corporate minutes authorizing the name change, and proof that you have properly registered your new name with the department of licensing, office of the secretary of state, or other agencies, as may be required.

(3) You must file an application to transfer or acquire control of permanent authority if your name change is the result of a change in ownership or controlling interest.

(4) You may not advertise or operate under the changed name until the commission approves your request.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-400, filed 12/15/98, effective 1/15/99.]

WAC 480-15-410 What should I do if I cannot use my permit? (1) If you are unable to use your permit due to medical reasons or because you have been called into active military service, you may request that your authority be voluntarily suspended.

(2) You must send your request to us in writing and include the following information:

(a) Your name, address, and permit number;

(b) The reason for the request (e.g., medical statement, military orders);

(c) The date you would like the voluntary suspension to begin;

(d) The length of time you will be unable to use your permit; and

(e) A statement that no household goods transportation will occur under your permit while it is suspended.

(3) We will issue an order suspending your permit. The order will set the length of time and the terms of your permit suspension.

(4) To activate your suspended permit you must send us a letter advising that you are ready to resume household goods service and agree to conduct operations in compliance with all laws and rules. You must satisfy any outstanding fil-

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ing requirements before we will issue an order lifting the suspension.

(5) If you do not activate your permit before the suspension period expires, your permit may be canceled.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-410, filed 12/15/98, effective 1/15/99.]

WAC 480-15-420 What should I do if I no longer want to use my permit? If you no longer want to use your permit, you may send the original permit to us with a written request that it be canceled. Your cancellation request must include your name, address, and permit number. We will issue an order canceling your permit. Cancellation will be effective on the date of that order.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-420, filed 12/15/98, effective 1/15/99.]

Part 2.5 - Suspended and Canceled Permits

WAC 480-15-430 Why would the commission suspend my permit? (1) The commission may suspend your permit under the provisions of WAC 480-15-410 or for good cause. Good cause includes, but is not limited to:

(a) Failure to maintain evidence of required cargo and/or liability insurance coverage for all areas of your operations;

(b) Failure to maintain your tariff and/or comply with the rates and rules contained in the tariff;

(c) Failure or refusal to comply with operating standards that protect the public health and/or safety;

(d) Allowing others to transport goods under your permit authority. See WAC 480-15-380.

(e) Operating in a manner which harms the rights of the shipping public or which constitutes unfair or deceptive business practices. For example: Investigation by the commission's staff representatives upholds numerous consumer complaints related to loss and damage, packing, loading and/or unloading, estimating or billing.

(2) The commission may suspend a permit without an opportunity for hearing if there is imminent danger to the public health, safety or welfare, or there is insufficient time to conduct a hearing.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-430, filed 12/15/98, effective 1/15/99.]

WAC 480-15-440 What happens if my permit is suspended for cause? (1) **Notification.** The commission will send you notice of its action to suspend your permit. The suspension is effective upon the service date of the notice.

(2) **Contest of suspension.** You may contest the suspension of your permit by requesting a hearing or brief adjudicative proceeding. The procedures for such hearings are contained in chapter 480-09 WAC.

(3) **Reinstatement of permit.** We will lift the suspension of your permit after you correct all conditions leading to the suspension.

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[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-440, filed 12/15/98, effective 1/15/99.]

WAC 480-15-450 Why would the commission cancel my permit? The commission may cancel your permit under the provisions of WAC 480-15-410, 480-15-420 or for good cause. Good cause includes, but is not limited to:

(1) Failure to file an annual report or pay required regulatory fees;

(2) Failure to correct, within the time frame specified in the suspension order, all conditions that led to the suspension of your permit;

(3) Continued violations of applicable laws and rules affecting the public health, safety or welfare when the commission has reason to believe you would not comply with those laws and rules following a specified period of suspension;

(4) Repeated failure or refusal to comply with applicable laws and rules pertaining to operations of household goods carriers;

(5) Failure to supply information necessary to the commission for the performance of its regulatory functions when requested by the commission to provide such information;

(6) Submission of false, misleading or inaccurate information. The commission will hold a hearing prior to canceling your permit unless your permit is subject to cancellation because you failed, within the time frame specified by a suspension order, to correct the causes of the suspension;

(7) Allowing others to transport goods under your permit authority in violation of WAC 480-15-380.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-450, filed 12/15/98, effective 1/15/99.]

WAC 480-15-460 What happens if my permit is canceled for cause? (1) **Notification.** The commission will send you notice of its action to cancel your permit. The cancellation is effective upon the service date of the notice.

(2) **Contest of cancellation.** You may contest the cancellation of your permit by requesting a hearing or brief adjudicative proceeding. The procedures for such hearings are contained in chapter 480-09 WAC.

(3) **Reinstatement of permit.** If you correct all conditions that led to the cancellation of your permit, you may apply for reinstatement of your permit.

(a) To reinstate your permit within thirty days of cancellation, you must file an application for reinstatement and pay the applicable reinstatement fees.

(b) If you file an application for reinstatement after thirty days of cancellation, your application will be considered in all aspects to be an application for new authority, and will be subject to all terms and conditions specified in WAC 480-15-240 for new entrants.

(4) **Small business, reinstatement of permit.** If you are a small business as defined in WAC 480-15-020, and you correct all conditions that led to the cancellation of your permit, you may apply for reinstatement of your permit.

(a) To reinstate your permit within sixty days of cancellation, you must file an application for reinstatement and pay the applicable reinstatement fees.

(b) If you file an application for reinstatement after sixty days of cancellation, your application will be considered in all aspects to be an application for new authority, and will be subject to all terms and conditions specified in WAC 480-15-240 for new entrants.

[Statutory Authority: RCW 81.04.160 and 80.01.040, 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-460, filed 12/15/98, effective 1/15/99.]

Part 3 - ADMINISTRATIVE, TARIFF, AND RATE REQUIREMENTS TO TRANSPORT HOUSEHOLD GOODS, FOR HIRE, WITHIN THE STATE OF WASHINGTON

Part 3.1 - Rule Books

WAC 480-15-470 Rule books. (1) **What is a rule book?** A rule book is a reprint of the complete set of Washington Administrative Code (WAC) rules governing the operations of household goods carriers.

(2) **How do I get a rule book?** You may request a rule book by contacting the commission. The first copy of the rule book is free. However, we may charge a fee for multiple copy requests. We will automatically send a rule book to anyone who applies for a household goods permit.

(3) **How do I get a rule book update?** If changes occur, we will automatically send annual rule book updates to everyone who has a household goods permit. Any person may request a current rule book by contacting us at the address listed in WAC 480-15-060.

(4) **Is the rule book copyrighted?** The rule book is not copyrighted. You may copy or reproduce it without our permission.

[Statutory Authority: RCW 81.04.160 and 80.01.040, 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-470, filed 12/15/98, effective 1/15/99.]

Part 3.2 - Annual Reports and Regulatory Fees

WAC 480-15-480 Annual reports and regulatory fees. (1) **What is an annual report?** An annual report is a year end statement that discloses to the commission financial, equipment, operating, and management information about you and the operations you conducted under your household goods permit. Your signed report includes a statement certifying that the information in your report is true and accurate.

(a) You must report your financial information according to the Uniform System of Accounts established by the commission for household goods carriers.

(b) The commission will mail annual report forms and instructions to each household goods permit holder at their address of record. If you do not receive an annual report form, it is your responsibility to contact the commission and request the form.

(2) **What is a regulatory fee?** A regulatory fee is an annual assessment paid by each household goods carrier to

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cover the costs of regulating the household goods industry. The maximum regulatory fee is set by law at one-fourth of one percent of the gross operating revenue generated from your intrastate transportation of household goods. We may reduce the fee by general order. Each year we review the costs of regulating the household goods industry and set the next year's fee accordingly.

(3) **How do I calculate my regulatory fee?** Your regulatory fee is calculated as a percentage of your intrastate gross operating revenues generated from the transportation of household goods during the prior calendar year.

For example: Gross Operating Revenue	\$100,000.00	x
Regulatory Fee Percentage	.0025	=
Regulatory Fee Due	\$ 250.00	

(4) **When are my annual report and regulatory fees due?** You must file your annual report and pay your regulatory fees by May 1st of the year following the calendar year for which you are reporting.

(a) If you pay your regulatory fee late, we will assess an automatic late fee of two percent of the amount due, plus one percent interest for each month after that.

(b) If you do not file your annual report and/or do not pay your regulatory fee, we may issue penalty assessments or cancel your permit under the provisions of WAC 480-15-450.

[Statutory Authority: RCW 81.04.160 and 80.01.040, 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-480, filed 12/15/98, effective 1/15/99.]

Part 3.3 - Tariff and Rates

WAC 480-15-490 Tariff and rates, general. (1) **What is a tariff?** A tariff is a publication containing the rates and charges that household goods carriers must assess on shipments of household goods, including rules that govern how rates and charges are assessed.

(2) **How are tariff rates and charges established?**

(a) Pursuant to RCW 81.80.130 and 81.80.150, the commission publishes tariffs to be used by all household goods carriers, or allows household goods carriers to file individual tariffs if the commission finds it is impractical to publish tariffs for certain commodities or services. The commission determines the rates and charges contained in the tariffs by commission order following notice and hearing. Under RCW 81.80.130, the commission must set fair, just, reasonable, and sufficient rates and charges. The commission will do this by setting minimum and maximum rates.

(b) Upon the effective date of these rules, and continuing until such time as the commission, after notice and hearing, determines a different rate level, household goods carriers must assess rates and charges within a band.

(i) The maximum rates and charges must be no more than twenty percent above the rates and charges as published by the commission in Tariff 15A in effect on February 1, 2000.

(ii) The maximum rates and charges established in (b)(i) of this subsection will be adjusted each June 1, through 2005, by an index calculated using the first-quarter Implicit Price Deflator (IPD) of the Gross Domestic Product as follows:

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Index for Current Year = IPD for Previous Year First Quarter/IPD for Current Year First Quarter

Example: Using the following data:

IPD for Previous Year First Quarter	102.35
IPD for Current Year First Quarter	103.83

Index for Current Year is calculated as follows:

IPD for Current Year First Quarter	103.83
Divided by IPD for Previous Year First Quarter	102.35
Equals Index for Current Year = 1.0145	

Maximum Rate or Charge is calculated as follows:

Maximum Rate for Previous Year	\$ 100.00
Multiplied by Index for Current Year	x 1.0145
Equals the Maximum Rate for Current Year = \$ 101.45	

Round the maximum rate to the next \$.01, with \$.005 and greater rounded up and less than \$.005 rounded down. Mileage rates are rounded to the next \$.0001.

(iii) The minimum rate or charge is fixed at no less than forty percent below the maximum rate or charge established in (b)(i) of this subsection.

(3) **Who must have tariffs?** Each person holding household goods permit authority must purchase and display at least one copy of the current tariff, and pay applicable tariff maintenance fees. Any interested person may purchase a copy by paying the applicable fees in advance.

(4) **Where must a household goods carrier display its tariffs?** A household goods carrier must display a current copy of the tariff in its main office and in each billing office.

(5) **Who must charge rates contained in the tariff?** All household goods carriers must charge the rates and charges, and comply with the rules contained, in the tariff unless the commission has approved, in writing, deviations from the tariff.

(6) **Is the tariff the only publication a household goods carrier needs to use to determine rates?** The commission may adopt other publications that will be used to assess rates. If we do, we will notify tariff subscribers of the change.

(7) **Where may the public view tariffs?** Tariffs are public documents and you must make them available for the public by posting copies at your main office and any billing office. Tariffs are also available for review at our headquarters office.

(8) **How much does a tariff cost?** The cost of tariffs may change periodically depending on our costs for compiling, printing, distributing, and maintaining them. To find out the current cost, you may contact the commission as described in WAC 480-15-060.

(9) **Are copies of current or expired tariff pages available?** The commission will supply you with current or expired single tariff pages upon request. Copies of entire expired tariffs, or entire tariffs applicable on a specific date in the past, generally are not available.

[Statutory Authority: RCW 81.04.160, 81.04.250, 81.28.040, 81.80.090, 81.80.120, 81.80.130, 81.80.290, 81.80.211, and 80.01.040. 00-14-010 (General Order No. R-471, Docket No. TV-991559), § 480-15-490, filed 6/27/00, effective 7/28/00. Statutory Authority: RCW 81.04.160 and

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80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-490, filed 12/15/98, effective 1/15/99.]

WAC 480-15-500 Tariff maintenance and fees. (1) **What is a tariff maintenance fee?** A tariff maintenance fee compensates us for compiling, printing, and distributing amended tariff pages.

(2) **Do I always have to pay full maintenance fees?** The annual maintenance fee is payable in advance on a prorated basis depending upon the month in which you purchase a tariff. See the table below:

Month in which maintenance service is purchased	Percentage of total maintenance fee payable
January, February, March	100%
April, May, June	75%
July, August, September	50%
October, November, December	25%

(3) **How am I billed for my annual tariff maintenance fees?** By December 1 of each year, we send a bill to each tariff subscriber for the next year's annual tariff maintenance service. Tariff subscribers must pay maintenance fees by December 31.

(4) **What happens if a tariff subscriber fails to pay the annual maintenance fees by December 31?**

(a) If a tariff subscriber does not have a permit, and fails to pay the maintenance fee by December 31, we will cancel the tariff subscription. To reinstate a subscription, the tariff subscriber must purchase a new original copy of the tariff and pay all applicable maintenance fees.

(b) If a tariff subscriber has a permit and fails to pay tariff fees by December 31, we may take administrative action against the household goods carrier to suspend or cancel the permit, or to assess penalties.

(5) **Am I entitled to a refund if I cancel my tariff subscription?** If you cancel your tariff subscription and send us a written request we will refund your prepaid tariff maintenance fees. We base refunds on a prorated formula of one-twelfth the amount of the fee prepaid, times the number of whole months remaining in the calendar year.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-500, filed 12/15/98, effective 1/15/99.]

WAC 480-15-510 Changing commission-published tariffs. (1) **Who may propose changes to the tariff?** Companies holding temporary or permanent household goods authority may propose changes to the tariff. We may, on our own motion, propose tariff changes.

(2) **How do I propose changes to the tariff?** All proposed changes must be sent to the commission's mailing address and must:

- Be in writing;
- Identify the rates, rules, or classifications to be changed;
- Fully describe the proposed change;
- State clearly the reason(s) for the proposed change;

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(e) Include any information or documents that justify the proposed change (the person proposing the change must prove the change is just and reasonable); and

(f) Identify the name, address, title, telephone number, permit number and FAX number (if any) of the person we should contact regarding the proposal.

(3) How does the commission consider proposals for tariff changes? When we receive a proposed tariff change we:

(a) Assign a docket number;

(b) Schedule each docketed proposal for tariff change for consideration at one of our regularly scheduled open public meetings. The commission may approve the proposed changes, or suspend them and set them for hearing;

(c) Notify you and other interested persons of the date when we will consider the tariff change; and

(d) Process each application for tariff change under the procedures set forth in chapter 480-09 WAC.

(4) When do approved changes become effective? Changes we approve are not effective until we publish and distribute a revised tariff page. We will identify the effective date of the change on the revised page.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-510, filed 12/15/98, effective 1/15/99.]

WAC 480-15-520 Procedure for filing individual carrier tariffs. (1) **What must be filed?** You must submit to us:

(a) A cover letter requesting permission from us to publish and file an individual tariff. The letter must describe the reasons you believe permission should be granted. Your letter should state the reasons you believe it is impractical for us to publish a tariff for the commodities or services contained in your proposed tariff.

(b) Two copies of your proposed tariff. Your proposed tariff must comply with the tariff drafting standards in chapter 480-149 WAC (Tariff Circular No. 6). You may request a copy of chapter 480-149 WAC from our records management section. The proposed tariff must contain all rates, charges, and rules you will be using if we grant you permission to publish and file an individual tariff.

(c) Data showing that the rates and charges contained in the proposed tariff are fair, just, reasonable, and sufficient.

(2) How are individual carrier filed tariffs processed?

(a) We review individual carrier filed tariffs:

(i) For compliance with laws and rules relating to content and format;

(ii) To ensure rates are fair, just, reasonable, and sufficient; and

(iii) For reasonableness and accuracy.

(b) If tariffs are incomplete or do not comply with laws and rules, staff will discuss the issues with the carrier and require that corrected tariffs be filed.

(c) When an individual carrier filed tariff is approved, the commission will issue an order stating the date on which the rates become effective. One copy of the tariff marked "approved" will be returned with the order.

(3) How does the commission consider proposals to amend individual carrier filed tariffs? When we receive your proposed tariff amendment we will:

(a) Assign a docket number;

(b) Schedule each proposed tariff amendment for consideration at one of our regularly scheduled open public meetings. The commission may approve the proposed amendment, or suspend them and set them for hearing;

(c) Notify you and other interested persons of the date when we will consider the tariff proposed amendment;

(d) Process your proposed tariff amendment under the procedures established in chapter 480-09 WAC; and

(e) Notify you of the disposition of your proposed tariff amendment. If the filing is approved, we will notify you of the date upon which the tariff amendment becomes effective.

(4) What happens if I don't charge the rates and charges in my tariff? You are subject to administrative action (see WAC 480-15-130(3)) if you charge rates or charges different from those contained in your tariff.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-520, filed 12/15/98, effective 1/15/99.]

Part 3.4 - Insurance

WAC 480-15-530 Public liability and property damage insurance. (1) **What insurance am I required to obtain?** Before operating under a household goods permit, you must have public liability and property damage insurance covering each motor vehicle that you use, or that you will use, to transport household goods in the state of Washington.

(a) Your policy must be written by an insurance company authorized to write insurance in Washington state.

(b) Your policy must include the Uniform Motor Carrier Bodily Injury and Property Damage Liability Endorsement, Form F.

(c) If you operate motor vehicles without the required insurance coverage you will be subject to immediate compliance action as described in WAC 480-15-430.

(2) What are the minimum insurance limits? The minimum limits of required public liability and property damage insurance for motor vehicles operated by household goods carriers are as follows:

(a) Motor vehicles with a gross vehicle weight rating of less than ten thousand pounds must have at least three hundred thousand dollars in combined single limit coverage.

(b) Motor vehicles with a gross vehicle weight rating of ten thousand pounds or more must have at least seven hundred fifty thousand dollars in combined single limit coverage.

(3) Am I required to file proof of insurance? Yes, you must file a Uniform Motor Carrier Property Damage and Public Liability Certificate of Insurance (Form E) as a condition of maintaining your household goods permit.

(a) The Form E is a standard motor carrier insurance form recognized by the insurance industry. In most cases your insurance agent must request that the insurance company file the Form E with us.

(b) Your Form E filing must be issued in exactly the same name as your permit.

(c) Your Form E filing must be continuous, until canceled by a Notice of Cancellation (Form K) filed with us no less than thirty days before the cancellation effective date.

(d) You may file a Uniform Motor Carrier Property Damage and Public Liability Surety Bond (Form G) instead of the Form E.

(4) **May I file an insurance binder?** We will accept an insurance certificate or binder for up to sixty days. A certificate or binder may be canceled by filing written notice with us at least ten days before the cancellation effective date. A certificate or binder must be replaced by a Form E within sixty days of filing, or before the expiration date, whichever occurs first.

(a) Certificates or binders must show:

- (i) The commission as the named certificate holder;
- (ii) Your name, exactly as it appears on your permit or application, as the insured;
- (iii) The insurance company name;
- (iv) The insurance policy number;
- (v) The effective and expiration dates; and
- (vi) The insurance limits of coverage.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-530, filed 12/15/98, effective 1/15/99.]

WAC 480-15-540 What happens if my insurance filing is canceled? If your insurance filing is canceled, and a new filing which provides continuous coverage is not filed with us, we may:

- (1) Dismiss your application for a permit; and/or
- (2) Suspend your permit under the provisions of WAC 480-15-430 and/or 480-15-450.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-540, filed 12/15/98, effective 1/15/99.]

WAC 480-15-550 Cargo insurance. (1) **What are the cargo insurance requirements?** You must have cargo insurance coverage sufficient to protect all household goods that you transport under your permit. If you transport household goods under your permit without the required cargo insurance coverage you will be subject to immediate compliance action as described in WAC 480-15-430.

(2) **What are the minimum cargo insurance limits?** The minimum limits of required cargo insurance are:

- (a) Ten thousand dollars for household goods transported in motor vehicles with a gross vehicle weight rating of less than ten thousand pounds.
- (b) Twenty thousand dollars for household goods transported in motor vehicles with a gross vehicle weight rating of ten thousand pounds or more.

(3) **Am I required to file proof of cargo insurance?** No, you are not required to file proof of your cargo insurance with us. You must have proof of cargo insurance at your main office available for inspection by commission representatives.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-550, filed 12/15/98, effective 1/15/99.]

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Part 4 - EQUIPMENT AND SAFETY REQUIREMENTS

Part 4.1 - Equipment

WAC 480-15-560 Equipment safety requirements.

(1) **What is the commission's equipment safety policy?** All motor vehicles operated under the provisions of this chapter must be at all times:

- (a) Maintained in a safe and sanitary condition;
- (b) Free of defects likely to result in an accident or breakdown; and
- (c) Made available for inspection by commission representatives.

All motor vehicles having safety defects likely to result in an accident or breakdown will be placed out-of-service and taken off the road until such time as all out-of-service defects have been repaired and the motor vehicle is safe to operate.

(2) **How does the commission enforce this policy?** Commission representatives conduct inspections of motor vehicles and safety operations. These representatives may place out-of-service any motor vehicle having a defect defined in the *North American Uniform Out-Of-Service Criteria*. No motor vehicle which has been placed out-of-service may be operated until all out-of-service defects are repaired and the motor vehicle is safe to operate.

(3) **How must a household goods carrier identify its motor vehicles?** A household goods carrier must display its permit name and number, as registered with the commission, on both the driver and passenger doors of all power units.

- (a) All markings on the power unit must be:
 - (i) Clearly legible;
 - (ii) No less than three inches high;
 - (iii) In a color that contrasts with the background color;

and

- (iv) Permanent. *Exception:* You may use temporary markings on vehicles you are operating under lease.

(b) If you have both intrastate and interstate authority, you must display either your commission permit number, federal permit number, or both, on the power unit.

(4) **What vehicle safety laws and rules must a household goods carrier follow?**

- (a) You must comply with:
 - (i) All state and local motor vehicle safety laws and rules including, but not limited to, those contained in this chapter;
 - (ii) The following parts of Title 49 of the Code of Federal Regulations (49 CFR), as adopted by reference in this chapter:

(A) 49 CFR Part 390: Safety Regulations, General; except:

(I) The terms "exempt motor carrier," "motor carrier," "motor vehicle," and "private carrier" have the meanings assigned to them in this chapter;

(II) The term "commercial motor vehicle" means any motor vehicle used by a household goods carrier to transport household goods, if either the vehicle has a gross vehicle weight rating or gross combination weight rating of ten thousand one pounds or more; or if the gross vehicle weight or

gross combination weight is ten thousand one pounds or more;

(III) Whenever the term "director" is used, it shall mean the commission.

(B) 49 CFR Part 392: Driving of Motor Vehicles;

(C) 49 CFR Part 393: Parts and Accessories Necessary for Safe Operation; and

(D) 49 CFR Part 396: Inspection, Repair, and Maintenance.

(b) If you fail to comply with these laws and rules, the commission may issue a citation to you, place your vehicle out-of-service, and/or initiate an administrative proceeding against you. See WAC 480-15-130(3).

(5) Are household goods carriers required to equip their motor vehicles with anti-spray devices (mud flaps)?

(a) Yes, all motor vehicles must be equipped with mud flaps which effectively reduce the spray or splash of water from the road.

(b) Mud flaps must be as wide as the tires on which they are mounted, and must extend from the top of the tires down to at least the center of the axle.

[Statutory Authority: RCW 81.04.160, 81.04.250, 81.28.040, 81.80.090, 81.80.120, 81.80.130, 81.80.290, 81.80.211, and 80.01.040. 00-14-010 (General Order No. R-471, Docket No. TV-991559), § 480-15-560, filed 6/27/00, effective 7/28/00. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-560, filed 12/15/98, effective 1/15/99.]

Part 4.2 - Drivers' Requirements

WAC 480-15-570 Driver safety requirements. (1)

What are the commission's driver safety requirements? No household goods carrier shall employ or allow any driver to operate a motor vehicle who fails to meet minimum criteria related to:

- (a) Driver's licensing;
- (b) Background and character;
- (c) Physical qualifications;
- (d) Hours of service; and
- (e) Controlled substances and alcohol use testing.

(2) How does the commission enforce those requirements? Commission representatives inspect driver and company safety records and documents to determine compliance with these rules. Additionally, the representatives may contact drivers during the course of investigations, inspections, or other routine commission business. The representatives may order out-of-service any driver meeting the conditions defined in the *North American Uniform Out-Of-Service Criteria*. No driver who has been placed out-of-service may operate a commercial motor vehicle until all conditions which caused the driver to be placed out-of-service are corrected.

(3) Driver qualification requirements.

(a) You must comply with:

(i) All state and local laws and rules governing driver safety, including, but not limited to, the rules in this chapter;

(ii) The following parts of Title 49 of the Code of Federal Regulations (49 CFR), as adopted by reference in this chapter:

(A) 49 CFR Part 390: Safety Regulations, General; except:

(I) The terms "exempt motor carrier," "motor carrier," "motor vehicle," and "private carrier" have the meanings assigned to them in this chapter;

(II) The term "commercial motor vehicle" means any motor vehicle used by a household goods carrier to transport household goods, if either the vehicle has a gross vehicle weight rating or gross combination weight rating of ten thousand one pounds or more; or if the gross vehicle weight or gross combination weight is ten thousand one pounds or more;

(III) Whenever the term "director" is used, it shall mean the commission.

(B) 49 CFR Part 382: Controlled Substance and Alcohol Use and Testing;

(C) 49 CFR Part 383: Commercial Driver's License Standards; Requirements and Penalties;

(D) 49 CFR Part 391: Qualification of Drivers; and

(E) 49 CFR Part 395: Hours of Service of Drivers.

(b) If you, or your driver, fail to comply with any driver safety law or rule, we may issue a citation to you or your driver, place your driver out-of-service, and/or initiate an administrative proceeding against you. See WAC 480-15-130(3).

(4) Exceptions to the requirements in this rule. The following exceptions apply:

(a) If your operations are exclusively in intrastate commerce, you are not subject to the following provisions:

(i) 49 CFR Part 391.11 (b)(1): Minimum age requirements. The minimum age for drivers of motor carriers operating solely intrastate is eighteen years of age rather than the twenty-one years of age required to operate in interstate commerce.

(ii) 49 CFR Part 391.49: Waiver of certain physical defects. This part does not apply if the driver has obtained from the Washington department of licensing a driver's license with endorsements and/or restrictions allowing operation of the motor vehicle they are driving.

(b) If you are a single vehicle owner-operator and your operations are solely intrastate, you are not subject to the following provisions:

(i) 49 CFR Part 391.21: Application for Employment;

(ii) 49 CFR Part 391.23: Investigation and Inquiries;

(iii) 49 CFR Part 391.25: Annual Review of Driving Record;

(iv) 49 CFR Part 391.27: Record of Violations;

(v) 49 CFR Part 391.31: Road Test; and

(vi) 49 CFR Part 391.33: Equivalent of Road Test.

[Statutory Authority: RCW 81.04.160, 81.04.250, 81.28.040, 81.80.090, 81.80.120, 81.80.130, 81.80.290, 81.80.211, and 80.01.040. 00-14-010 (General Order No. R-471, Docket No. TV-991559), § 480-15-570, filed 6/27/00, effective 7/28/00. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-570, filed 12/15/98, effective 1/15/99.]

Part 4.3 - Accidents

WAC 480-15-580 Accident reporting. (1) When must I report a vehicle accident to the commission? You must

report to the commission, within twenty-four hours, any accident occurring within the state of Washington which:

(a) Results in bodily injury to any person who as a result of the injury requires immediate medical treatment away from the scene of the accident;

(b) Results in the death of any person;

(c) Results in damage to any motor vehicle which is severe enough to require the motor vehicle to be transported from the scene by a tow truck or other motor vehicle;

(2) **How do I report accidents?** You may report accidents to the commission by providing your name or company name, your permit number; the date, time and location of the accident; and the nature of the accident by:

(a) Telephoning 1-800-562-6150 (if calling from within Washington) or 360-664-1222 (if calling from outside Washington); or

(b) Sending a FAX to 360-586-1150.

(3) **What accident records must I keep?** You must retain copies of all written accident reports for the period of one year from the date of the accident. You must keep the copies in your main office, subject to inspection by commission representatives.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-580, filed 12/15/98, effective 1/15/99.]

Part 4.4 - Equipment Leasing

WAC 480-15-590 What is the procedure for leasing vehicles? (1) You must receive commission approval before you may operate a leased motor vehicle. To request approval you must submit a completed lease agreement on a form supplied by the commission, or an alternate form as long as it contains substantially the same information as that on the commission form. The form must be:

(a) Completed in its entirety (we will reject and return incomplete forms);

(b) Signed by both parties;

(c) Submitted in duplicate (we will return one approved copy to you);

(d) Clearly marked "master lease" if you intend it to be used as such in lieu of submitting individual leases; and

(e) Submitted through any means identified in WAC 480-15-060.

(2) We may institute administrative action as described in WAC 480-15-130(3) against any household goods carrier who operates leased motor vehicles without first having obtained commission approval.

(3) You are not required to file a lease for approval on an emergency substitution of a disabled vehicle.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-590, filed 12/15/98, effective 1/15/99.]

WAC 480-15-600 What are my responsibilities when entering into a lease? When entering into a lease agreement, it is your responsibility to ensure that:

(1) A copy of the approved lease is carried in all leased motor vehicles;

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(2) Copies of all approved leases are kept in your permanent files for at least one year after the lease expires;

(3) You give a copy of the approved lease to the owner of the leased motor vehicle;

(4) You have complete possession, control and use of the motor vehicle during the period of the lease agreement;

(5) You provide insurance on the leased motor vehicle as specified in WAC 480-15-530 and/or 480-15-550;

(6) You properly identify the motor vehicle as specified in WAC 480-15-560(3);

(7) The appropriate tariff rates and charges are billed and collected;

(8) The driver of the leased motor vehicle is on your payroll during the leased period;

(9) You comply with all safety rules;

(10) You and the owner of the leased motor vehicle specify on the lease form who is responsible for all expenses relating to the leased motor vehicles; and

(11) You comply with the terms of the approved lease.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-600, filed 12/15/98, effective 1/15/99.]

Part 5 - CARRIER'S RESPONSIBILITIES TO SHIPPERS

Part 5.1 - General Responsibilities

WAC 480-15-610 What are my responsibilities regarding advertising? (1) You must include your permit number in any advertising of your household goods moving services. Advertising includes, but is not limited to, reference to your services on your vehicles, equipment, and in telephone books, Internet, contracts, correspondence, cards, signs, posters, newspapers, and documents which show your name and address.

(2) You may only advertise services authorized by your permit.

(3) You may advertise services you provide as an agent of, or connecting carrier to, another household goods carrier if you include the name and permit number of the other household goods carrier in your advertising.

(4) You must not advertise services or rates and charges that conflict with those in the tariff.

(5) If you violate these advertising rules we may assess a penalty of up to five hundred dollars for each violation, or initiate other administrative action. See WAC 480-15-130(3).

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-610, filed 12/15/98, effective 1/15/99.]

WAC 480-15-620 Information household goods carriers must provide to customers. (1) You must give each customer a copy of the commission brochure, "*Your Rights and Responsibilities as a Moving Company Customer*":

(a) At the time you issue a written nonbinding estimate;

(b) At the time you issue a written binding estimate;

(c) If you issue neither a written estimate or a written nonbinding estimate, prior to loading the shipment; or

(d) Upon request, by the customer.

(2) The brochure is available from the commission and contains consumer information about selecting a moving company, estimates, rates and tariff charges, payment terms, change orders, supplemental estimates, preparing articles for shipment, valuation protection for loss and damage of goods, expedited service, small shipments, temporary storage, bill of lading contracts, loss and damage claims, informal complaints, and formal complaints. The commission may also present information in different formats for various media (printed materials, on-line materials, fact sheets, brochures, etc.).

[Statutory Authority: RCW 81.04.160, 81.04.250, 81.28.040, 81.80.090, 81.80.120, 81.80.130, 81.80.290, 81.80.211, and 80.01.040. 00-14-010 (General Order No. R-471, Docket No. TV-991559), § 480-15-620, filed 6/27/00, effective 7/28/00. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-620, filed 12/15/98, effective 1/15/99.]

Part 5.2 - Estimates

WAC 480-15-630 Estimates. An estimate is a written approximation of the probable cost of a move prepared in compliance with the provisions of the household goods tariff. Estimates are based on factors such as the van space required, the weight of the household goods, the amount of time needed to complete the move, and the type of special services provided. You may provide your customer with either of two basic types of estimates:

(1) A **nonbinding estimate** which is based on an inventory of the customer's goods and provides the customer with a pricing guideline. There is no contractual commitment to this estimate, and the final charges the customer must pay could be higher or lower than the estimated cost, depending on the actual weight of the shipment, the total time consumed, or physical location at the origin and destination, or other conditions of the move; or

(2) A **binding estimate** which allows the customer to know in advance what the move will cost, regardless of differences in the actual weight or time to complete the move.

(a) The basis (such as inventory sheets, tally sheets, special instructions, etc.) used to provide a binding estimate must be attached to the bill of lading.

(b) Any change to the move, by the customer, that results in an increase in cost must be documented on a supplemental estimate form which also must be attached to the bill of lading.

(c) A binding estimate cannot exceed the highest authorized tariff rate. If a binding estimate exceeds the highest tariff rate, the carrier may not collect more than the highest authorized tariff rate.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-630, filed 12/15/98, effective 1/15/99.]

WAC 480-15-640 Verbal estimates. (1) **May I give verbal estimates to prospective shippers?** Verbal estimates are not allowed. Household goods carriers must provide all estimates to prospective shippers in writing.

(2) **What if the shipper requests a verbal estimate?** You must tell the shipper that verbal estimates are prohibited.

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However, you may inform the shipper of the applicable legal rates. For example, you may say:

(a) The hourly rate for a van and one person is (state the dollar amount you charge within the tariff range); or

(b) The rate per one hundred pounds from (origin) to (destination) is (state the dollar amount you charge within the tariff range).

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-640, filed 12/15/98, effective 1/15/99.]

WAC 480-15-650 Form of estimates. (1) **When must a household goods carrier provide a written estimate?** If a customer requests an estimate, you must provide a written estimate only after you, or your representative, have visually inspected the goods to be shipped.

(2) **What must a household goods carrier include on a written estimate?** Your written estimate must include the following information:

(a) The name, address and telephone number of the household goods carrier who will perform the service;

(b) The name, company affiliation, title and telephone number of the person preparing the estimate;

(c) The name of the customer and the receiver of the goods;

(d) The complete physical address of the origin, destination and any intermediate stops of the proposed movement;

(e) The total mileage between the origin and destination, including any intermediate stops;

(f) The rates on which the estimated charges will be based;

(g) A list of the articles upon which the estimate is based (inventory);

(h) The estimated cubic footage for each article;

(i) The estimated total weight of the shipment, based upon a formula of not less than seven pounds per cubic foot (example: A box one foot by one foot by one foot = seven pounds);

(j) An itemized statement of all known accessorial services to be performed, articles supplied, and their charges;

(k) An estimate of the total charges, including transportation and accessorial charges;

(l) A printed statement on the first page of a nonbinding estimate, in contrasting lettering, and not less than eight-point bold or full-faced type, as follows:

IMPORTANT NOTICE

This nonbinding 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. If you request additional services to complete the move or add articles to the inventory attached to this estimate, the household goods mover must prepare a supplemental estimate which will change the amount of the original estimate and may change the rate on which these new charges are based.

Household goods carriers are required by law to collect transportation and other incidental charges computed on the basis of rates shown in their lawfully published tariffs, except as provided below:

(1) A household goods carrier may not charge more than twenty-five percent more than its written nonbinding estimate for time charges for a local hourly rated move nor can the household goods carrier charge more than fifteen percent more than the written nonbinding estimate for accessorial and other services not related to time, unless the household goods carrier prepares and the shipper signs a supplemental estimate.

(2) A household goods carrier may not charge more than fifteen percent above your written nonbinding estimate for a long-distance-rated move, unless the household goods carrier prepares and the customer signs a supplemental estimate.

(3) **Must the customer sign the estimate?** Yes, customers must sign the written estimate.

(4) **How long must a household goods carrier keep written estimates?** You must keep a written estimate in your files for at least two years after you conduct the move.

(5) **What if a household goods carrier is unable to provide a written estimate?** If a customer requests a written estimate and you refuse to provide one, you may not conduct that move by agreeing to meet or beat another company's estimate.

[Statutory Authority: RCW 81.04.160, 81.04.250, 81.28.040, 81.80.090, 81.80.120, 81.80.130, 81.80.290, 81.80.211, and 80.01.040. 00-14-010 (General Order No. R-471, Docket No. TV-991559), § 480-15-650, filed 6/27/00, effective 7/28/00. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-650, filed 12/15/98, effective 1/15/99.]

WAC 480-15-660 Supplemental estimates. (1) **When must a household goods carrier prepare a written supplemental estimate?** You must provide a written supplemental estimate if you have given the customer a written estimate and the circumstances surrounding the move change in any way to cause the rate for service or the estimated charges to increase.

(2) **What rates must a household goods carrier use to prepare a supplemental estimate?** When providing a supplemental estimate you must not apply a higher rate to the articles and services identified in the original estimate. You may choose to use a higher rate for new services or additional articles not included in the original estimate.

(3) **Must the customer sign the supplemental estimate?** Yes, the customer must sign the supplemental estimate or the additional work cannot be performed.

[Statutory Authority: RCW 81.04.160, 81.04.250, 81.28.040, 81.80.090, 81.80.120, 81.80.130, 81.80.290, 81.80.211, and 80.01.040. 00-14-010 (General Order No. R-471, Docket No. TV-991559), § 480-15-660, filed 6/27/00, effective 7/28/00. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-660, filed 12/15/98, effective 1/15/99.]

WAC 480-15-670 Exceptions for nonbinding estimates. (1) **What must I do if the actual charges exceed the estimated charges?** If the actual charges exceed the estimated charges, you must:

(a) Inform the shipper of this rule as soon as possible; and

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(b) Release the shipment when the shipper pays you one hundred ten percent of the estimated charges.

(2) **How long must I allow the shipper to pay the remaining balance?** If the actual charges exceed the estimated charges and the shipper has paid you one hundred ten percent of the estimated charges, you must allow the shipper at least thirty days to pay the remaining balance. Credit and payment schedules for shipments delivered into storage are in the commission tariff.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-670, filed 12/15/98, effective 1/15/99.]

Part 5.3 - Underestimates

WAC 480-15-680 Am I required to provide an accurate estimate? It is your responsibility to issue an accurate estimate to the shipper. Shippers must be able to base their moving decisions on accurate information. This cannot occur unless you provide an accurate estimate.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-680, filed 12/15/98, effective 1/15/99.]

WAC 480-15-690 What will happen if I underestimate a household goods move? (1) You may not charge more than twenty-five percent above your written nonbinding estimate for time charges for a local hourly rated move nor can you charge more than fifteen percent above your written nonbinding estimate for accessorial and other services not related to time, unless the shipper signs a supplemental estimate.

(2) You may not charge more than fifteen percent above your written nonbinding estimate for a long distance-rated move, unless you obtain a shipper signed supplemental estimate.

(3) We may take administrative action against household goods carriers who fail to provide accurate estimates. Administrative actions may include, but are not limited to:

(a) Assessing penalties of up to one thousand dollars, per incident, under RCW 81.80.132;

(b) Suspending your permit;

(c) Initiating a proceeding to cancel your permit;

(d) Denying permanent authority if you are operating under temporary authority; or

(e) Limiting collection of excess charges.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-690, filed 12/15/98, effective 1/15/99.]

WAC 480-15-700 What are the commission's guidelines in deciding to assess monetary penalties for underestimating? The commission may assess monetary penalties against you for underestimating a move when:

(1) On long distance-rated moves, the actual total charges exceed the estimated and supplemental estimated charges by fifteen percent;

(2) On local (hourly) rated moves:

(a) The actual time charges exceed the estimated and supplemental estimated time charges by twenty-five percent; or

(b) The actual charges for accessorial and other services not related to time charges exceed the estimated charges for those services by fifteen percent.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-700, filed 12/15/98, effective 1/15/99.]

Part 5.4 - Bills of Lading

WAC 480-15-710 What is a bill of lading? A bill of lading is a shipping document issued by the household goods carrier, signed by both the shipper and the household goods carrier, that establishes the legal contract terms and conditions for a shipment of household goods.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-710, filed 12/15/98, effective 1/15/99.]

WAC 480-15-720 Who must issue bills of lading? You must issue a bill of lading for each shipment of household goods you transport.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-720, filed 12/15/98, effective 1/15/99.]

WAC 480-15-730 What is the format for bills of lading? You must use the bill of lading format shown in our published tariff.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-730, filed 12/15/98, effective 1/15/99.]

WAC 480-15-740 Information required on a bill of lading. You must list on the bill of lading all information necessary to determine tariff rates and charges. Any element that you use in determining transportation charges must be clearly shown on the bill of lading. This information includes, but is not limited to:

- (1) The date the shipment was packed, loaded, transported, delivered, unloaded and unpacked;
- (2) The number and size of each type of carton, crate, or container used in packing the customer's goods;
- (3) The exact address at which the shipment, or any part of that shipment, was loaded or unloaded;
- (4) The nature of any special services performed on behalf of the customer;
- (5) The name, address, and total charges of any third party services incurred on behalf of the customer;
- (6) Any special circumstances that entered into the determination of transportation charges (for example: Detours or road conditions that required you to take a circuitous route, thus incurring additional mileage charges);
- (7) The start time, stop time, and any interruptions for each person involved in or on a shipment rated under hourly rates:

(a) In lieu of recording each person's start time, stop time, and interruptions on the bill of lading, a carrier may

maintain a separate, but complete, record of each person's activities in sufficient detail to verify the proper rates and charges.

(b) A carrier must be able to identify, through payroll records, each person involved in a move and provide that information to commission staff on request.

(c) In all cases a carrier must record on the bill of lading the start time and stop time of any hourly rated move, and any interruptions in service;

(8) On any shipments where the customer did not receive a written estimate, you must make a notation on the bill of lading that the customer was given a copy of the brochure "Your Rights and Responsibilities as a Moving Company Customer." The customer must initial on or near your notation on the bill of lading, acknowledging receipt of the information.

[Statutory Authority: RCW 81.04.160, 81.04.250, 81.28.040, 81.80.090, 81.80.120, 81.80.130, 81.80.290, 81.80.211, and 80.01.040. 00-14-010 (General Order No. R-471, Docket No. TV-991559), § 480-15-740, filed 6/27/00, effective 7/28/00. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-740, filed 12/15/98, effective 1/15/99.]

Part 5.5 - Shipment Weights

WAC 480-15-750 How do I verify the weight of distance-rated shipments of household goods? (1) You must obtain all tare and loaded weights by having your motor vehicles weighed by a certified weighmaster or on a certified scale;

(2) You must obtain a certified tare weight prior to loading the shipper's goods;

(3) You must obtain a certified loaded weight at the point of origin, or:

(a) If no certified scale is available at the point of origin, you may obtain the loaded weight at the first certified scale located along the route of travel to the destination point; or

(b) If no certified scale is available at the point of origin, at a point along the route to the destination, or at the destination point, you may use the constructive weight of the shipment;

(4) You must obtain a weight or scale ticket from the weighmaster or scale for the tare and loaded weights, and you must maintain a copy of those tickets with the bill of lading for the shipment. The weight ticket must include substantially the same information shown below:

Household Goods Uniform Weight Ticket

Date: _____

Name of carrier: _____

Vehicle identification: _____

Name of shipper: _____

Origin of shipment: _____

Destination of shipment: _____

LOADED WEIGHT of vehicle without the crew _____ #

TARE WEIGHT of vehicle (without the crew on

board, including full fuel tank and all necessary pads, chains, hand trucks, and other equipment) _____ #

NET WEIGHT of shipment _____ #

The above loaded weight was obtained at

Name of scales: _____
Location of scales: _____

The above tare weight was obtained at

Name of scales: _____
Location of scales: _____

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 _____
Shipper: _____ Net weight _____
Shipper: _____ Net weight _____

I certify the above entries are true and correct:

(Driver's signature)

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-750, filed 12/15/98, effective 1/15/99.]

WAC 480-15-760 What are my responsibilities to notify the shipper of the actual weight and charges for the shipment? If the shipper requests notice of the actual weight and charges of the shipment following pick-up, you must notify the shipper by whatever means you and the shipper agree upon, immediately after weighing the shipment. You are responsible for the cost of notifying the shipper.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-760, filed 12/15/98, effective 1/15/99.]

WAC 480-15-770 Must I reweigh the shipment at the point of delivery if the shipper requests it? Yes, upon shipper request, you must reweigh the shipment at the point of delivery. The shipper is responsible for the cost of reweighing the shipment. Prior to reweighing the shipment, you must notify the shipper of the cost of reweighing.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-770, filed 12/15/98, effective 1/15/99.]

Part 5.6 - Refusal of Service

WAC 480-15-780 When may I refuse to provide service to a shipper? You may refuse to provide service to a shipper if:

- (1) The move will cause you to travel outside of the service territory listed on your permit;

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(2) Service to a shipper will adversely affect service to other shippers, subject to review by the commission;

(3) The shipper fails to provide accurate and verifiable information necessary to establish the shipper's identity;

(4) The shipper uses an alias or false name with intent to deceive;

(5) 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 a motor vehicle;

(6) When driving onto private property, in your judgment, driveways or roads are improperly constructed or maintained, or without adequate space to turn around, or have other unsafe conditions;

(7) Satisfactory service cannot be given, or providing service would adversely affect the health or safety of your employees;

(8) You do not have suitable equipment necessary to perform the service.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-780, filed 12/15/98, effective 1/15/99.]

WAC 480-15-790 When must I not refuse service?

You must not refuse service due to discrimination on the basis of race, creed, color, national origin, sex, marital status, sexual orientation, age, or the presence of any sensory, mental or physical handicap.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-790, filed 12/15/98, effective 1/15/99.]

WAC 480-15-795 Payment options. You may accept payment for a move by cash, money order, or certified check. You may also extend credit to your customer, at your option, by accepting a personal check or credit card. However, if you agree to accept credit terms at the beginning of the move, you must accept the same credit terms for payment of any monies due to you during any part of the move and at the end of the move for the final payment.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-795, filed 12/15/98, effective 1/15/99.]

Part 5.7 - Complaint and Claim Procedures

WAC 480-15-800 What must I do if a shipper is not satisfied with my service? If a shipper is not satisfied with your service, you must allow the shipper to speak with you, or a representative of your company, and you must provide the shipper with all information and forms necessary to file a complaint or claim. The shipper has nine months from the delivery date or the date the household goods should have been delivered, to file a claim for loss and damage. The shipper must pay all proper charges for the move prior to filing a claim for loss or damage.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-800, filed 12/15/98, effective 1/15/99.]

WAC 480-15-810 What must I do when I receive a complaint or claim? If your shipper files a complaint or claim concerning loss or damage, or your general service operations, or rates and charges, you must:

- (1) Notify the customer, in writing, within ten working days that you have received the claim or complaint;
- (2) Investigate the claim or complaint quickly;
- (3) Advise the shipper of your resolution; and
- (4) If it is a loss or damage claim, pay the claim, refuse the claim, or make a compromise offer within one hundred twenty days.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-810, filed 12/15/98, effective 1/15/99.]

WAC 480-15-820 What must I do if I cannot resolve a claim within one hundred twenty days? If you cannot resolve a loss or damage claim with your shipper within one hundred twenty days, you must, for each sixty-day period until the claim is settled, inform your shipper, in writing, of the reason for your failure to resolve the claim or clearly state your final offer or denial and close the claim.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-820, filed 12/15/98, effective 1/15/99.]

WAC 480-15-830 How long must I keep complaint and claim records? (1) You must keep all papers relating to claim records for loss or damage, concealed or otherwise, for six years.

(2) You must keep all records of complaints in your office for not less than three years after the date of the shipment, or date of resolution, whichever is later.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-830, filed 12/15/98, effective 1/15/99.]

WAC 480-15-840 Are complaint or claim records subject to commission review and in what order must I keep the records? Yes, complaint or claim records are subject to commission review. You must number all complaints and claims consecutively and maintain a complaints and claims register.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-840, filed 12/15/98, effective 1/15/99.]

WAC 480-15-850 What additional requirements exist if a claim involves more than one carrier? If more than one household goods carrier is involved in a damage claim, each household goods carrier must keep all paperwork relating to the claim, and each must show the percentage and amount of the total claim paid by each.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-850, filed 12/15/98, effective 1/15/99.]

WAC 480-15-860 What information must be included in the claim or complaint record? You must

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include, at a minimum, the following information in a claim or complaint record:

- (1) The date the claim or complaint was received;
- (2) The name, address and telephone number of the shipper;
- (3) Detailed information about the dispute;
- (4) Details of any action you have taken in response to the claim or complaint; and
- (5) The date the claim or complaint was resolved and a description of the final disposition.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-860, filed 12/15/98, effective 1/15/99.]

WAC 480-15-870 What must I do if, after review, the shipper is still dissatisfied with the resolution of the complaint or claim? If you are unable to satisfy the shipper's dispute, you must advise the shipper of the availability of the commission for further review. You must provide the shipper with the commission's toll-free number and mailing address: 1-800-562-6150; P.O. Box 47250, Olympia, Washington 98504-7250.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-870, filed 12/15/98, effective 1/15/99.]

WAC 480-15-880 Must I respond to all written correspondence, complaints and claims? You must acknowledge and consider all written correspondence, complaints and claims.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-880, filed 12/15/98, effective 1/15/99.]

WAC 480-15-890 What must I do if the commission refers a complaint to me? You must:

- (1) Respond with complete investigation results within five business days. However, small businesses, as defined in WAC 480-15-020, must respond within ten business days. In addition, any person may request and commission staff may grant, if warranted, an extension of time for a specific number of days;
- (2) Respond to commission staff inquiries regarding the complaint; and
- (3) Keep the commission currently informed of any progress made in resolving the complaint.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-890, filed 12/15/98, effective 1/15/99.]

Part 6 - INTERSTATE OPERATIONS

WAC 480-15-900 General requirements for interstate operations. (1) **General requirements:** No household goods carrier may operate any motor vehicle or combination of motor vehicles over the public highways of this state in interstate commerce unless the household goods carrier has:

- (a) Obtained the appropriate operating authority from the U.S. Department of Transportation (USDOT) or its successor agency, if operating as a registered carrier;

- (b) Obtained valid insurance as required by USDOT;
- (c)(i) Registered with a base state as required by 49 CFR Part 1023, if operating as a registered carrier; or
- (ii) Registered with the commission if operating as a registered exempt carrier; and
- (d) Paid the annual Washington state registration fee for the vehicle.

(2) Applicable laws and rules:

- (a) When conducting interstate operations, registered and registered exempt carriers and the motor vehicles they operate must comply with the laws and rules that apply to interstate operations.
- (b) When conducting Washington intrastate operations, registered and registered exempt carriers and the motor vehicles they operate must comply with the laws and rules that apply to intrastate operations.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-900, filed 12/15/98, effective 1/15/99.]

WAC 480-15-910 How do I register as a registered carrier? (1) Washington participates in the base state insurance registration program established in 49 USC § 11506 and 49 CFR part 1023. To register as a registered carrier in interstate commerce within the state of Washington, you must register with a base state, pay the appropriate fee for any motor vehicles operated within Washington state, and show proof of insurance.

(2) Motor carriers based outside of Washington state. Any motor carrier whose base state, as defined in federal regulation, is a state other than the state of Washington must register with that state and carry a legible receipt in each motor vehicle operated within the state of Washington showing base state registration, payment of the appropriate per vehicle fee, and proof of insurance.

(3) Washington-based motor carriers. Any motor carrier whose base state, as defined in federal regulation, is Washington state must register for interstate operations as follows:

(a) Between August 1 and November 30 of each year, each Washington-based interstate motor carrier must apply to the commission to register for the following year, on forms provided by the commission.

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

(c) Within thirty days after receiving the registration fee and application, the commission will provide to the carrier a receipt or receipts showing, at a minimum, the carrier's name and address, its USDOT permit number, and the names of the states for which it is registered.

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

(e) Any Washington-based motor 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 motor vehicles to be operated in each state and submitting the

required information and registration fee for each motor vehicle. The commission will provide a new receipt, if the motor carrier has not previously registered, or supplemental receipt, if it has registered, showing the states for which the motor carrier has registered.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-910, filed 12/15/98, effective 1/15/99.]

WAC 480-15-920 How do I register as a registered exempt carrier? (1) If you are operating under the exemptions of the Federal Motor Carrier Act, with no authority issued by the USDOT or its successor agency, you may not operate over the public highways of the state of Washington unless you register with the commission between August 1 and November 30 of each year, or at any time after November 30 when you begin interstate exempt operations, or when you will operate additional motor vehicles within the state.

(2) To register with the commission as a registered exempt carrier, you must:

- (a) Complete a registration application on a form provided by the commission;
- (b) Identify the number of motor vehicles you will operate within the state;
- (c) Pay the registration fee for each motor vehicle; and
- (d) Provide proof of insurance.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-920, filed 12/15/98, effective 1/15/99.]

WAC 480-15-930 Registration fee and receipts. (1) **Registration fee.** The annual registration fee for registered and registered exempt carriers in Washington state is ten dollars for each motor vehicle operated in interstate commerce over the public highways of the state.

(2) Registration receipts.

(a) A legible receipt showing registration with a base state or the commission as a registered or registered exempt carrier must be present in each motor vehicle and the receipt is subject to inspection at all times by law enforcement agents and commission representatives. No person or firm may use a registration receipt issued by the commission other than the registered or registered exempt carrier to whom it was issued.

(b) All receipts issued for a calendar year expire on December 31 of that year.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-930, filed 12/15/98, effective 1/15/99.]

WAC 480-15-940 Insurance requirements for interstate operations. Registered and registered exempt carriers conducting interstate operations must provide evidence of insurance in the amount prescribed by the USDOT or its successor agency written by a company authorized to write insurance in any state.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-940, filed 12/15/98, effective 1/15/99.]

Chapter 480-30 WAC
AUTO TRANSPORTATION COMPANIES

WAC

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480-30-105	Depot and terminal facilities.
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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 April 1, 1999.

(2) "Title 49 Code of Federal Regulations", cited as 49 CFR, includes the regulations and all appendices and amendments in effect on October 1, 1998.

(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 34.05.310, 34.05.356, 80.01.040, 80.04.160 and 80.04.160 [81.04.160], 99-20-013 (Order R-465, Docket No. A-980247), § 480-30-015, filed 9/24/99, effective 10/25/99. 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;

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(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—

(2001 Ed.)

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 per-

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

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

(3) Time schedules must show:

1st. The time of arrival and departure at and from all termini.

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

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

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

Time Schedule No. 2
Cancels
Time Schedule No. 1

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

Issued June 8, 1967 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
3.7	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	" 7:18	8:48	11:18	1:48	3:48	5:48	9:48
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.	" 8:18	9:48	12:48	2:48	4:48	6:38	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
9.3	Wenatchee River Bridge	" 8:32	10:02	1:02	3:02	5:02	6:52	10:47
12.5	Wenatchee	Ar. 8:40	10:10	1:10	3:10	5:10	7:00	11:00

Explanatory Notes: @ Daily except Sunday; # Sunday only; X Saturday only.

Time Schedule No. 2
Cancels
Time Schedule No. 1

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

Issued June 8, 1967 Effective June 21, 1967
Issued by Walter A. Keys
Title, Owner and Manager
St. Address, 123 So. Wenatchee Ave.
City and State, Wenatchee, Wash.

Leave Wenatchee Read Down				Leave Cashmere Read Up			
Daily	Sunday Only	Daily Ex. Sun.	Mileage	From Wenatchee to	Daily	Sunday Only	Daily Ex. Sun.
AM	PM	PM			AM	PM	PM
Lv. 11:00	1:30	5:30	0.0	Wenatchee	Ar. 10:40	1:10	5:10
" 11:08	1:38	5:38	3.7	Wenatchee River Bridge	Lv. 10:32	1:02	5:02
" 11:09	1:39	5:39	3.3	Olds Corner	" 10:31	1:01	5:01
" 11:12	1:42	5:42	4.4	Sunnyslope	" 10:29	12:59	4:59
" 11:16	1:46	5:46	6.0	Burkeys Corner	" 10:22	12:52	4:52
" 11:23	1:53	5:53	8.1	Monitor P. O.	" 10:16	12:46	4:46
" 11:29	1:59	5:59	9.3	Red Bridge	" 10:11	12:41	4:41
Ar. 11:40	2:10	6:10	12.5	Cashmere	Lv. 10:00	12:30	4:30

Explanatory notes:

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

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

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

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

3rd. The notice to the public specified above must be given by posting a copy or copies of said notice in conspicuous places at each station, also at each passenger facility and on each vehicle continuously assigned to the route or routes affected. The notice must plainly indicate that the notice has been posted "in compliance with regulations of the Utilities and Transportation Commission, 1300 S. Evergreen Park Drive S.W., Olympia, Washington, 98504-8002."

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

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

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

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

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

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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 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-*

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

(11) Accidents occurring in this state arising from or in connection with the operations of any auto transportation company operating under chapter 81.68 RCW resulting in an injury to any person, or the death of any person shall be reported by such carrier to the commission as soon as possible, but in no event later than twelve hours after the occurrence of the accident. The occurrence of such accidents shall be reported to the commission by telephone at the following numbers: 1-800-562-6150; or if the call is made from out of the state: 1-360-586-1119. 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, non-profit 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:

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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 480-31 WAC

PRIVATE, NONPROFIT TRANSPORTATION PROVIDERS

WAC

480-31-010	Purpose.
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480-31-130	Operation of motor vehicles.
480-31-140	Safety inspections.

WAC 480-31-010 Purpose. The purpose of this section is to ensure that private, nonprofit transportation providers, who primarily operate by using revenues received from governmental grants and/or charitable organizations, do so in a manner that is safe and reasonable for persons with special transportation needs.

[Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW, 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-010, filed 3/27/97, effective 4/27/97.]

WAC 480-31-020 Application of rules. These rules will apply to any private, nonprofit transportation provider so defined by the laws of the state of Washington, engaged in the business of providing transportation subject to the jurisdiction of this commission for persons with special transportation needs.

Any tariff filed by a provider will 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 provider or any other person or corporation are subject to appeal to the commission by any interested and proper party affected.

Upon proper showing of any provider, the commission may waive or modify, as to that provider, the provisions of

any rule herein, except when such provisions are fixed by statute. No deviation from these rules will be permitted without written authorization by the commission. Violations will be subject to the penalty provisions of chapter 81.04 RCW.

The adoption of these rules will 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 or standard, not otherwise herein provided for either upon complaint or upon its own motion, or upon the application of any party, and further, these rules will in no way relieve any provider from any of its duties under the laws of the state of Washington.

Whenever the designation "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 this section, such designations for the purpose of this rule will mean the "Washington utilities and transportation commission."

[Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-020, filed 3/27/97, effective 4/27/97.]

WAC 480-31-030 Definitions. Unless the language or context indicates that a different meaning is intended, the following words, terms, and phrases will, for the purpose of this chapter, mean the following:

- (1) State - The state of Washington.
- (2) Commission - The Washington utilities and transportation commission.
- (3) Certificate - A grant of authority issued by the commission to a private, nonprofit transportation provider for the transportation of persons with special transportation needs as provided in chapter 81.66 RCW.
- (4) Corporation - A corporation, company, association, or joint stock association.
- (5) Public highway - Every street, road or highway in this state.
- (6) Motor vehicle - Every self-propelled vehicle with seating capacity of seven or more persons, including the driver.
- (7) Commercial motor vehicle - A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle is designed to transport sixteen or more passengers, including the driver.
- (8) Person - An individual, firm, or copartnership.
- (9) Private, nonprofit transportation provider - A private, nonprofit corporation providing transportation services for compensation to persons with special transportation needs.
- (10) Provider - Private, nonprofit transportation provider.
- (11) Persons with special transportation needs - Those persons, including their personal attendants, who because of physical or mental disability, income status, or age are unable to transport themselves or to purchase appropriate transportation.
- (12) Tariff - A public document setting forth services being offered, rates and charges with respect to services and governing rules, regulations and practices relating to those services.

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(13) Donation - A gift without compulsion or consideration, that is, resting solely on the generosity of the donor.

[Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-030, filed 3/27/97, effective 4/27/97.]

WAC 480-31-040 Licenses, and rules and regulations. No provider may operate a motor vehicle upon the public highways of this state until the owner of the vehicle or person lawfully responsible for the vehicle has complied with the laws of this state pertaining to licenses, obtained a certificate from the commission, and complied with all rules and regulations of the commission governing the operation of private, nonprofit transportation providers.

[Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-040, filed 3/27/97, effective 4/27/97.]

WAC 480-31-050 Certificates. (1) The commission will issue a certificate to any corporation which files a completed application, as provided by the commission, which provides:

- (a) Satisfactory proof of its status as a private, nonprofit corporation;
 - (b) Information sufficient to determine the particular service to be provided;
 - (c) Satisfactory proof of insurance or surety bond, in accordance with WAC 480-31-070;
 - (d) The number and type of vehicles to be operated, together with satisfactory proof that the vehicles are adequate for the proposed service, that the vehicles are or will be licensed in compliance with the laws of the state, and that drivers of such vehicles will be adequately trained and qualified;
 - (e) Any proposed rates, fares, or charges.
- (2) Applications for certificates must be on forms to be furnished by the commission, giving all information requested and accompanied by a fifty dollar application fee.
- (3) Remittances will be made by money order, bank draft, personal check or certified check, made payable to the Washington utilities and transportation commission.
- (4) No provider may operate, establish, or begin operation of any business for the purpose of transporting persons with special transportation needs on the public highways of this state, without first having obtained from the commission a certificate.

(5) 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 copy thereof filed with the commission.

(6) Each vehicle operated by a provider must carry a copy of the company's certificate, and will be subject at all times to inspection by an authorized representative of the commission.

(7) Any certificate to operate as a private, nonprofit transportation provider obtained by any false affidavit or representation will be subject to cancellation by the commission.

(8) No certificate will be sold, assigned, leased, acquired, or transferred except upon authorization of the commission.

[Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-050, filed 3/27/97, effective 4/27/97.]

WAC 480-31-060 Tariff. (1) Each provider that assesses to or collects charges, rates, or fares from passengers must file with the commission a tariff setting forth its rates on forms provided by the commission. However, it is not required that a tariff be filed to cover collection of donations when the donations are entirely voluntary and a specific amount is not required to ride in the motor vehicle.

(2) In the event that a provider proposes a new tariff or amendment which will effect an increase in fares, rates or charges, or will in any respect restrict the service offered under the currently effective 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. A copy of the notice must be placed in a conspicuous place on each vehicle. The notice must plainly indicate that the notice has been posted "in compliance with regulations of the Washington utilities and transportation commission," and state the commission's mailing address. A waiver of the thirty-day notice provision may be applied for on forms provided by the commission.

(3) Any provider that receives compensation solely from private, governmental or charitable grants or contracts and donations is not required to file tariffs with the commission concerning these contracts or donations.

[Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-060, filed 3/27/97, effective 4/27/97.]

WAC 480-31-070 Insurance. (1) Evidence of liability and property damage insurance or a surety bond must be on file before a certificate will be issued. The insurance or surety bond must have been written by a company authorized to write such insurance in the state of Washington. The combined bodily injury and property damage liability insurance or surety bond must not be less than:

Five hundred thousand dollars combined single limit for vehicles with a passenger capacity of less than sixteen passengers, including the driver;

One million dollars combined single limit for vehicles with a passenger capacity of sixteen or more passengers, including the driver.

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

(2) Evidence of insurance must be submitted on a "uniform motor carrier bodily injury and property damage liability certificate of insurance (form E).

(3) All liability and property damage insurance policies issued to providers must carry a "uniform motor carrier bodily injury and property damage liability endorsement."

(4) Insurance termination. All insurance policies issued must provide that the same will continue in full force and effect until canceled by at least thirty days written notice served on the insured and the commission by the insurance company. The thirty-day notice will commence to run from the date notice is actually received by the commission, except

for binders which may be canceled on ten days' written notice.

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

(5) No provider may operate upon the public highways of this state without insurance as required by this section. The permit of any provider who fails to maintain evidence on file that its insurance is in current effect will 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 providers of impending suspension for failure to maintain evidence of insurance and enter a timely order of suspension, but failure to do so will not invalidate the suspension.

[Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-070, filed 3/27/97, effective 4/27/97.]

WAC 480-31-080 Fees and annual report. (1) A provider must pay to the commission the sum of ten dollars annually for each vehicle operated. The annual fee must be paid with the filing of the annual report of the provider.

(2) At the close of each calendar year, every provider must secure from the commission the proper forms and file with the commission its annual report as soon as possible after the close of the calendar year, but no 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.

[Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-080, filed 3/27/97, effective 4/27/97.]

WAC 480-31-090 Passenger complaints and disputes. Any complaint or dispute involving a passenger and a provider for which the commission has jurisdiction must be treated in the following manner:

(1) Each complaint or dispute received by a provider from a passenger must be investigated promptly as required by the particular case, and the results reported to the passenger. When the circumstances indicate the need for corrective action, such action must be taken as soon as possible.

(2) Each provider must ensure that personnel engaged in initial contact with a dissatisfied or complaining passenger will inform the passenger that if dissatisfied with the decision or explanation provided, the passenger has the right to have the problem considered and acted upon by supervisory personnel. The passenger must be provided with the name or department of such supervisory personnel and a telephone number by which they can be reached.

(3) Each provider must ensure that supervisory personnel contacted by a dissatisfied passenger will inform a still-dissatisfied passenger of the availability of the commission for further review of any complaint or dispute. The telephone number and address of the commission must also be provided.

(4) All parties to a dispute between a passenger and the provider 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 provider by the commission, the provider must, within two business days, report the results of any investigation made regarding the complaint to the commission and must 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, the provider may request an extension of time.

(6) Records - each provider must keep a record of all complaints concerning its service or rates. The record must 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 must be maintained in a suitable place readily available for commission review and will be provided to the commission upon request.

All written complaints made to a provider must be acknowledged within five business days. Correspondence and records of complaints must be retained by the provider for a minimum period of one year.

[Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-090, filed 3/27/97, effective 4/27/97.]

WAC 480-31-100 Equipment—Safety. In addition to other laws and regulations of this state, all providers must comply with the following:

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 (Driving of Motor Vehicles), part 393 (Parts and Accessories Necessary for Safe Operation), part 396 (Inspection, Repair and Maintenance), and part 397 (Transportation of Hazardous Materials; Driving and Parking rules).

The commission adopts by reference the provisions of federal rules in effect on October 1, 1998. The material incorporated by reference in this section is available for public examination in the Washington utilities and transportation commission branch of the Washington state library associated with the commission's headquarters office in Olympia and is available for purchase at the Seattle office of the government printing office.

[Statutory Authority: RCW 34.05.310, 34.05.356, 80.01.040, 80.04.160 and 80.04.160 [81.04.160]. 99-20-013 (Order R-465, Docket No. A-980247), § 480-31-100, filed 9/24/99, effective 10/25/99. Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-100, filed 3/27/97, effective 4/27/97.]

WAC 480-31-110 Identification of motor vehicle equipment. Providers must display identification markings on the driver and passenger side of the vehicles.

The markings must include the name of the provider as registered with the commission and the certificate number. Provided however, providers holding both intrastate and interstate authority may display either the U.S. Department of

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Transportation certificate number, commission certificate number, or both.

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 sides of the vehicle.

Vehicles operated by or under lease must display the name and permit number of either the business operating the vehicle or the registered owner. The markings may be permanent or placards on the driver and passenger sides of the vehicle.

When identification of the provider would create an embarrassment to the persons with special transportation needs, the name of the provider may be omitted when authorized by letter from the secretary of the commission.

The commission adopts by reference the provisions of federal rules cited in this section. The material incorporated by reference in this section is available for public examination in the Washington utilities and transportation commission branch of the Washington state library associated with the commission's headquarters office in Olympia and is available for purchase at the Seattle office of the government printing office.

[Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-110, filed 3/27/97, effective 4/27/97.]

WAC 480-31-120 Equipment—Inspection—Ordered for repairs. (1) All motor vehicles operated by providers must be maintained in a safe and sanitary condition. They must at all times be subject to inspection by the commission and its duly authorized representatives who will have power to order out-of-service any vehicle failing to meet the standards set forth in this section, or if not being operated in compliance with state laws in regard to equipment or method.

(2) Every provider must ensure that all its vehicles are regularly inspected, repaired and maintained, as required by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 396 (Inspection, Repair and Maintenance).

(3) All vehicle parts and accessories must be in safe and proper working condition at all times.

(4) Equipment standards. The purpose of this subsection is to identify critical vehicle inspection items and provide criteria for placing a vehicle(s) in an out-of-service category. The criteria for out-of-service condition are those defined in the current North American Uniform Out-Of-Service Criteria.

Out-of-service condition. When any motor vehicle(s) is in out-of-service condition, no provider will require nor will any person operate such motor vehicle until all required repairs have been satisfactorily completed. The commission adopts by reference the "North American Uniform Out-Of-Service Criteria" published by the Commercial Vehicle Safety Alliance in effect on April 1, 1999. These documents may be viewed at the Washington utilities and transportation commission branch of the Washington state library.

[Statutory Authority: RCW 34.05.310, 34.05.356, 80.01.040, 80.04.160 and 80.04.160 [81.04.160]. 99-20-013 (Order R-465, Docket No. A-980247), §

480-31-120, filed 9/24/99, effective 10/25/99. Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-120, filed 3/27/97, effective 4/27/97.]

WAC 480-31-130 Operation of motor vehicles. (1)

All motor vehicles must be operated in accordance with the requirements of existing state laws and no driver or operator will 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.

(2) Qualification of drivers. The rules and regulations governing qualifications of drivers prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 391 (Qualifications of Drivers), are adopted and prescribed by the commission to be observed by all providers. Vehicles meeting the definition of a commercial motor vehicle must also comply with part 382 (Controlled Substances and Alcohol Use and Testing), and part 383 (Commercial Driver's License Standards; Requirements and Penalties).

(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 39 (Hours of Service of Drivers), are adopted and prescribed by the commission.

(4) No driver or operator of a motor vehicle carrying passengers may smoke any cigar, cigarette, tobacco or other substance in such vehicle while driving the vehicle.

(5) No driver or operator of any motor vehicle will permit smoking on said vehicle by passengers or other persons.

Suitable signs, of sufficient size and number to adequately inform passengers, must be placed in buses to inform passengers that smoking is not permitted in the motor vehicle.

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

(7) The driver or operator of any motor vehicle may refuse to carry any person who is in an intoxicated condition or conducting themselves in an unreasonably boisterous or disorderly manner or is using profane language, or whose condition is such as to be obnoxious to other passengers. 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.

(8) The commission adopts by reference the provisions of federal rules cited in this section in effect on October 1, 1998. The material incorporated by reference in this section is available for public examination in the Washington utilities and transportation commission branch of the Washington state library associated with the commission's headquarters office in Olympia and is available for purchase at the Seattle office of the government printing office.

[Statutory Authority: RCW 34.05.310, 34.05.356, 80.01.040, 80.04.160 and 80.04.160 [81.04.160]. 99-20-013 (Order R-465, Docket No. A-980247), § 480-31-130, filed 9/24/99, effective 10/25/99. Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-130, filed 3/27/97, effective 4/27/97.]

WAC 480-31-140 Safety inspections. All providers must keep on file in their main office, subject to inspection by an authorized representative of the commission, or subject to provision to the commission upon request:

(1) Description of each vehicle used, including make, serial number, and year. If the provider does not own the vehicle, the records must show the name of the person providing the vehicle;

(2) Driver's hours of service (duty status);

(3) Each driver's license number;

(4) Records of complaints, as required by WAC 480-31-090;

(5) Records of repair, inspection and maintenance, to include their date and type, as required by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 396;

(6) The commission adopts by reference the provisions of federal rules cited in this section in effect on October 1, 1998. The material incorporated by reference in this section is available for public examination in the Washington utilities and transportation commission branch of the Washington state library associated with the commission's headquarters office in Olympia and is available for purchase at the Seattle office of the government printing office.

[Statutory Authority: RCW 34.05.310, 34.05.356, 80.01.040, 80.04.160 and 80.04.160 [81.04.160]. 99-20-013 (Order R-465, Docket No. A-980247), § 480-31-140, filed 9/24/99, effective 10/25/99. Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-140, filed 3/27/97, effective 4/27/97.]

Chapter 480-40 WAC

PASSENGER CHARTER CARRIERS

WAC

480-40-010	Definitions.
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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;

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(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 April 1, 1999.
- (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 October 1, 1998.
- (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 34.05.310, 34.05.356, 80.01.040, 80.04.160 and 80.04.160 [81.04.160]. 99-20-013 (Order R-465, Docket No. A-980247), § 480-40-015, filed 9/24/99, effective 10/25/99. 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

EXCURSION SERVICE COMPANY

	Effective 5/1/90	Effective 5/1/90	Effective 6/1/92	Effective 6/1/92
(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 commission shall have the power to order out-of-service any driver found to be operating in violation of those rules and regulations. The criteria for conditions under which a driver may be ordered out-of-service are those defined in the *North American Uniform Out-Of-Service Criteria*. Copies of this document are available from the commission upon request.

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

(Order R-315, Docket No. TV-2285), § 480-40-100, filed 2/27/90, effective 3/30/90.]

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.

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(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 cre-

ate 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 considered with the initial application and will not be decided until after the conclusion of proceedings resolving the initial application and any other application qualifying for joint consideration.

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

- (a) The portions to be heard do not overlap a prior pending application; and
- (b) The overlapping portions may appropriately be severed from the portions to be heard.

[Statutory Authority: RCW 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____.

(2001 Ed.)

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	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.

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 cancelling 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>	
<i>0.0</i>	<i>Lv. PONSEND</i>	<i>7:30</i>	<i>2:30</i>	<i>5:30</i>	
<i>18.5</i>	<i>Lv. CORTANA</i>	<i>8:45</i>	<i>3:45</i>	<i>6:45</i>	
<i>32.5</i>	<i>Ar. BELL</i>	<i>9:30</i>	<i>4:30</i>	<i>7:30</i>	

<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>	
<i>0.0</i>	<i>Lv. BELL</i>	<i>10:00</i>		<i>5:00</i>	<i>8:00</i>
<i>14.0</i>	<i>Lv. CORTANA</i>	<i>10:45</i>		<i>5:45</i>	<i>8:45</i>
<i>32.5</i>	<i>Ar. PONSEND</i>	<i>12:00</i>		<i>7:00</i>	<i>10:00</i>

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

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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 cer-

tificate 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), § 480-51-130, 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 forfeiture 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.
- 480-60-012 Contacting the commission.
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- 480-60-020 Exemptions.
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- 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.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 480-60-070 Marking of cars. [Order R-5, § 480-60-070, filed 6/6/69, effective 10/9/69.] Repealed by 00-04-011 (Order No. R-469, Docket No. TR-981101), filed 1/21/00, effective 2/21/00. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 480-60-99002 Table—Class of highway. [Order R-5, Table (codified as WAC 480-60-99002), filed 6/6/69, effective 10/9/69.] Repealed by 00-04-011 (Order No. R-469, Docket No. TR-981101), filed 1/21/00, effective 2/21/00. Statutory Authority: RCW 81.04.160 and 80.01.040.
- 480-60-99003 Diagram—Clearance diagram for underpasses two-way highway traffic. [Order R-5, Diagram (codified as WAC 480-60-99003), filed 6/6/69, effective 10/9/69.] Repealed by 00-04-011 (Order No. R-469, Docket No. TR-981101), filed 1/21/00, effective 2/21/00. Statutory Authority: RCW 81.04.160 and 80.01.040.

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) The rules in this chapter apply to all common carrier railroad companies operating within the state of Washington, including any facilities or structures owned or operated by the railroad, and to the construction and reconstruction of tracks or structures adjacent thereto.

(2) A railroad company must not operate any equipment over tracks where the clearances are less than those required by these rules, unless a commission order has been entered granting an exemption or an exemption is contained in these rules.

(3) Side clearances are based on the assumption that equipment used on tracks is not greater than ten feet ten inches wide. Height clearances are based on the assumption that equipment used on tracks is not higher than fifteen feet six inches. If equipment exceeds ten feet ten inches in width, the railroad must comply with WAC 480-60-080.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-60-010, filed 1/21/00, effective 2/21/00; Order R-5, § 480-60-010, filed 6/6/69, effective 10/9/69.]

WAC 480-60-012 Contacting the commission. You may contact the commission in writing, in person, by telephone, by e-mail, or by facsimile. The commission's location, mailing address, e-mail address and telefax number are found in WAC 480-09-100. The commission's internet home page address is found in WAC 480-04-050.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-60-012, filed 1/21/00, effective 2/21/00.]

WAC 480-60-014 Rules of practice and procedure.

The commission's rules governing administrative practices and procedures are in chapter 480-09 WAC. When a rule in this chapter conflicts with a rule in chapter 480-09 WAC, the rule in this chapter applies to railroad companies.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-60-014, filed 1/21/00, effective 2/21/00.]

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 required by these rules, but were lawfully created prior to October 9, 1969, the minimum clearances required by these rules must be provided whenever the building, structure, or facility is relocated or reconstructed. However, the commission will consider specific requests for the future continuance of these previously lawful clearances when the railroad or owner or manager of the building, structure, or facility applies for an exemption under the provision set forth below.

(2) Where restricted clearances are unavoidable, the following moves are allowed without requesting an exemption from the commission:

(a) The movement of material over tracks when the material is needed for the construction or maintenance of the tracks;

(b) The movement of special work equipment used in the construction, maintenance or operation of the railroad;

(c) Movements during periods of actual emergency due to wrecks, derailments, washouts and like conditions;

(d) All movements authorized in this subsection may be made only after all reasonable steps are taken to provide for the safety of all who could be harmed by the move.

(3) The commission may grant an exemption of any rule in this chapter, if consistent with the public interest, the purposes underlying regulation, and applicable statutes.

(4) To request a rule exemption, a person must file with the commission a written request identifying the rule for which an exemption is sought, and giving a full explanation of the reason the exemption is requested.

(5) The commission will assign the request a docket number, if needed, and schedule the request for consideration at one of its regularly scheduled open meetings or, if appropriate under chapter 34.05 RCW, in an adjudication. The commission will notify the person requesting the exemption, and other interested persons, of the date the commission will consider the request.

(6) The commission will enter an order granting or denying the request, or setting it for hearing pursuant to chapter 480-09 WAC.

(7) Logging railroads, or any operation directly incident to logging, now subject to the provisions of the safety standards for logging operations in chapter 296-54 WAC, published by the division of safety of the department of labor and industries of the state of Washington, are exempted from these rules.

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[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-60-020, filed 1/21/00, effective 2/21/00; Order R-5, § 480-60-020, filed 6/6/69, effective 10/9/69.]

WAC 480-60-030 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

"Car width" means twice the distance from the centerline of the car to its extreme outside part.

"Commission" means the Washington utilities and transportation commission.

"Icing platforms" means structures used in performing the service of icing, precooling, heating, ventilating and servicing of cars used in the handling of commodities requiring those services.

"Overcrossing" means any point or place where a highway crosses a railroad by passing above it.

"Overhead clearance" means the distance measured along a line which is perpendicular to and joins a horizontal plane passing through the top of the highest rail and a horizontal plane passing through the lowest point of the overhead structure or obstruction.

"Side clearance" means 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.

"Track clearance" means the shortest distance between the centerlines of adjacent tracks.

"Walkways" means pathways located alongside or in the vicinity of a railroad track, or on a trestle or bridge, that provide an area for a railroad employee to perform duties associated with the track, trestle or bridge.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-60-030, filed 1/21/00, effective 2/21/00; Order R-5, § 480-60-030, filed 6/6/69, effective 10/9/69.]

WAC 480-60-035 Walkways. (1) Walkways must be provided in yards where employees regularly work on the ground.

(2) Ease and safety of walking are the primary considerations for providing walkways. Ease and safety of walking and adequate track drainage are the primary considerations for selecting surface materials. Accordingly, walkways required by this rule must have a reasonably smooth surface and be maintained in a safe condition, without compromising track drainage. Any of the following are suitable surface materials:

(a) Crushed material may be used for walkways. The material must not exceed one and one-half inches in size. The term "one and one-half inches in size" has a specialized meaning. That meaning can vary from company to company within the industry. For purposes of this rule, the term will have the following meaning (note: Percentages refer to weight measurements):

100 percent of the material will pass through a one and one-half inch square sieve opening.

90 to 100 percent of the material will pass through a one inch square sieve opening.

40 to 80 percent of the material will pass through a three-quarter inch square sieve opening.

15 to 60 percent of the material will pass through a one-half inch square sieve opening.

0 to 30 percent of the material will pass through a three-eighths inch square sieve opening.

0 to 10 percent of the material will pass through a #4 sieve (standard nomenclature in the industry).

0 to 5 percent of the material will pass through a #8 sieve.

0 to 0.5 percent of the material will pass through a #200 sieve.

Note: Smaller crushed material is preferable. It should be used where drainage and durability issues do not arise. Material that is three-quarter inch or less in size is recommended for switching leads in yards.

(b) Walkway surfaces may also be made of asphalt, concrete, planking, grating, or other similar material suitable for walking.

(c) Native materials may be used for a walkway surface if the materials provide a surface that is reasonably smooth and safe.

(3) Walkways must not have a grade or slope in excess of one inch of elevation for each eight inches of horizontal length in any direction, unless the geography of the area makes this impracticable.

(4) Walkways must be kept clear of vegetation, debris, mud, and other obstructions that constitute a hazard to railroad employees working on the ground. Standing water must be removed from walkways as soon as reasonably possible.

(5) When walkways are removed or damaged due to construction or emergencies, they must be restored within thirty days after construction is completed or the emergency ends.

(6) Walkways must be sufficiently wide to allow employees to safely perform all duties associated with the use of the walkways.

(7) Walkways on bridges and trestles existing on (effective date of this rule), must not be permanently removed without approval from the commission. Permission must be obtained by the process set forth in WAC 480-60-020. Walkways on bridges or trestles that are temporarily removed or damaged due to construction or emergencies must be restored within thirty days after construction is completed or the emergency ends.

(8)(a) Unless the commission identifies a serious safety condition on a walkway, Class I railroads must bring their walkways into compliance with this section within one year of the effective date of these rules, and Class II and Class III railroads must bring their walkways into compliance within five years of the effective date of these rules.

(b) If a railroad believes it will experience a serious financial hardship in bringing its walkways into compliance within the time allowed, it must submit to the commission in writing, an alternate proposal for bringing its walkways into compliance. The commission may grant an extension of time following a review of the railroad's alternate walkway compliance proposal.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-60-035, filed 1/21/00, effective 2/21/00.]

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WAC 480-60-040 Overhead clearances. (1) General rule. Overhead clearances shall be at least twenty-two feet six inches unless one of the provisions in this section applies.

(2) Buildings.

The overhead clearance inside of entirely enclosed buildings may be reduced to eighteen feet, if the tracks terminate within the building. When an overhead clearance of less than twenty-two feet six inches is established in a building, all cars, locomotives or other equipment must stop before entering it. The conditions provided to require the stop must be approved by the commission. Engine houses and car shops are exempt from these regulations.

(3) Trains in tunnels, under overcrossings, and on bridges.

Minimum overhead clearance in tunnels, under overcrossings, and on 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) All other structures.

Minimum overhead clearance 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 overhead wires must 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.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-60-040, filed 1/21/00, effective 2/21/00; Order R-5, § 480-60-040, filed 6/6/69, effective 10/9/69.]

WAC 480-60-050 Side clearances. (1) General rule. Side clearances must be at least 8 feet 6 inches unless one of the provisions below applies. If exceptions in subsections (2) through (5) or (7) of this section apply, full side clearance of 8 feet 6 inches shall be provided on the opposite side of the track from the platform.

(2) Platforms - 8" or less above top of rail 4'8"

(3) Platforms - 4'0" or less above top of rail 7'3"

(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"

(6) A retractable platform which is attached to a permanent structure must be designed so that when it is not in use no part of it 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.

Platforms defined under (2) above may be combined with either (4) or (3) if the lower platform has 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) Bridges and tunnels 8'0"

(9) Bridges and tunnels - upper section (see WAC 480-60-040(3)).

Side clearance on bridges and in 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.

(10) Bridges - lower section and structures 4' high or less. Bridges, hand rails, water barrels and refuge platforms on bridges and trestles, water columns, oil columns, block signals, cattle guards and cattle chutes, or portions of those items, 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 must be seven feet six inches and the minimum clearance for fences of cattle guards must be six feet nine inches.

Unless previously approved, the clearances authorized in this subsection, except as provided for hand rails and water barrels, are not permitted on 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.

(11) Side clearance - engine house and car repair shop doors 7'6"

(12) Side clearance - interlocking mechanism, switch boxes, and other similar devices projecting 4" or less above the top of the rail 3'0"

(13) Side clearance - poles supporting trolley contact 8'3"

(14) Side clearance - signals and switch stands 3' high or less when located between tracks where not reasonably possible to provide clearances otherwise prescribed in these rules 6'0"

(15) Side clearance - signals and switch stands other than above 8'0"

(16) Side clearances on curved track. 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.

(17) Side clearances - material or merchandise adjacent to tracks.

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 rule impossible.

(18) Clearances - car puller units and appurtenances.

Clearances for car puller units and appurtenances must be approved by the commission through the process set forth in WAC 480-62-020.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-60-050, filed 1/21/00, effective 2/21/00; 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, must be fourteen feet, except as set forth below.

(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, must be at least fifteen feet from the centerline of the main track or passing track however, 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 the passing track with 14 feet clearance.

(3) Track clearances - parallel team, house, or industry tracks 13'0"

Minimum clearances between centerlines of parallel team, house, or industry tracks must be thirteen feet.

(4) Track clearances - parallel ladder or ladder and other track 20'0"

The minimum clearance between centerlines of any standard gauge ladder track, constructed parallel to any other track, must be twenty feet.

(5) Track clearances - existing tracks.

Tracks existing prior to October 9, 1969, may be extended at clearances lawfully prescribed prior to that date.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-60-060, filed 1/21/00, effective 2/21/00; Order R-5, § 480-60-060, filed 6/6/69, effective 10/9/69.]

WAC 480-60-080 Operation of excess dimension loads. (1) No person may ride on the roof of any car, or on the side of an excess width car, or the side of a car with a load that extends more than 5'5" from centerline.

(2) The railroad company must provide written notice to the train stating the total number of cars with excess height or width.

(3) Notice to yard supervisors. Yard supervisors must be notified sufficiently in advance of the arrival of cars with excess height or width to enable them to take necessary precautions to safeguard employees in yard.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-60-080, filed 1/21/00, effective 2/21/00; 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) Side clearances.

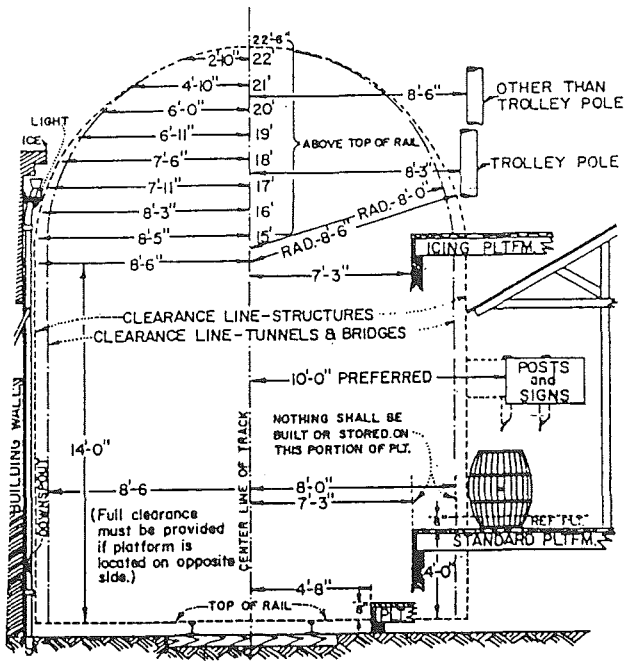
For the operation of equipment on narrow gauge tracks, the side clearances and distances between centerlines of tracks must provide a distance from the sides of cars, or between the widest cars operated, not less than those distances provided by these rules for cars ten feet ten inches in width operated on standard gauge tracks.

(2) All other requirements of these rules, where applicable, must be observed by narrow gauge railroads.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-60-090, filed 1/21/00, effective 2/21/00; 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.

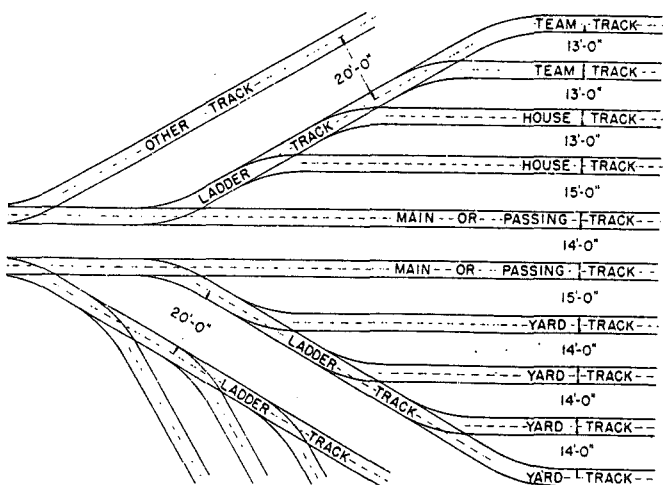
TYPICAL CLEARANCE OF STRUCTURES FROM RAILROAD TRACKS



[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



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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.]

**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.

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(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

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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 fusees, 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 bot-

les); (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 occur-

rence 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 October 1, 1998, 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 34.05.310, 34.05.356, 80.01.040, 80.04.160 and 80.04.160 [81.04.160]. 99-20-013 (Order R-465, Docket No. A-980247), § 480-62-090, filed 9/24/99, effective 10/25/99. 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.

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(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 4/27/83.]

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 480-66 WAC

RAILROAD COMPANIES—SANITATION

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-66-010	Definitions. [Order R-5, § 480-66-010, filed 6/6/69, effective 10/9/69.] Repealed by 00-04-011 (Order No. R-469, Docket No. TR-981101), filed 1/21/00, effective 2/21/00. Statutory Authority: RCW 81.04.160 and 80.01.040.
480-66-020	Water supply. [Order R-5, § 480-66-020, filed 6/6/69, effective 10/9/69.] Repealed by 00-04-011 (Order No. R-469, Docket No. TR-981101), filed 1/21/00, effective 2/21/00. Statutory Authority: RCW 81.04.160 and 80.01.040.
480-66-030	Toilets. [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.] Repealed by 00-04-011 (Order No. R-469, Docket No. TR-981101), filed 1/21/00, effective 2/21/00. Statutory Authority: RCW 81.04.160 and 80.01.040.
480-66-040	Eating places and lunch rooms. [Order R-5, § 480-66-040, filed 6/6/69, effective 10/9/69.] Repealed by 00-04-011 (Order No. R-469, Docket No. TR-981101), filed 1/21/00, effective 2/21/00. Statutory Authority: RCW 81.04.160 and 80.01.040.
480-66-050	Sleeping accommodations. [Order R-5, § 480-66-050, filed 6/6/69, effective 10/9/69.] Repealed by 00-04-011 (Order No. R-469, Docket No. TR-981101), filed 1/21/00, effective 2/21/00. Statutory Authority: RCW 81.04.160 and 80.01.040.
480-66-060	Cleanliness and maintenance. [Order R-5, § 480-66-060, filed 6/6/69, effective 10/9/69.] Repealed by 00-04-011 (Order No. R-469, Docket No. TR-981101), filed 1/21/00, effective 2/21/00. Statutory Authority: RCW 81.04.160 and 80.01.040.
480-66-070	General. [Order R-23, § 480-66-070, filed 3/22/71; *Order R-5, § 480-66-070, filed 6/6/69, effective 10/9/69.] Repealed by 00-04-011 (Order No. R-469, Docket No. TR-981101), filed 1/21/00, effective 2/21/00. Statutory Authority: RCW 81.04.160 and 80.01.040.

Reviser's note: WAC 480-66-010 through 480-66-070 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.

PART 1 - GENERAL INFORMATION

WAC 480-66-100 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

"Bunk or section house" means the portion of any building in which employees are provided sleeping or living accommodations, except family dwellings.

"Caboos" means any car or coach used on a train to carry the train crew.

"Commission" means the Washington utilities and transportation commission.

"Company" means a common carrier railroad company as employer.

"Employee" means any person employed by a company.

"Incinerator toilet" means a toilet containing a receptacle for toilet waste to which intense heat is applied.

"Number of employees" means the maximum number of employees going on or coming off shift within any single hour.

"Office work area" means a yard office, station, depot, terminal, or freight, baggage and express office located on railroad property which is the usual place of employment for

the performance of clerical or other work identified with office functions of the company.

"Railroads" means common carrier railroads.

"Sanitary" means free from things injurious to health, or effective in preventing or checking the effects of those things.

"Station" means a location where freight or passengers are ordinarily received and delivered, including all freight and express offices.

"Terminal" means a location where train crews and other employees are regularly required to report for duty.

"Toilets" means fixtures such as flush toilets, chemical closets, or privies used for the purpose of defecation.

"Usual place of employment" means the place where an employee works with a reasonable measure of continuity throughout the major part of the employee's company service.

"Yards" means yards, section headquarters, and locomotive and car shops.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-100, filed 1/21/00, effective 2/21/00.]

WAC 480-66-110 Application of chapter. The rules in this chapter apply to all railroads operating within the state of Washington.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-110, filed 1/21/00, effective 2/21/00.]

WAC 480-66-120 Contacting the commission. You may contact the commission in writing, in person, by telephone, by e-mail, or by facsimile.

The commission's location, mailing address, e-mail address, and telefax numbers are found in WAC 480-09-100. The commission's internet home page address is found in WAC 480-04-050.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-120, filed 1/21/00, effective 2/21/00.]

WAC 480-66-140 Rules of practice and procedure. The commission's rules governing administrative practices and procedures are in chapter 480-09 WAC. When a rule in this chapter conflicts with a rule in chapter 480-09 WAC, the rule in this chapter applies to railroad companies.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-140, filed 1/21/00, effective 2/21/00.]

WAC 480-66-150 Exemptions from rules. (1) The commission may grant an exemption of any rule in this chapter, if consistent with the public interest, the purposes underlying regulation, and applicable statutes.

(2) To request a rule exemption, a person must file with the commission a written request identifying the rule for which an exemption is sought, and giving a full explanation of the reason the exemption is requested.

(3) The commission will assign the request a docket number, if needed, and schedule the request for consideration

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at one of its regularly scheduled open meetings or, if appropriate under chapter 34.05 RCW, in an adjudication. The commission will notify the person requesting the exemption, and other interested persons, of the date the commission will consider the request.

(4) The commission will enter an order granting or denying the request, or setting it for hearing pursuant to chapter 480-09 WAC.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-150, filed 1/21/00, effective 2/21/00.]

WAC 480-66-160 Filing a complaint. Any interested person who believes that available sanitary or shelter facilities are inadequate or unsatisfactory under the rules in this chapter may file an informal or formal complaint with the commission pursuant to WAC 480-09-150 and 480-09-400 requesting the responsible party or parties to correct the condition. Upon investigating the complaint, the commission may issue an order, with or without hearing, directing that the conditions complained of be corrected.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-160, filed 1/21/00, effective 2/21/00.]

WAC 480-66-170 Reporting requirements. Railroads must report to the commission, upon request, concerning the company's sanitation and shelter facilities and servicing programs required by these rules.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-170, filed 1/21/00, effective 2/21/00.]

PART 2 - GENERAL SANITATION RULES

WAC 480-66-200 General obligations. (1) The company is responsible for providing employees with all items required by these rules.

(2) The company must, at all times, maintain all items required in these rules in proper working order and in a condition which is sanitary, free from vermin and rodents, and which is not offensive to a reasonable person, except when the items are taken out of service and are not accessible by employees.

(3) The company must establish a program to regularly review and service all items required in these rules to meet its obligations under subsections (1) and (2) of this section; however, implementing a program must not be a substitute for actual compliance with subsections (1) and (2) of this section.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-200, filed 1/21/00, effective 2/21/00.]

WAC 480-66-210 Locomotive cabs and cabooses. (1) During use, locomotive cabs must be heated to a minimum of 50 degrees Fahrenheit.

(2) When required by the season of the year, doors and windows of all locomotives must be equipped with adequate protection to occupants from the elements by means of

weather stripping, or other device sufficient to provide equally adequate protection.

(3) Caboose must be maintained in a clean and sanitary condition.

(4) When required by the season of the year, doors, and windows of cabooses must be equipped with adequate weather stripping.

(5) Every caboose used in any train in this state, regardless of service, must be provided with a stove or other adequate means of heating. The company shall provide a sufficient supply of fuel for the trip or shift.

[Statutory Authority: RCW 81.04.160 and 80.01.040, 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-210, filed 1/21/00, effective 2/21/00.]

WAC 480-66-220 Stationary facilities. (1) Bed linen furnished by the railroad must be changed, and fresh, clean linen supplied at least once a week and for each new occupant.

(2) Adequate shelter must be furnished and maintained for watchmen. The shelter must be adequately heated, sealed and insulated against cold and inclement weather.

(3) Office work areas must be clearly lighted at all times during hours of use.

(4) Office work areas must be heated at all times during hours of use to a minimum of 65 degrees Fahrenheit.

(5) Office work areas must be provided with cross-ventilation when possible.

(6) Windows, ventilators and doors opening to the outside of office work areas must be properly screened during the seasons when insects are prevalent.

[Statutory Authority: RCW 81.04.160 and 80.01.040, 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-220, filed 1/21/00, effective 2/21/00.]

WAC 480-66-230 Miscellaneous. (1) Toilet rooms and washrooms must not be used for storage.

(2) Floors in all buildings and movable facilities must be maintained in a clean, and so far as reasonably possible, dry condition. Where wet processes are used, drainage must be maintained and false floors, platforms, mats or other dry standing places must be provided wherever reasonably possible.

(3) Screens required by these rules must be of 16 mesh or equal.

(4) Suitable receptacles for the storage of waste and refuse must be provided wherever needed. They must be maintained in a sanitary condition. Receptacles used for moist or liquid waste must be made of a smooth finished surface, impervious to moisture. They must be kept covered and must be washed out as often as necessary to keep them clean.

(5) All sweepings, waste and refuse must be removed in a manner which avoids raising dust, and as often as necessary to keep all rooms used by employees clean.

(6) Toilet waste must not be discharged onto the ground surface from railroad cars within servicing area of yards. Those areas must be kept free of refuse, litter, debris, vermin and rodents.

(7) Adequate drainage must be provided where work is performed in repair yards or on repair tracks in the open or in

open sheds or pits. Waste must not drain into any water of the state, nor contaminate the ground surface, but must be disposed of in a manner approved by the Washington state department of health.

[Statutory Authority: RCW 81.04.160 and 80.01.040, 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-230, filed 1/21/00, effective 2/21/00.]

PART 3 - WATER SUPPLY, DRESSING ROOMS AND LOCKERS

WAC 480-66-300 Drinking water. (1) An adequate supply of cool drinking water must be made available to all employees wherever they may be working.

(2) Drinking water must meet all standards of the Washington state department of health.

(3) Containers used to furnish drinking water must meet all specifications of the Washington state department of health and must be sterilized as often as necessary to assure a sanitary water supply.

(4) The common drinking cup is prohibited.

(5) Cross-connections between potable and nonpotable water supplies are prohibited. Nonpotable water supplies must be clearly labeled as not fit for drinking or washing.

[Statutory Authority: RCW 81.04.160 and 80.01.040, 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-300, filed 1/21/00, effective 2/21/00.]

WAC 480-66-310 Washing facilities. (1) An adequate number of wash basins or lavatories for maintaining personal cleanliness must be provided within reasonable access for all employees normally assigned to office work areas, stations, yards, terminals, shops, engine houses, lunch rooms, bunk houses, and section houses. All other employees must be provided an adequate means to maintain personal cleanliness for eating purposes and after defecation or urination.

(2) The following table must be used to determine the adequacy of washing facilities (twenty four inches of trough or circular wash basin is considered the equivalent of one wash basin):

Number of Employees	Minimum Number of Facilities
1 to 10	1 basin
11 to 24	2 basins
25 to 49	3 basins
50 to 100	5 basins
Over 100	5 basins plus 1 more for each additional 25 employees

(3) At least one wash basin must be located in or adjacent to each toilet room.

(4) Wash basins or lavatories must be made of smooth finished material, impervious to moisture.

(5) Supplies for wash basins or lavatories must include:

(a) Hot and cold running water to wash basins.

(b) Mechanical drying facilities or individual towels, either paper or cloth. The use of common towels is prohibited.

(c) Waste receptacles for used paper towels.

(d) Soap or other suitable cleansing agent at each wash basin.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-310, filed 1/21/00, effective 2/21/00.]

WAC 480-66-320 Showers. Showers must be required when the commission determines that they are necessary at a specific location to protect employees whose work involves exposure to poisonous, infectious or irritating material or to excessive dirt, heat fumes, vapors, or other materials or substances injurious to health. Adequate locker and dressing room facilities will be provided with showers. Specifications for showers will be determined for each location when the need for showers is established.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-320, filed 1/21/00, effective 2/21/00.]

WAC 480-66-330 Dressing rooms and lockers. (1) Separate dressing rooms must be provided for men and women in all places of employment where it is necessary for employees to change clothing. Dressing rooms must be separated from toilet rooms by solid partitions and doors. Dressing rooms must have at least eighty square feet of floor space. If more than ten employees, at least an additional four square feet must be provided for each additional employee. Benches must be provided. Dressing rooms must be properly lighted, heated to a minimum of 65 degrees Fahrenheit, and adequately ventilated. Where reasonably possible, cross-ventilation must be provided.

(2) Individual metal lockers must be provided where dressing rooms are required. Lockers must also be provided for each employee who must store work-related items at any time. Lockers must be convenient for employee access and must be provided where needed, even if one locker must be provided to an employee at each end of a run. Lockers must be at least twelve inches wide, eighteen inches deep and seventy-two inches high, exclusive of legs or other base. The lockers must be equipped with a shelf and with at least one clothes hook for each side or equivalent hanger bar, and also with sufficient openings in the door for purposes of ventilation.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-330, filed 1/21/00, effective 2/21/00.]

PART 4 - TOILETS

WAC 480-66-400 General. (1) Where running water and sewer or septic tank connections are reasonably available, flush-type toilets and urinals must be maintained.

(2) Chemical toilets or privies may only be used where it is impractical to install inside toilet and urinal facilities.

(3) No privy, urinal, cesspool, septic tank or other receptacle for human excrement must be used which directly or indirectly drains or discharges over, into or upon the surface of the ground or into the waters of the state.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-400, filed 1/21/00, effective 2/21/00.]

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WAC 480-66-410 Water closets. (1) Every flush toilet must have a rim flush bowl or be so constructed as to prevent the accumulation of fecal matter on the bowl. The bowl must be constructed of a smooth finished material impervious to moisture.

(2) Every bowl must be installed in a manner which allows surroundings and floor space to be easily cleaned.

(3) No pan, plunger or wash-out water closets are permitted except that pan or double-pan types are permitted for movable facilities.

(4) Every flush toilet must have a separate hinged seat made of a smooth finished material, other than metal, impervious to moisture.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-410, filed 1/21/00, effective 2/21/00.]

WAC 480-66-420 Urinals. (1) Every urinal must be made of a smooth finished material impervious to moisture.

(2) Every urinal must be located within a toilet room.

(3) Twenty-four inches of trough urinal is equivalent to an individual urinal.

(4) Wherever a slab urinal is installed, the floor must be sloped toward the urinal drain for a distance of at least twenty-four inches in front of the urinal. Adequate splash guards must be installed.

(5) Every urinal must be flushed from a water-supplied tank or through valve, and flush valves must be installed with an approved back-flow preventer. Every tank must furnish an adequate quantity of water for each discharge for every fixture. In place of discharge from a tank or flush valve, water may be allowed to run continuously over slab or trough urinals.

(6) Clear floor space for each urinal or its equivalent must be at least two feet in width.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-420, filed 1/21/00, effective 2/21/00.]

WAC 480-66-430 Chemical toilets. All chemical toilets installed must be of a type approved by the commission. Containers must be charged with chemical solution of proper strength and their contents must be agitated daily with proper devices provided for that purpose. When containers are more than two-thirds full the contents must be disposed of in an approved manner. The stacks connecting the seats with the containers must be cleaned as often as is necessary to keep them in a clean and sanitary condition.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-430, filed 1/21/00, effective 2/21/00.]

WAC 480-66-440 Incinerator toilets. (1) All incinerator toilets used on railroad equipment in the state of Washington must be of a type approved by the commission.

(2) The installation and method of venting must be approved by the commission.

(3) Clear and concise instructions must be provided by the railroad company to insure that the units are operated correctly.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-440, filed 1/21/00, effective 2/21/00.]

WAC 480-66-450 Privies. (1) All privies must be located, constructed, and maintained to avoid contaminating any water of the state.

(2) A suitable approach, such as concrete, gravel or cinder walk must be provided.

(3) Privies must be constructed and maintained to be insect and rodent proof.

(4) Every privy must be provided with a door that is self-closing.

(5) The lids over the seats must be constructed to fall into a closed position when the seat is not occupied.

(6) The pit, or vault must be ventilated to the outside air by means of a stack protected at its outlet by screens.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-450, filed 1/21/00, effective 2/21/00.]

WAC 480-66-460 Specifications for toilet rooms. (1) Separation.

(a) No toilet room must have direct communication with any room in which unwrapped food products are prepared, stored, handled, or sold, unless separated by a self-closing door maintained in operating condition.

(b) Separate toilet facilities must be provided for men and women, and each toilet room must be plainly marked by a sign reading "men" or "women." However, 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 a single occupancy room has more than one toilet, only one of them may be counted for the purpose of the table in WAC 480-66-470.

(c) There must be no direct connection between toilet rooms for men and women. Each must have a separate entrance, and each entrance door must have an automatic closing device maintained in operating condition.

(2) In toilet rooms containing more than one water closet, each water closet must be in an individual compartment.

(3) Every toilet room must be adequately ventilated.

(4) All toilet facilities must be clearly lighted at all times during working hours.

(5) Every toilet room other than privies must be kept adequately heated.

(6) All windows, ventilators, and other openings, must be screened to prevent the entrance of insects. Toilet rooms must be kept free of insects and vermin.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-460, filed 1/21/00, effective 2/21/00.]

WAC 480-66-470 Number of toilets required. General.

(1) Adequate toilet facilities must be provided for all employees, and for each sex. Facilities must be conveniently located and accessible, and must be maintained at all times in

a usable and sanitary condition and in a condition which is not offensive to a reasonable person.

(2) The following table must 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	5 toilets plus 1 more for each additional 25 employees

(3) Whenever urinals are provided, one urinal may be substituted for one toilet, provided the number of toilets must not be reduced to less than two-thirds of the number shown in the foregoing table.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-470, filed 1/21/00, effective 2/21/00.]

WAC 480-66-480 Supplies for toilets. (1) An adequate supply of toilet paper with holder must be maintained.

(2) In all toilet rooms used by women dispensing machines for sanitary napkins must be provided if requested.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-480, filed 1/21/00, effective 2/21/00.]

WAC 480-66-490 Location and types of toilets. (1) Movable facilities. Flush, chemical, or incinerator type toilets must be provided on the following movable facilities:

(a) The lead locomotive of all trains except when used in yard service.

(b) Baggage and express cars where employees are required to work en route.

(c) Cabooses.

(2) Stationary facilities. Appropriate toilets, as required by these rules, must be provided and made accessible to all employees at all terminals, yards, stations, depots, office work areas, engine houses and shops, bunk or section houses, section headquarters, lunch rooms, and maintenance of way camps.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-490, filed 1/21/00, effective 2/21/00.]

PART 5 - EATING FACILITIES

WAC 480-66-500 Eating places. (1) At all permanent and semi-permanent installations, an acceptable place with adequate space for eating meals must be provided for employees who bring their meals to their place of employment, or eat meals prepared at the camp facilities. An acceptable place with adequate space for eating meals must be provided at all other places whenever reasonably possible.

(2) Eating places must be constructed to permit them to be readily cleaned. At all times, they must be kept clean and sanitary, in good repair, and free of rodents, insects and vermin.

(3) Kitchen cars or other camp facilities must have adequate equipment for the sanitary preparation, cooking and refrigeration of food.

(4) If employees are allowed or required to eat in a locomotive, the eating area must be kept clean and sanitary at all times.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-500, filed 1/21/00, effective 2/21/00.]

WAC 480-66-510 Lunch rooms. (1) In lunch rooms where food is served for employees, the food, equipment, and facilities are subject to the rules and regulations of the state department of health pertaining to public food establishments.

(2) Employees and workers handling and serving food are subject to those rules and regulations of the state department of health which are necessary to the sanitary handling of food.

(3) Concessionaire facilities provided by the company in lieu of direct company operations must comply with the regulations in these rules with respect to adequate space, adequate food handling facilities, sanitation and cleanliness.

(4) Adequate table and seating facilities must be provided for the maximum number of employees using the room at any one time.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-510, filed 1/21/00, effective 2/21/00.]

WAC 480-66-520 Specifications for lunch rooms and eating places. (1) General. The minimum area of lunch rooms, or the amount of space to be added to that required for a locker room where a lunch room is not provided, must be based upon the maximum number of employees using the room or added space at any one time, 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

(2) Every eating place and lunch room must be adequately ventilated. Where reasonably possible cross-ventilation must be provided.

(3) All lunch rooms must be clearly lighted at all times during hours of use.

(4) Every lunch room must be kept reasonably heated at all times.

(5) The windows, ventilators and doors opening to the outside of all lunch rooms must be properly screened during the season when insects are prevalent.

(6) One or more covered receptacles, as needed, must be furnished in lunch room and eating places for the disposal of waste food and other waste matter. The containers must be emptied regularly and cleaned as often as needed. The area

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where the receptacles are kept must be maintained free of litter overflowing the receptacles.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-520, filed 1/21/00, effective 2/21/00.]

PART 6 - SLEEPING ACCOMMODATIONS

WAC 480-66-600 Specifications for all accommodations. (1) Walls, floors and ceilings must be constructed to permit them to be readily cleaned.

(2) Exterior windows and doors must be weather stripped during cold weather.

(3) Screens must be provided for outer doors and windows during any season when insects are prevalent.

(4) Heating facilities and adequate fuel must be provided with which employees may maintain a comfortable temperature as weather conditions may require.

(5) Lighting, by windows and/or acceptable artificial illumination, must be provided.

(6) Ventilation must be provided by windows opening directly to the outside air.

(7) Beds, bunks or cots with proper mattresses must be provided. The beds, bunks or cots must be raised at least twelve 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 twenty-seven inches of clear space above it.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-600, filed 1/21/00, effective 2/21/00.]

WAC 480-66-620 Stationary facilities. Dormitories or bunk rooms must be large enough to provide at least fifty square feet of floor area for each person. However, where double bunks are used at least thirty square feet of floor space must be provided for each person using a double bunk. The headroom of dormitories or bunk rooms must be at least seven feet.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-620, filed 1/21/00, effective 2/21/00.]

Chapter 480-70 WAC

SOLID WASTE AND/OR REFUSE COLLECTION COMPANIES

WAC

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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,

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 (Asberrarov, 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 April 1, 1999.

(2) "Title 49 Code of Federal Regulations", cited as 49 CFR, includes the regulations and all appendices and amendments in effect on October 1, 1998.

(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 34.05.310, 34.05.356, 80.01.040, 80.04.160 and 80.04.160 [81.04.160]. 99-20-013 (Order R-465, Docket No. A-980247), § 480-70-055, filed 9/24/99, effective 10/25/99. 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.]

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WAC 480-70-060 Licenses. No motor vehicle shall be operated upon the public highways of this state by any solid waste collection company until the owner or person lawfully in control thereof shall have complied with the laws of this state pertaining to licenses and the rules and regulations of the commission governing the operation of motor vehicles upon the public highways.

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

WAC 480-70-070 Certificates, no operation without.

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

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

WAC 480-70-080 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."

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

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

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

WAC 480-70-140 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 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

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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.

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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.

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[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 opera-

tions 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

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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

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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.]

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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

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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 cus-

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tomers 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

480-75-002	Application of rules.
480-75-005	Compliance with federal standards.
480-75-010	Annual reports.
480-75-223	Civil penalty for violation of chapter 81.88 RCW or regulations issued thereunder—Maximum amount.
480-75-230	Modification/waivers.

WAC 480-75-002 Application of rules. These rules shall apply to pipeline facilities and the transportation of gasoline, oil, petroleum, or hazardous liquids. The purpose of the rules is to provide minimum safety standards and reporting requirements for the transportation of gasoline, oil, petroleum, and hazardous liquids by pipeline. These rules shall apply to the design, construction, operation, maintenance, and safety of pipeline facilities used in gathering, carrying, or transporting gasoline, oil, petroleum, or hazardous liquids in this state, except those pipeline facilities exclusively under federal jurisdiction as prescribed by the Pipeline Safety Law, 49 U.S.C. Section 60101.

[Statutory Authority: RCW 80.01.040 and 80.04.010, 97-07-042 (Order R-439, Docket No. TO-960810), § 480-75-002, filed 3/14/97, effective 4/14/97.]

WAC 480-75-005 Compliance with federal standards. Hazardous liquid pipeline companies transporting gasoline, oil, petroleum, or hazardous liquids in this state shall design, construct, maintain, and operate pipeline facilities in compliance with the provisions of 49 CFR, Parts 195 and 199, in effect on September 7, 1999. The provision in

this chapter shall govern to the extent that the standards in the state regulations are compatible with the federal standards. The incorporation of 49 CFR, Part 195, Subpart B, Reporting Accidents and Safety-Related Conditions, is revised as follows:

1. Include "Washington Utilities and Transportation Commission" where "Administrator, Office of Pipeline Safety, Research and Special Programs Administration, or Department of Transportation" appear.
2. Include "Washington Utilities and Transportation Commission Pipeline Safety Section, at its office at 1300 S. Evergreen Park Drive SW, P.O. Box 47250, Olympia, Washington, 98504-7250," where telephone or addresses appear for the "Information Officer, Information Resources Manager, or Office of Pipeline Safety."

Copies of the above referenced regulations can be viewed at the commission branch of the Washington state library or are available from the Government Printing Office Bookstore, Seattle, Washington.

[Statutory Authority: RCW 34.05.310, 34.05.356, 80.01.040, 80.04.160 and 80.04.160 [81.04.160], 99-20-013 (Order R-465, Docket No. A-980247), § 480-75-005, filed 9/24/99, effective 10/25/99. Statutory Authority: RCW 80.01.040, 99-02-036 (Order R-456, Docket No. TO-980905), § 480-75-005, filed 12/30/98, effective 1/30/99. Statutory Authority: RCW 80.01.040 and 80.04.010, 97-07-042 (Order R-439, Docket No. TO-960810), § 480-75-005, filed 3/14/97, effective 4/14/97.]

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.]

WAC 480-75-223 Civil penalty for violation of chapter 81.88 RCW or regulations issued thereunder—Maximum amount. (1) Any hazardous liquid pipeline company which violates any public safety provision of chapter 81.88 RCW or regulation issued thereunder, required for compliance with the federal Pipeline Safety Law, 49 U.S.C. § 60101, 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 any commission order or chapter 480-75 WAC.

(2) In determining the amount of the penalty, the commission shall consider:

- (a) The appropriateness of the penalty in relation to the position of the person charged with the violation;
- (b) The gravity of the violation; and

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(c) The good faith of the person or company charged in attempting to achieve compliance after notification of the violation.

(3) The commission may compromise any civil penalty pursuant to chapter 81.88 RCW.

[Statutory Authority: RCW 80.01.040, 99-02-036 (Order R-456, Docket No. TO-980905), § 480-75-223, filed 12/30/98, effective 1/30/99.]

WAC 480-75-230 Modification/waivers. If a gasoline, oil, petroleum, or hazardous liquids pipeline 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 for a waiver of the rule. Every request for a waiver 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 company shall concurrently submit to the commission all petitions for waiver of any pipeline safety rule filed with the federal government or other governmental authority.

[Statutory Authority: RCW 80.01.040 and 80.04.010, 97-07-042 (Order R-439, Docket No. TO-960810), § 480-75-230, filed 3/14/97, effective 4/14/97.]

Chapter 480-80 WAC UTILITIES GENERAL—TARIFFS

WAC

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480-80-335	Special contracts for electric, water, and natural gas companies.
480-80-340	Forms.
480-80-350	Refiling tariffs.
480-80-360	Standard tariff forms.
480-80-370	Symbols.
480-80-380	Availability of rules.
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.

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[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 non-traffic 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

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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.

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[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.

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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 acknowledgment 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 acknowledgment 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:

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(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

(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

SUMMARY OF REQUESTED RATE INCREASES

Table with 3 columns: Type of Service, Range of Requested Increases or Increases in Unit Price, Typical Increase in Average Bill (Dollars)

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

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(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.]

(2001 Ed.)

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.

[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

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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.

(8) Federal universal service contracts with schools, libraries, and rural health care providers pursuant to 47 CFR, Part 54. When a telecommunications company enters into a contract to provide service to a school, library, or rural health care provider, as part of the federal universal service program, the telecommunications company must file the contract if the rates, terms, or conditions of the discounted contract service depart from the tariff. The contract must be filed immediately upon acceptance by the administrator of the federal universal service program. The filing must include

the same documentation required for approval by subsection (5) of this section. The contract shall become effective immediately upon filing with the commission, or at such later time as is specified in the contract.

[Statutory Authority: RCW 80.36.080, 80.01.040 and the United States Telecommunications Act of 1996, Section 254. 98-04-028 (Order R-448, Docket No. UT-970317), § 480-80-330, filed 1/28/98, effective 2/28/98. 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 companies. (1) Contracts to be filed.

Electric, water, and natural gas companies must file with the commission all contracts for the retail sale of regulated utility services to end-use customers that:

(a) State charges or conditions that do not conform to any existing tariff; or

(b) Provide for utility services not specifically addressed in the company's existing tariffs.

(2) Significant modification of a previously executed contract will be treated as a new contract for purposes of this section.

(3) Essential terms and conditions of all contracts filed pursuant to this section are considered a part of the company's filed tariffs and are subject to enforcement, supervision, regulation, control, and public inspection as such. The provisions of this chapter will 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) Filing and effective dates. The contract will become effective on the effective date stated on the contract or thirty days after the filing date, whichever occurs later, unless suspended or rejected by the commission. The commission, for good cause shown, may approve an earlier effective date. In no event may a contract become effective on a date that precedes commission approval. The request for an earlier effective date must include a complete explanation of why an earlier effective date is appropriate.

(5) Each application filed for commission approval of a contract must:

(a) Include a complete copy of the proposed contract;

(b) Show that the contract meets the requirements of RCW 80.28.090 (prohibiting unreasonable preference) and RCW 80.28.100 (prohibiting rate discrimination);

(c) Demonstrate, at a minimum, that the contract charges recover all costs resulting from providing the service during its term, and, in addition, provide a contribution to the company's fixed costs;

(d) Summarize the basis of the charge(s) proposed in the contract and explain the derivation of the proposed charge(s) including all cost computations involved; and

(e) Indicate the basis for using a contract rather than a filed tariff for the specific service involved. If the basis for using a contract is the availability of an alternative service provider, identify that provider.

(6) All contracts must be for a stated time period. The commission may approve terms and conditions that prescribe the charge(s) to be applied during the time period, if such charge(s) are found to be appropriate. Unless otherwise pro-

vided by the commission, such approval will not be determinative with respect to the expenses and revenues of the company for subsequent ratemaking considerations.

(7) Filings under this section may be submitted with portions designated "confidential" pursuant to WAC 480-09-015. However, any filing that designates the essential terms and conditions of the contract as "confidential" shall be rejected by the commission as not in compliance with the public inspection requirement of RCW 80.28.050. Essential terms and conditions are:

- (a) Identity of the customer;
- (b) Nature and characteristics of the service provided, including interruptible, firm, or peak delivery;
- (c) Duration of the contract, including any options to renew;
- (d) Charge(s) for service, including minimum charge provisions;
- (e) Geographic location where service will be provided; and
- (f) Additional obligations specified in the contract, if any.

[Statutory Authority: RCW 80.04.160 and 80.01.040. 00-17-048 (General Order No. R-472, Docket No. U-991928), § 480-80-335, filed 8/7/00, effective 9/7/00. 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 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 rea-

sonable accuracy, the total Washington realized return may be used for this test.

(ii) The rate of return statement shall not be a fully proformed 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, busi-

ness, and interexchange, whether or not classified as competitive.

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

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

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

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

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

Chapter 480-90 WAC

GAS COMPANIES—OPERATIONS

WAC

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480-90-181	Filing of records and reports and the preservation of records.	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.
480-90-191	Least cost planning.		
480-90-211	Business offices and payment agencies.		
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.	480-90-220	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.
480-90-020	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.	480-90-221	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.
480-90-030	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.	480-90-226	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.
480-90-040	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.	480-90-230	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.
480-90-050	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.	480-90-231	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.
480-90-060	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.	480-90-240	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.
480-90-070	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.	480-90-241	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.
480-90-080	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.	480-90-246	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.
480-90-090	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.	480-90-250	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.
480-90-100	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.	480-90-251	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.
480-90-110	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.	480-90-256	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.
480-90-111	Dispute as to billing. [Order R-27, § 480-90-111, filed 7/15/71.] Repealed by Order R-83, filed 6/30/76.	480-90-260	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.
480-90-120	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.	480-90-261	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.
480-90-130	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.	480-90-266	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.
480-90-140	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.		

- 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

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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 oppor-

tunity 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 dis-

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

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

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

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

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

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

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

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

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

(e) Agrees to a payment plan designed to pay the past due bill by the following October 15, as well as paying for continued utility service.

[Statutory Authority: RCW 80.01.040, 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 inves-

tigations 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 pre-

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mises, 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.

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[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/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.

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[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 com-

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mission 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 ser-

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vice 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.
480-92-016	Waiver.
480-92-021	Definitions.
480-92-031	Customer records.
480-92-041	Uniform system of accounts.
480-92-050	Annual report.
480-92-060	Minimum filing requirements.
480-92-070	Annual rate adjustment.
480-92-080	Contracts.
480-92-090	Site operator responsibility for complaints and disputes.
480-92-100	Tariffs.
480-92-110	Penalty assessments.

WAC 480-92-011 Application of this chapter. The rules in this chapter apply to any low-level radioactive waste site operating company, as defined in RCW 81.04.010, operating within the state of Washington, that is not exempt from commission regulation under RCW 81.108.100 and 81.108.110.

[Statutory Authority: RCW 80.01.040, 99-05-016 (Order R-458, Docket No. UR-980080), § 480-92-011, filed 2/5/99, effective 3/8/99. 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 480-92-016 Waiver. (1) The commission may grant a waiver of any rule in this chapter when doing so is consistent with the public interest, the purposes underlying

regulation, and sound public policy, and is not inconsistent with applicable statutes.

(2) To request a rule waiver, a site operator must file a written request with the commission identifying the rule for which a waiver is sought, and giving a full explanation of the reason for requesting the waiver.

[Statutory Authority: RCW 80.01.040, 99-05-016 (Order R-458, Docket No. UR-980080), § 480-92-016, filed 2/5/99, effective 3/8/99.]

WAC 480-92-021 Definitions. The definitions contained in chapter 81.108 RCW and RCW 81.04.010 are incorporated by reference in this section. 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, for the disposal of low-level radioactive waste, 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 among 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 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.

"Low-level radioactive waste" means waste material that contains radioactive nuclides emitting primarily beta or gamma radiation, or both, in concentrations or quantities that 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 nor naturally occurring or accelerator produced radioactive material.

"Maximum disposal rate" the maximum disposal is the rate a site operator may charge generators as provided 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, 99-05-016 (Order R-458, Docket No. UR-980080), § 480-92-021, filed 2/5/99, effective 3/8/99. 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 Customer records. A site operator must maintain, at a minimum, the following records, by generator, at the disposal site for at least three years:

- Customer name and address;
- Type of service provided;
- Current rates;
- Billed amount;
- Amount collected; and
- Balance due.

[Statutory Authority: RCW 80.01.040, 99-05-016 (Order R-458, Docket No. UR-980080), § 480-92-031, filed 2/5/99, effective 3/8/99. 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 480-92-041 Uniform system of accounts. Pursuant to RCW 81.108.030(4) commission staff may require a site operator to use a uniform system of accounts to ensure that the commission can effectively audit the company's operations.

[Statutory Authority: RCW 80.01.040, 99-05-016 (Order R-458, Docket No. UR-980080), § 480-92-041, filed 2/5/99, effective 3/8/99.]

WAC 480-92-050 Annual report. The commission will distribute an annual report form to site operators each year. The site operator must complete the form, file it with the commission, and pay regulatory fees for the preceding calendar year by May 1.

A site operator may request in writing prior to May 1, an extension of time to file its annual report, stating the reasons for the request and the extension date. The commission will not grant extensions for payment of regulatory fees.

[Statutory Authority: RCW 80.01.040, 99-05-016 (Order R-458, Docket No. UR-980080), § 480-92-050, filed 2/5/99, effective 3/8/99. 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 Minimum filing requirements. (1) When a site operator files for a general rate increase, it must follow the minimum filing requirements set forth in WAC 480-09-300 through 480-09-330.

(2) A site operator filing a request with the commission for a general rate increase must concurrently notify all generators who have disposed of low-level radioactive waste in the three years prior to the request for the proposed rate increases or service changes. The notice must include at minimum; a clear, brief explanation the generators can easily understand of the proposed rates, conditions and changes; the requested effective date; the commission's address, with a statement

that generators may obtain more detailed information by writing to the commission; and a phone number for generators to call a company representative if they have questions.

[Statutory Authority: RCW 80.01.040, 99-05-016 (Order R-458, Docket No. UR-980080), § 480-92-060, filed 2/5/99, effective 3/8/99. 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 Annual rate adjustment. (1) A site operator may file each year for rate adjustments, as set forth in RCW 81.108.050(3), to become effective January 1 of the following year. Rate adjustments will be effective thirty days after filing with the commission, unless suspended. Upon proper request the commission may allow filings to become effective in less than thirty days.

(2) A site operator may also file for rate adjustments at any time for reasons set forth in RCW 81.108.050(4).

[Statutory Authority: RCW 80.01.040, 99-05-016 (Order R-458, Docket No. UR-980080), § 480-92-070, filed 2/5/99, effective 3/8/99. 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) Contract rates - Generally. A site operator may contract with any person to provide a disposal rate lower than the current tariff rate. Once the commission approves a contract, the site operator may not collect a disposal fee greater than the lowest contract rate plus an administrative fee.

(2) Contract requirements. A contract between a site operator and a generator must be limited to a definite time period.

A contract between a site operator and a generator must contain a provision that the contract is entered into subject to the power and authority of the commission to set just, fair, reasonable and sufficient rates for the disposal of low-level radioactive waste. The contract must provide for recovery of all costs associated with providing the service.

(3) Approval by the commission.

(a) The commission may approve the terms and conditions of a contract, and the rate or rates to be applied during the time period, if it finds the rates to be fair, just, reasonable and sufficient. The commission may not include revenues and expenses generated and incurred under contract for subsequent ratemaking purposes.

(b) Each contract must be filed with the commission at least thirty days before the proposed effective date of the contract. Contracts will become effective on the thirty-first day after filing with the commission unless:

(i) The site operator request, and the commission allows, for the contract to become effective in less than thirty days;

(ii) The commission rejects the contract; or

(iii) The commission suspends the contract and sets the matter for hearing.

(4) Information to support approval of a contract. A site operator must submit the following information with each contract filed for commission approval:

(a) A statement explaining the use of a contract rather than a filed tariff for the specific service involved;

(b) All documents and calculations showing how the site operator derived the proposed rate;

(c) All documents showing that the contract does not discriminate, or result in discrimination, among customers receiving like and contemporaneous service under substantially similar circumstances; and

(d) Any other information requested by the commission.

[Statutory Authority: RCW 80.01.040, 99-05-016 (Order R-458, Docket No. UR-980080), § 480-92-080, filed 2/5/99, effective 3/8/99. 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 Site operator responsibility for complaints and disputes. (1) If a site operator receives complaints or disputes regarding its operations, it must:

(a) Acknowledge the complaint;

(b) Investigate promptly;

(c) Report the results of the investigation to the complainant;

(d) Take corrective action, if warranted, as soon as appropriate under the circumstances;

(e) Tell the complainant the decision may be appealed to a higher level representative of the company, if any;

(f) Tell the complainant, if still dissatisfied after speaking with the higher level representative, of the commission's availability to review the complaint; and

(g) Provide the complainant with the commission's address and toll-free telephone number.

(2) Complainants may file with the commission:

(a) An informal complaint against a site operator as set forth in WAC 480-09-150; and/or

(b) A formal complaint against a site operator as set forth in RCW 81.108.080 and chapter 480-09 WAC.

(3) When commission staff refers an informal complaint to a site operator, the operator must:

(a) Investigate and respond to commission staff within two working days. Commission staff may grant an extension of time for responding to the complaint, if requested, and warranted; and

(b) Report regularly to commission staff about progress toward the solution and the final result.

(4) A site operator must keep a record of all complaints concerning service or rates for at least one year and, on request, make them readily available for commission review. The record must contain:

(a) The complainant's name and address;

(b) The date and nature of the complaint;

(c) The action taken; and

(d) The final result.

[Statutory Authority: RCW 80.01.040, 99-05-016 (Order R-458, Docket No. UR-980080), § 480-92-090, filed 2/5/99, effective 3/8/99. 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) A site operator must file with the commission a tariff showing all rates for the disposal of low-level radioactive waste. The site operator must post the tariff at their office at the disposal site.

(2) The tariff must include the following:

(a) A title page with the company name, date of issue, effective date, and name and title of the officer.

(b) Pages containing all rates and the rules for assessing rates.

(c) A page listing the abbreviations and symbols used in the tariff, and an explanation of each abbreviation and symbol.

[Statutory Authority: RCW 80.01.040. 99-05-016 (Order R-458, Docket No. UR-980080), § 480-92-100, filed 2/5/99, effective 3/8/99. 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. Pursuant to RCW 81.108.030 (4)(d) and chapter 81.04 RCW, the commission may assess penalties of up to one thousand dollars for each violation per occurrence if a site operator violates any provisions of Title 81 RCW, commission rule, or decision.

[Statutory Authority: RCW 80.01.040. 99-05-016 (Order R-458, Docket No. UR-980080), § 480-92-110, filed 2/5/99, effective 3/8/99. 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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480-93-018	Maps, drawings, and records of gas facilities.
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480-93-110	Corrosion control.
480-93-111	Noncathodically protected gas facilities.
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480-93-140	Meter regulators.
480-93-150	Station maintenance.
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.
480-93-184	Gas leak responsibility.
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.
480-93-230	Modification/waivers.

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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

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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 companies' gathering, storage, distribution, and

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transmission facilities must be designed, constructed, maintained, and operated in compliance with the provisions of Title 49 Code of Federal Regulations (CFR), Parts 191, 192, 193 and 199 in effect on September 7, 1999. The provisions of this chapter shall govern to the extent that the standards in the state regulations are compatible with the federal standards. Copies of the above referenced regulations can be viewed at the commission branch of the Washington state library or are available from the Government Printing Office Bookstore, Seattle, Washington.

[Statutory Authority: RCW 34.05.310, 34.05.356, 80.01.040, 80.04.160 and 80.04.160 [81.04.160], 99-20-013 (Order R-465, Docket No. A-980247), § 480-93-010, filed 9/24/99, effective 10/25/99. Statutory Authority: RCW 80.01.040, 99-02-037 (Order 457, Docket No. UG-980962), § 480-93-010, filed 12/30/98, effective 1/30/99. 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.]

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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 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 protection 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.

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(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 proce-

dures 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.]

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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 continuous action until the conditions are no longer hazardous.	Leaks requiring prompt action:
*The prompt action in some instances may require one or more of the following:	1. Any leak which, in the judgment of operating personnel at the scene, is regarded as an immediate hazard.
a. Implementation of company emergency plan (192.615).	2. Escaping gas that has ignited unintentionally.
b. Evacuating premises.	3. Any indication of gas which has migrated into or under a building or tunnel.
c. Blocking off an area.	4. Any reading at the outside wall of a building or where the gas would likely migrate to the outside wall of a building.
d. Rerouting traffic.	5. Any reading of 80% LEL or greater in a confined space.
e. Eliminating sources of ignition.	6. Any reading of 80% LEL, or greater in small substructures not associated with gas likely migrate to the outside wall of a building.
f. Venting the area, or	7. Any leak that can be seen, heard, or felt and which is in a location that may endanger the general public or property.
g. Stopping the flow of gas by closing valves or other means.	
h. Notifying police and fire departments.	

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 REPAIRS	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. Leaks requiring action ahead of ground freezing or other adverse changes in venting conditions:
a. Amount and migration of gas,	1. Any leak, which under frozen or other adverse soil conditions, would likely migrate to the outside of a building.
b. Proximity of gas to buildings and subsurface structures,	
c. Extent of pavement, and	B. Leaks requiring action within six months:
d. Soil type and conditions, such as frost cap, moisture and natural venting.	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.

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.

PRIORITY OF LEAK REPAIRS	EXAMPLES
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 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.	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.
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 REPAIRS	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.

[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 activ-

ity, 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 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.]

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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 480-100 WAC ELECTRIC COMPANIES

WAC

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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.	480-100-260	Repealed by Order R-29, filed 7/15/71. See WAC 480-100-191.
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.	480-100-270	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.
480-100-030	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.	480-100-280	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.
480-100-040	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.	480-100-280	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.
480-100-050	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.	480-100-290	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.
480-100-060	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.	480-100-300	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.
480-100-070	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.	480-100-310	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.
480-100-080	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.	480-100-320	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.
480-100-090	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.	480-100-330	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.
480-100-100	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.	480-100-340	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.
480-100-106	Dispute as to billing. [Order R-29, § 480-100-106, filed 7/15/71.] Repealed by Order R-84, filed 6/30/76.	480-100-350	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.
480-100-110	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.	480-100-360	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.
480-100-120	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.
480-100-130	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.	480-100-380	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.
480-100-140	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.	480-100-390	Accuracy of watt-hour 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.
480-100-150	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.	480-100-400	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.
480-100-160	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.	480-100-410	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.
480-100-170	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.	480-100-420	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.
480-100-180	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.	480-100-430	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.
480-100-190	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.	480-100-440	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.
480-100-196	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)].	480-100-450	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.
480-100-200	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.	480-100-460	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.
480-100-210	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.	480-100-470	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.
480-100-220	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.	480-100-480	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.
480-100-230	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.	480-100-490	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.
480-100-240	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.	480-100-500	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.
480-100-250	Standard voltage and permissible variation. [Order R-5, § 480-100-250, filed 6/6/69, effective 10/9/69.]	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

[Title 480 WAC—p. 196]

(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 non-payment 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.]

(2001 Ed.)

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.

(2001 Ed.)

[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 instrument 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%	Power Factor	50%	Power Factor
10%	100%	10%	100%
Current	Current	Current	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.

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[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.

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.]

(2001 Ed.)

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.

[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 spe-

cific 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:

(2001 Ed.)

(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.

[Title 480 WAC—p. 212]

(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 elec-

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tric 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 non-discriminatory 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.]

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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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.
480-110-011	Application of rules. [Order R-30, § 480-110-011, filed 7/15/71. Formerly WAC 480-110-010.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
480-110-016	Saving clause. [Order R-30, § 480-110-016, filed 7/15/71. Formerly WAC 480-110-020.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
480-110-018	Definition of control. [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.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
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.
480-110-021	Glossary. [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.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
480-110-023	Average customer revenue jurisdictional threshold. [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.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
480-110-026	Tariffs. [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.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
480-110-028	Fire flow requirements. [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.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
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.
480-110-031	Accounting. [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.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.

- 480-110-032 Accounting—Political information and political education activities. [Statutory Authority: RCW 80.01.040. 86-04-072 (Order R-251, Cause No. U-85-78), § 480-110-032, filed 2/5/86.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 480-110-036 Finance—Securities, affiliated interests, transfer of property. [Order R-30, § 480-110-036, filed 7/15/71.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 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.
- 480-110-041 Availability of information. [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.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 480-110-046 Application for service. [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.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 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.
- 480-110-051 Deposits. [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.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 480-110-056 Refusal of service. [Order R-30, § 480-110-056, filed 7/15/71. Formerly WAC 480-110-190.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 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.
- 480-110-061 Contract for service. [Order R-30, § 480-110-061, filed 7/15/71. Formerly WAC 480-110-140.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 480-110-066 Distribution extensions—Service installations—Service connections. [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.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 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.
- 480-110-071 Discontinuance of service. [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.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 480-110-076 Service responsibilities. [Order R-30, § 480-110-076, filed 7/15/71. Formerly WAC 480-110-200, 480-110-210 and 480-110-220.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 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.
- 480-110-081 Service connections. [Order R-30, § 480-110-081, filed 7/15/71. Formerly WAC 480-110-240.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 480-110-086 Meter location. [Order R-30, § 480-110-086, filed 7/15/71. Formerly WAC 480-110-280.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 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.
- 480-110-091 Access to premises. [Order R-30, § 480-110-091, filed 7/15/71. Formerly WAC 480-110-120 and 480-110-250.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 480-110-096 Complaints and disputes. [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.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 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.
- 480-110-101 Form of 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.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 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.
- 480-110-110 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.
- 480-110-111 Refund for inaccurate metering. [Order R-30, § 480-110-111, filed 7/15/71. Formerly WAC 480-110-440.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 480-110-116 Responsibility for delinquent accounts. [Order R-30, § 480-110-116, filed 7/15/71. Formerly WAC 480-110-180.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 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.
- 480-110-121 Meter charges and installation. [Order R-30, § 480-110-121, filed 7/15/71. Formerly WAC 480-110-290, 480-110-300 and 480-110-310.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 480-110-126 Meter readings. [Order R-30, § 480-110-126, filed 7/15/71. Formerly WAC 480-110-320.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 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.
- 480-110-131 Identification of meters. [Order R-30, § 480-110-131, filed 7/15/71. Formerly WAC 480-110-420.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 480-110-136 Initial accuracy of meters. [Order R-30, § 480-110-136, filed 7/15/71. Formerly WAC 480-110-330 and 480-110-450.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 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.
- 480-110-141 Accuracy of meters. [Order R-30, § 480-110-141, filed 7/15/71. Formerly WAC 480-110-350.] Repealed by

- 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 480-110-146 Dispute as to accuracy of meters. [Order R-30, § 480-110-146, filed 7/15/71. Formerly WAC 480-110-390.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 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.
- 480-110-151 Complaint meter test. [Order R-30, § 480-110-151, filed 7/15/71. Formerly WAC 480-110-400, 480-110-410 and 480-110-430.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 480-110-156 Statement of test procedures. [Order R-30, § 480-110-156, filed 7/15/71. Formerly WAC 480-110-040.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 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.
- 480-110-161 Frequency of periodic tests. [Order R-30, § 480-110-161, filed 7/15/71. Formerly WAC 480-110-370.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 480-110-166 Meter history records. [Order R-30, § 480-110-166, filed 7/15/71. Formerly WAC 480-110-380.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 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.
- 480-110-171 Reports of accidents. [Order R-30, § 480-110-171, filed 7/15/71. Formerly WAC 480-110-470.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 480-110-176 Filing of records and reports and the preservation of records. [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.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.
- 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.
- 480-110-190 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.
- 480-110-200 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.
- 480-110-210 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.
- 480-110-220 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.
- 480-110-230 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.
- 480-110-240 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.
- 480-110-250 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.
- 480-110-260 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.
- 480-110-270 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.
- 480-110-280 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.
- 480-110-290 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.
- 480-110-300 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.
- 480-110-310 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.
- 480-110-320 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.
- 480-110-330 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.
- 480-110-340 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.
- 480-110-350 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.
- 480-110-360 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.
- 480-110-370 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.
- 480-110-380 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.
- 480-110-390 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.
- 480-110-400 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.
- 480-110-410 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.
- 480-110-420 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.
- 480-110-430 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.
- 480-110-440 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.
- 480-110-450 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.

WAC 480-110-205 Application of rules. The rules in this chapter apply to any water company that distributes, sells, or supplies water, and that meets requirements for commission regulation or jurisdiction under RCW 80.04.010 and WAC 480-110-255. This includes investor-owned water companies that meet the jurisdictional threshold of serving one hundred or more customers or receive average revenue of four hundred twenty-nine dollars or more per customer per year.

[Statutory Authority: RCW 80.01.040. 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-205, filed 11/30/99, effective 12/31/99.]

WAC 480-110-215 Exemptions from rules. (1) The commission may grant an exemption of any rule in this chapter, if consistent with the public interest, the purposes underlying regulation, and applicable statutes.

(2) To request a rule exemption, a person must file with the commission a written request identifying the rule for which an exemption is sought and giving a full explanation of the reason the exemption is requested.

(3) The commission will assign the request a docket number, if needed, and schedule the request for consideration at one of its regularly scheduled open meetings or, if appropriate under chapter 34.05 RCW, in an adjudication. The commission will notify the person requesting the exemption, and other interested persons, of the date the commission will consider the request.

(4) The commission will enter an order granting or denying the request or setting it for hearing, pursuant to chapter 480-09 WAC.

[Statutory Authority: RCW 80.01.040. 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-215, filed 11/30/99, effective 12/31/99.]

WAC 480-110-225 Saving clause. The commission may impose additional or different requirements on any water company in response to a complaint or on its own motion. These rules do not relieve any water company from any of its duties and obligations under the laws of the state of Washington.

[Statutory Authority: RCW 80.01.040. 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-225, filed 11/30/99, effective 12/31/99.]

WAC 480-110-235 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 does 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.

[Statutory Authority: RCW 80.01.040. 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-235, filed 11/30/99, effective 12/31/99.]

(2001 Ed.)

WAC 480-110-245 Glossary. "Applicant" means any person, partnership, firm, corporation, municipality, cooperative organization, governmental agency, etc., that has completed a water company's application for water service.

"Commission" means the Washington utilities and transportation commission.

"Contributions in aid of construction" means any money, services or property received by a water company to fund capital investments at no cost to the company with no obligation to repay.

"Customer" means:

- Anyone who has paid water company fees and/or has an accepted application for service; or
- Anyone whose service connection is installed and is currently paying a ready-to-serve charge; or
- Anyone who is actually receiving water service from the company with the knowledge of the company.

"Extension" means the water mains and equipment necessary to extend the company's transmission and distribution infrastructure. An extension may also be called a distribution extension, a main extension, or a line extension.

"Facilities charge" means a one-time fee that a new customer must pay, consistent with WAC 480-110-455, before the company will connect the customer's property to the water system.

"Initial tariff" means:

- The tariff filed by a water company when it first becomes subject to the jurisdiction of the commission; or
- The tariff filed by a water company that was formerly subject to commission jurisdiction, and has once again become jurisdictional. It does not mean a tariff filed to add a newly acquired system or company to the tariff of a currently jurisdictional company.

"Jurisdictional customer" means anyone who is actually receiving water service.

"Potential customer" means anyone to whom the water company has given a letter agreeing to provide service; and

- The letter is currently enforceable and has not expired by its own terms; and
- The property is not yet receiving any type of service.

"Primary contaminants" means substances that, when present in drinking water at levels exceeding designated maximum contaminant levels (MCL), may adversely affect the health of consumers. These MCLs are established as water quality "primary standards" and are based on chronic, non-acute, or acute human health effects.

"Rate increase filing" means any filing by the company that would:

- Increase gross annual revenues of the company from activities regulated by the commission; or
- Restructure tariffs so that one class of customer would provide more gross revenue than under the prior tariff structure. The term does not mean filings designed only to recover governmentally imposed taxes or periodic rate adjustments that have been authorized by commission order.

"Ready-to-serve charge" means the charge assessed by the water company when:

- The water company has the ability to provide water service;

- The water company has committed to provide water service; and
- There is an installed service connection at the customer's property.

"Reconnect charge" means the charge specified in the company's tariff for restoring water service that has been disconnected:

- At the customer's request; or
- For nonpayment; or
- For failure to comply with the company's rules.

"Service area" means the geographic area to which the company intends to provide water service using current plant.

"Service connection" means the pipes, valves, and fittings between the water company's distribution system and the customer's service line.

"Standby charge" means a charge imposed by some unregulated companies for having transmission and distribution infrastructure installed but without the current ability to provide water. It is also sometimes referred to as a system-readiness fee. The commission does not authorize this type of charge for regulated water companies.

"Surcharge" means a monthly charge or fee paid to the water company for plant or expenses. The surcharge is in addition to regular monthly service fees and typically has an expiration date or dollar limit and is subject to specific accounting requirements.

"Water company" or "company" means any corporation, company, association, joint stock association, partnership or person, their lessees, trustees or receivers appointed by any court whatever, 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. It does not include management by a satellite management agency as defined in chapter 70.116 RCW if the satellite agency is not an owner of the water company.

"Water system" means all plant, equipment, and other assets used to provide water service for a specific location.

[Statutory Authority: RCW 80.01.040, 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-245, filed 11/30/99, effective 12/31/99.]

WAC 480-110-255 Jurisdiction. (1) The commission only regulates investor-owned water companies that:

(a) Own, operate, control, or manage one or more water systems; except that control or management does not include management by a satellite management agency as defined in chapter 70.116 RCW if the satellite management agency is not an owner of the water company.

(b) Meet jurisdictional thresholds of one hundred or more customers, or receive average revenue of four hundred twenty-nine dollars per customer per year.

If a water company serves customers	and receives average annual revenue per customer	commission regulation
99 or less	less than \$429	No
99 or less	\$429 or more	Yes
100 or more	less than \$429	Yes
100 or more	\$429 or more	Yes

(2) The commission does not regulate the following providers of water service:

- (a) Cities, towns, or counties.
- (b) Public utility districts.
- (c) Water districts.
- (d) Local improvement districts.

(e) Homeowner associations, cooperatives and mutual corporations, or similar entities that provide service only to their owners or members.

(f) Homeowner associations, cooperatives and mutual corporations, or similar entities that provide service to nonmembers unless they serve one hundred or more nonmembers, or charge nonmembers more than four hundred twenty-nine dollars average annual revenue per nonmember.

(g) Entities or persons that provide water only to their tenants as part of the business of renting or leasing.

This may include:

- (i) Apartment buildings.
- (ii) Mobile home parks.
- (iii) Manufactured home rental communities.
- (iv) Office complexes.
- (v) Commercial or industrial parks.

(3) To determine jurisdiction, the commission considers only those customers receiving water. The commission does not consider customers who do not receive water, such as customers who have paid:

- (a) Water-availability letter fees.
- (b) Standby charges.
- (c) System-readiness fees.
- (d) Ready-to-serve charges.

(4) To calculate the average annual revenue per customer, the commission considers only the charges that water-receiving customers pay on a monthly basis, other than contributions in aid of construction. For example, this includes money paid for flat-rate service or the metered base-charge and all usage charges.

(a) The commission does not include charges paid by customers who do not receive water, such as:

- (i) Water availability letter fees.
- (ii) Standby charges.
- (iii) System-readiness fees.
- (iv) Ready-to-serve charges.

(b) The commission does not consider contributions in aid of construction in determining jurisdiction. These contributions can be money, services or property. Payments can be made in a lump sum or financed over time. Examples of contributions in aid of construction include payments for:

- (i) Connection to system.
- (ii) Meter installation.
- (iii) System buy-in.
- (iv) Facilities charges.
- (v) Assessments for capital plant and equipment.

(5) The following example shows how to calculate the average annual revenue per customer for two hypothetical customers. The data for each customer are provided at the end of the example:

- (a) Select the most recent twelve consecutive months.

Example: February 1999 through January 2000.

(b) For each customer who received water service during the twelve-month period, add the amount the customer paid to the water company for items other than contribution in aid of construction items.

Example: Customer A paid \$340.
Customer B paid \$283.

(c) For each customer who received water service during the twelve-month period, add the number of months the customer received water service.

Example: Customer A received water service for twelve months.
Customer B received water service for nine months.

(d) Total the amount paid by customers during the twelve-month period.

Example:

	<u>Paid to Water Company During the Twelve-Month Period</u>
Customer A	\$340
Customer B	+ \$283
Total Paid During Twelve-Month Period	\$623

(e) Total the number of months each customer received water service.

Example:

Number of Months Received Water Service During the Twelve-Month Period

Customer A	12
Customer B	+ 9
Total Months Received Water Service During the Twelve-Month Period	21

(f) Calculate the "Average Monthly Revenue Per Customer": Divide the "Total Paid During the Twelve-Month Period" by the "Total Months Received Water Service During the Twelve-Month Period."

Example:

Total Paid During the Twelve-Month Period	\$623
Total Months Received Water Service During the Twelve-Month Period	+ 21
Average Monthly Revenue Per Customer	\$29.67

(g) Calculate the "Average Annual Revenue Per Customer": Multiply the "Average Monthly Revenue Per Customer" times 12 months.

(A) Average Monthly Revenue Per Customer	\$29.67
Months in a Year	x 12
(B) Average Annual Revenue Per Customer	\$356.04

**DATA USED IN THE EXAMPLE
TO CALCULATE
AVERAGE ANNUAL REVENUE PER CUSTOMER**

**Example—
Customer A**

	<u>Standby Charge</u>	<u>Ready-to-Serve Charge</u>	<u>Connection Charge</u>	<u>Facilities Charge</u>	<u>Meter Base Charge</u>	<u>Meter Usage Charge</u>	
<u>Receive Water Service</u>	No	No	Yes	Yes	Yes	Yes	
<u>Contribution in Aid of Construction</u>	No	No	Yes	Yes	No	No	
<u>Year</u>	<u>Month</u>						<u>Total Paid</u>
1997	February				\$20	\$4	\$24
1997	March				\$20	\$5	\$25
1997	April				\$20	\$2	\$22
1997	May				\$25	\$5	\$30
1997	June				\$25	\$6	\$31
1997	July				\$25	\$12	\$37
1997	August				\$25	\$6	\$31
1997	September				\$25	\$4	\$29
1997	October				\$25	\$4	\$29
1997	November				\$25	\$3	\$28
1997	December				\$25	\$2	\$27

1998	January					<u>\$25</u>	<u>\$2</u>	<u>\$27</u>
		\$0	\$0	\$0	\$0	\$285	\$55	\$340
		Number of months service				12		
						Not Receiving Water		\$0
						Receiving Water - Contribution in Aid of Construction		\$0
						Receiving Water - Other than Contribution in Aid of Construction		<u>\$340</u>
						Total customer paid during period		\$340

DATA USED IN THE EXAMPLE
TO CALCULATE
AVERAGE ANNUAL REVENUE PER CUSTOMER

**Example—
Customer B**

	<u>Standby Charge</u>	<u>Ready-to-Serve Charge</u>	<u>Connection Charge</u>	<u>Facilities Charge</u>	<u>Meter Base Charge</u>	<u>Meter Usage Charge</u>		
<u>Receive Water Service</u>	No	No	Yes	Yes	Yes	Yes		
<u>Contribution in Aid of Construction</u>	No	No	Yes	Yes	No	No		
<u>Year</u>							<u>Total Paid</u>	
1997	February	\$7					\$7	
1997	March	\$7					\$7	
1997	April		\$12				\$12	
1997	May			\$300	\$4,500	\$25	\$5	\$4,830
1997	June					\$25	\$4	\$29
1997	July					\$25	\$3	\$28
1997	August					\$25	\$12	\$37
1997	September					\$25	\$10	\$35
1997	October					\$25	\$15	\$40
1997	November					\$25	\$5	\$30
1997	December					\$25	\$2	\$27
1998	January					<u>\$25</u>	<u>\$2</u>	<u>\$27</u>
		\$14	\$12	\$300	\$4,500	\$225	\$58	\$5,109
		Number of months service				9		
						Not Receiving Water		\$26
						Receiving Water - Contributions in Aid of Construction		\$4,800
						Receiving Water - Other than Contribution in Aid of Construction		<u>\$283</u>
						Total customer paid during period		\$5,109

(h) To ensure that all customers are treated equitably, the commission will impute the same rates to any customers receiving free or reduced service that apply to other customers receiving comparable service on the same system.

[Statutory Authority: RCW 80.01.040. 00-17-135 (General Order No. R-473, Docket No. UW-991634), § 480-110-255, filed 8/21/00, effective 9/21/00; 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-255, filed 11/30/99, effective 12/31/99.]

WAC 480-110-265 Tariffs. Tariffs filed by a water company must conform to the rules of this section and chapter 480-80 WAC Utilities General—Tariffs, unless the commission has authorized deviation from the rules in writing.

[Statutory Authority: RCW 80.01.040. 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-265, filed 11/30/99, effective 12/31/99.]

WAC 480-110-275 Accounting, and reporting requirements, and regulatory fees. (1) Water companies

must use the uniform system of accounts (USOA) published by the National Association of Regulatory Utility Commissioners (NARUC). The USOA sets out the accounting requirements for class A, B, and C water companies.

Water companies are classified by revenues.

<u>Class</u>	<u>Annual Gross Operating Revenue</u>
A	\$1,000,000 or more
B	\$200,000 to \$999,999
C	Less than \$200,000

(2) A water company may use the accounting requirements for a higher class if it chooses.

(3) The commission will distribute an annual report form that each water company must complete and file with the commission for the prior calendar year. The annual report must be filed, and the company's regulatory fee paid, no later than May 1 of each year.

(4) A written request for the extension of the time for filing the annual report can be made prior to May 1. The commission does not grant an extension of time for payment of regulatory fees.

[Statutory Authority: RCW 80.01.040, 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-275, filed 11/30/99, effective 12/31/99.]

WAC 480-110-285 Securities, affiliated interest, transfer of property. (1) Prior to a water company issuing stock, evidence of indebtedness, or any other securities, the company must comply with the requirements of chapter 80.08 RCW and chapter 480-146 WAC.

(2) Prior to a water company entering into a contract or arrangement with an affiliated interest, the company must file a copy, or summary if unwritten, of the contract or arrangement with the commission in accordance with chapter 80.16 RCW and chapter 480-146 WAC.

(3) Prior to transferring, selling, leasing, or assigning any of its property or facilities, or before acquiring property, facilities, stock, or bonds of another public utility, a water company must apply for and obtain commission approval in accordance with chapter 80.12 RCW and 480-143 WAC.

[Statutory Authority: RCW 80.01.040, 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-285, filed 11/30/99, effective 12/31/99.]

WAC 480-110-295 Adopted and initial tariffs. A water company must file revisions to its filed tariff within thirty days of its acquisition of new service area, whether by acquisition of another regulated water company or by acquiring one or more previously unregulated water systems.

(1) **Adopted tariffs - when a regulated company acquires another regulated company.** Any regulated water company acquiring a regulated water company must adopt the latter's tariff. An adoption form must be completed and filed with the commission by the acquiring water company within thirty days of the acquisition. The commission will supply an adoption form upon request.

(2) **Incorporate into existing tariff - when a regulated water company acquires a nonregulated company.**

(a) When a regulated water company acquires a nonregulated water company or water system, the acquiring water company must file a separate tariff page indicating the name of the newly acquired company or system with the rates and charges that were in existence before the acquisition.

(b) If the acquired nonregulated company or water system was previously subject to commission jurisdiction, the acquiring water company must file a separate tariff page indicating the name of the newly acquired company or system with the rates and charges in effect for the acquired company at the time the acquired company was removed from regulation.

(c) No other rates and charges may apply to the customers on the newly acquired system except those specifically shown on the new tariff page unless the company obtains the commission's approval to charge a different rate.

(3) **Initial tariffs - when a company becomes jurisdictional.**

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(a) An initial tariff must be filed in a standard tariff format. The commission will provide illustrations of the standard format upon request.

(b) The tariff must be accompanied by a cover letter describing the filing as an initial tariff.

(c) Customers must be notified before the commission receives the filing.

(d) The filing must be accompanied by supporting financial data justifying the proposed rates. See WAC 480-09-337, Filing requirements—General rate increases water companies.

(4) **Initial tariffs - a company that was previously subject to commission jurisdiction.** If a company or water system was previously subject to commission jurisdiction and once again becomes jurisdictional, the company must file a tariff with the rates and charges in effect at the time the company was last removed from regulation.

[Statutory Authority: RCW 80.01.040, 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-295, filed 11/30/99, effective 12/31/99.]

WAC 480-110-305 Access to premises. Authorized personnel of a water company have the right to enter a customer's property during reasonable hours to perform meter reading, maintenance, testing, installation or removal of the company's property. Customers may ask to see the identification of the water company personnel before allowing entry to the customer's property.

[Statutory Authority: RCW 80.01.040, 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-305, filed 11/30/99, effective 12/31/99.]

WAC 480-110-315 Availability of information. (1) A water company must notify its customers of its regular business hours, telephone number, mailing address and a twenty-four hour emergency telephone, pager, voice messaging, fax machine or mobile phone number, at least once a year.

(2) A water company must advise its customers and the commission of any change in address or telephone number(s) at least ten days prior to the effective date.

(3) The water company must develop procedures for prompt response to reported failures or emergencies. A company representative must respond to the customer who reported the service failure or emergency within twenty-four hours of the report.

(4) When a nonemergency customer call is received, a water company must return the customer's call within two business days.

(5) A water company must acknowledge and respond to a customer's written inquiry within two weeks of receiving the letter.

(6) The water company must provide a copy of the commission's consumer brochure to each new applicant for service, and once a year notify its current customers of the availability of the brochure and how to obtain a copy.

(7) The water company must make the following information available for review by customers:

(a) A copy of the water rules, chapter 480-110 WAC.

(b) A copy of the company's current rates and regulations (tariff).

[Title 480 WAC—p. 221]

(c) A copy of the consumer brochure published by the commission.

[Statutory Authority: RCW 80.01.040, 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-315, filed 11/30/99, effective 12/31/99.]

WAC 480-110-325 Application for service. (1) When establishing initial service to a location the water company must obtain applications for service in writing, on company-supplied forms. The completed application form must:

(a) Include both the company's and the applicant's name, address and telephone number;

(b) Show the date the person applied for service;

(c) Comply with the water company's filed tariffs;

(d) Clearly state the type of service requested. (Examples: Residential or commercial, flat-rated or metered service, a letter to provide service, ready-to-serve, etc.);

(e) Include a property lot description, street number, or other sufficient description of location for service;

(f) Include a complete list and description of all applicable charges. (Examples: Account set-up, service connection, facilities charge, line extension, etc.);

(g) Include the date by which a customer can expect service;

(h) Include the application expiration date, if any;

(i) Include signatures of the potential customer and a company representative.

(2) After completing the application, the water company must:

(a) Provide the applicant with a copy of the completed form;

(b) Keep a copy of the completed application in the company's business office for no less than three years after the expiration date or the denial-of-service date;

(c) Inform the applicant within ten days of the company's intention to provide service or deny service. If service is denied, the company must tell the applicant the reason service is being denied and advise the applicant of the commission's toll-free number (1-800-562-6150) for appealing the decision.

[Statutory Authority: RCW 80.01.040, 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-325, filed 11/30/99, effective 12/31/99.]

WAC 480-110-335 Establishment of credit and deposits. (1) **Establishment of credit - residential.** A company must not collect a security deposit if an applicant for residential water service can establish satisfactory credit by any one of the following factors:

(a) Prior service with the water company within the prior twelve months and:

(i) At least twelve consecutive months with no more than one delinquency notice; and

(ii) The service was not disconnected for nonpayment.

(b) Prior residential water service with another water company, as demonstrated in (a) of this subsection, for which references may be quickly and easily checked. The water company may request that the reference be in writing from the previous water company;

(c) Full-time consecutive employment during the prior twelve months with no more than two employers, and the

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

(d) Ownership of a legal interest in the premises being served;

(e) Furnishing a satisfactory guarantor responsible for payment of water service bills in the event of disconnection or default by the customer, in a specified amount, not to exceed the amount of the cash deposit required;

(f) Producing, in person at the water company's business office, two major credit cards, or other credit references, that the company can quickly and easily check that demonstrate a satisfactory payment history.

(2) **Establishment of credit - nonresidential.** An applicant for nonresidential water 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 when:

(a) The applicant has failed to establish a satisfactory credit history as outlined in subsections (1) or (2) of this section;

(b) During the prior twelve months, the applicant's service from another water company has been disconnected for failure to pay amounts owing when due;

(c) There is an unpaid, overdue balance owing for similar service from the water company to which application is being made or from any other water company;

(d) Two or more delinquency notices have been served upon the applicant by any water company during the prior twelve months;

(e) The application is for the initiation or continuation of service to a residence where a prior customer still lives and owes a past due bill to the water company.

(4) **Amount of deposit.** Required deposits for a customer or location must not exceed:

(a) Two-twelfths of the estimated annual billings for that customer or location for companies billing monthly;

(b) Three-twelfths of estimated annual billings for companies billing bimonthly;

(c) Four-twelfths of estimated annual billings for companies billing trimonthly.

(5) **Transfer of deposit.** When a customer moves to a new address within the water company's service territory, the deposit must be transferable, less any outstanding past-due balance owing from the old address.

(6) **Interest on deposits.** Interest on deposits collected from applicants or customers must:

(a) Accrue 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. The commission will advise the water company each year of the specific rate by mail.

(b) Earn the calculated interest rate during January 1 through December 31 of the subsequent year.

(c) Be computed from the time of deposit to the time of refund or total application of the deposit and must be compounded annually.

(7) **Extended payment arrangement of deposits.** When an applicant or customer is required to pay a deposit but is unable to pay the entire deposit in advance of connection or continuation of service, the applicant or customer must be allowed to pay fifty percent of the deposit prior to service, with the remaining balance payable in equal amounts over the next two months.

(8) **Cash payments.** When payment is made in person and in cash, a receipt must be furnished to each applicant or customer for the amount paid.

(9) **Refund of deposits when required.** Deposits plus accrued interest must be refunded when there has been satisfactory payment or upon termination of service.

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

(i) The water company has not initiated disconnection proceedings against the customer; and

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

(b) Termination of service - upon termination of service, the utility must return to the customer the amount then on deposit plus accrued interest, less any amounts due the utility by the customer.

(10) **Refund of deposits method.** Any deposit, plus accrued interest, must be refunded to the customer in accordance with the preference indicated by the customer at the time of deposit, or as modified on a later date, using one of the following methods:

(a) In the form of a check issued and mailed to the customer no later than fifteen days following completion of twelve months of satisfactory payment as described above; or

(b) Applied to the customer's account for service beginning in the 13th month.

(11) **Additional deposit.** Nothing in this rule prevents the requirement of a larger deposit or a new deposit when conditions warrant. Should a larger or new deposit be required, the reasons must be specified in writing to the customer. Any requirement for a new or larger deposit must comply with the standards set forth in this rule.

[Statutory Authority: RCW 80.01.040, 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-335, filed 11/30/99, effective 12/31/99.]

WAC 480-110-345 Refusal of service. (1) A water company must not refuse or discontinue service to an applicant or customer when there are unpaid bills from a prior customer at the same premises unless the company believes, based on objective evidence, that the applicant is acting on behalf of the prior customer with the intent to avoid payment.

(2) A water company cannot permanently deny service to an applicant or customer because of a prior obligation to the company. A prior obligation is the dollar amount that has been billed to a customer but left unpaid at the time of disconnection of service for nonpayment.

(3) The water company may refuse to connect an applicant for service, or refuse to increase service to a customer, when one or more of the following conditions exist:

(a) The service will adversely affect service being provided to other customers;

(b) The applicant or customer has not complied with state, county, or municipal codes or regulations concerning the approved design or use of the facilities;

(c) In the company's judgment, the applicant's or customer's installation of piping or equipment is hazardous, or of such design that satisfactory service cannot be provided;

(d) The applicant or customer has not installed on its premises required protective devices necessary to protect the company's property or that of its other customers;

(e) The company is unable to secure all necessary rights of way, easements, approvals, and permits;

(f) Furnishing the water is contrary to the provisions of the company's approved water system plan; or

(g) The location to be served is located outside of the company's service area.

[Statutory Authority: RCW 80.01.040, 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-345, filed 11/30/99, effective 12/31/99.]

WAC 480-110-355 Discontinuance of service. (1) **Service may be disconnected either by customer direction or by company action:**

(a) **Customer-directed** - Customers wanting to discontinue service must notify the water company. The company must disconnect the service as requested by the customer. If the customer fails to request disconnection of service the customer will be responsible to continue paying for water service at the company's tariff rate until the company becomes aware that the customer vacated the property.

(b) **Company-directed: Notice requirements** - After properly notifying the customer, as explained in subsection (3) of this section, the water company may discontinue service to its customers for:

(i) Unpaid bills, as provided for in WAC 480-110-375;

(ii) Water use for purposes or properties other than those specified in the customer's application for service;

(iii) Willful waste of water through improper or defective piping, equipment, or otherwise;

(iv) Piping or equipment that does not meet the company's standards or fails to comply with other applicable codes and regulations;

(v) Tampering with the company's property;

(vi) Vacating the premises;

(vii) Nonpayment of any proper charges, including deposit, as provided in the company's tariff;

(viii) Refusing to allow access as required in WAC 480-110-305;

(ix) Violating rules, service agreements, or effective tariffs, including violation of outdoor watering instructions given to customers in order to curtail water use during time of shortage;

(x) Use of equipment that detrimentally affects the company's service to its other customers.

(c) **Service obtained by fraud: No notice required before termination** - A water company may terminate service without notice when it discovers that a customer has obtained service fraudulently. Examples of fraud include: When service is connected without the company's knowledge, when service is obtained by fraudulent means or repre-

sentations, or when service is used to provide service to other persons who are required to obtain their own service.

(i) **First offense:** The company may disconnect service immediately and without prior notice when it discovers fraud, unless the customer immediately pays:

(A) The tariff rate for service that the company estimates was taken fraudulently; plus

(B) All company costs resulting from the fraudulent use and all applicable fees; plus

(C) Any applicable required deposit.

(ii) **Second offense:** The company may disconnect service immediately and without prior notice when it discovers further fraud. The company may refuse to reconnect service to a customer who has been disconnected for further fraud.

(iii) **Commission review:** A customer may ask the commission to review any company determination of fraud through an informal or formal complaint. The company has the burden of proving that fraud occurred. However, this rule does not relieve any person who has committed fraud from civil or criminal responsibility.

(2) **Medical emergencies** - When a water company has cause to disconnect or has disconnected a residential service, it must postpone disconnection of service or must reinstate service for a grace period of five business days after receiving either verbal or written notification of the existence of a medical emergency. In cases of actual emergencies when service is reinstated, payment of a reconnection charge and/or deposit shall not be required prior to reinstatement of service.

(a) The company may require that the customer, within five business days, submit written certification from a qualified medical professional stating that the disconnection of water service would significantly endanger the physical health of a 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) Residence location;

(ii) An explanation of how the physical health of the person will be endangered by disconnection of local service;

(iii) A statement of how long the condition is expected to last; and

(iv) The title, signature and telephone number of the person certifying the condition.

(b) A medical emergency does not excuse a customer from paying delinquent and ongoing charges. The company may require that the customer do the following within the five business day grace period: Pay a minimum of twenty-five percent of the delinquent balance 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 customer to pay more than this subsection prescribes. The company must send a notice to the customer confirming the payment arrangements within two business days.

(c) If within the five-day grace period the customer fails to provide an acceptable payment arrangement, the company may disconnect service without further notice.

(d) If the customer fails to abide by the terms of the payment agreement the company may disconnect service without further notice.

(e) The medical certification is valid only for the length of time the health endangerment is certified to exist but no longer than six months unless renewed.

(3) **Required notice prior to disconnecting service** - Water companies must notify customers before disconnecting their service except in case of danger to life or property, fraudulent use, impairment of service, or violation of law. In all other cases, the company must not disconnect service until it has met the following requirements:

(a) The company must serve a written disconnection notice on the customer, either by mail, or, at the company's option, by personal delivery of the notice to the customer's address, attached to the primary door. Each disconnection notice must include:

(i) A delinquent date that is no less than eight business days after the date of personal delivery or mailing if mailed from inside the state of Washington or a delinquent date that is no less than eleven days if mailed from outside of the state of Washington; and

(ii) All pertinent information about the reason for the disconnection notice and how to correct the problem; and

(iii) The company's name, address, and telephone number by which a customer may contact the company to discuss the pending disconnection of service.

(b) In addition to (a) of this subsection, a second notice must be provided by one of the two options listed below:

(i) **Delivered notice** - The company must deliver a second notice to the customer and attach it to the customer's primary door. The notice must contain a deadline for compliance that is no less than twenty-four hours after the time of delivery that allows the customer until 5:00 p.m. of the following day to comply; or

(ii) **Mailed notice** - The company must mail a second notice, which must include a deadline for compliance that is no less than three business days after the date of mailing if mailed from within the state of Washington or six days if mailed outside the state of Washington.

(c) Disconnection notices must:

(i) Include detailed information pertinent to the situation; and

(ii) Include the company's name, address and telephone number by which the customer may contact the company to discuss the pending disconnection of service; and

(iii) Expire after ten business days from the first day that the company may disconnect service, unless other mutually agreed upon arrangements have been made and confirmed in writing by the company. If mutually accepted arrangements are not kept, the company may disconnect service without further notice.

(d) Except in case of danger to life or property, companies may not disconnect service on Saturdays, Sundays, legal holidays, or on any other day on which the company cannot reestablish service on the same or following day.

(e) A company employee dispatched to disconnect service must accept payment of a delinquent account at the service address if tendered in cash, but is not required to give change for cash tendered in excess of the amount due and owing. The company must credit any excess payment to the customer's account. When disconnection does not take place due to payment made by the customer, the company may assess a fee for the disconnection visit to the service address as provided in the company's tariff. The disconnection notice must describe the disconnection visit charge, the amount, and the circumstances under which the charge will be made.

(f) When service is provided through a master meter, or when the utility has reasonable grounds to believe service is to other than the customer of record, the company must 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 customer of record, a minimum period of five days must be allowed to permit the service users to arrange for continued service.

(g) When service is provided to a hospital, medical clinic with resident patients, or nursing home, notice of pending disconnection must be provided to the director of the Washington department of health, and to the customer. Upon request to the company from the Washington department of health director or designee, an additional five business days must be allowed before disconnecting service to allow the department to take whatever steps are necessary to protect the interests of resident patients who are responsibilities of the Washington department of health.

(h) Service may not be disconnected while the customer is pursuing any remedy or appeal provided by these rules or while engaged in discussions with the company's representatives or with the commission. However, any amounts not in dispute must be paid when due and any conditions posing a danger to health, safety, or property must be corrected.

(4) **Payments at a payment agency** - Payment of any past due amounts to a designated payment agency of the water company constitutes payment when the customer informs the company of the payment and the company has verified the payment with the payment agency.

(5) **Reconnecting water service after disconnection** - The water company must restore disconnected service when the customer has paid, or the company has agreed to bill, any reconnection charge and:

(a) The causes of disconnection are removed; or

(b) The customer pays all proper charges; or

(c) The customer pays any applicable deposit as provided for in the company tariff in accordance with WAC 480-110-335.

The commission may order reconnection pending resolution of any bona fide dispute between the company and the customer over the propriety of disconnection.

[Statutory Authority: RCW 80.01.040, 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-355, filed 11/30/99, effective 12/31/99.]

WAC 480-110-365 Service responsibilities. (1) **Customer responsibility** - Customers must notify the water company in writing prior to making a change in equipment or

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usage that will materially affect the service being provided by the company. The customer must:

(a) Provide the company adequate time to install necessary additional facilities or supply; and

(b) Pay an equitable share of the cost of necessary additional facilities, if any, as provided in the company's tariff or through a contract submitted to the commission for approval.

(2) **Water company responsibility** - Water companies must:

(a) Install and maintain all equipment at appropriate locations necessary to operate the system;

(b) Install additional equipment as required by the commission in connection with performing special investigations; and

(c) Notify all affected customers when changes to the service will require customers to adjust their equipment.

(i) If the customer has been advised of the needed change prior to taking service, the company has no obligation to pay for any costs in connection with making required changes to the customer's equipment.

(ii) If the change in service is required by law, the company has no obligation to pay for any costs in connection with making required changes to the customer's equipment.

(iii) Otherwise when equipment must be adjusted to permit use under the changed conditions, the cost of any necessary adjustments must be equitably shared by the company and customer.

(3) **Maintenance** - Each water company must maintain its plant and system in a condition that enables it to furnish adequate service and meet its obligation under chapter 246-290 or 246-291 WAC, as applicable.

(4) **Quality of water** - Each water company must meet Washington department of health requirements under chapter 246-290 or 246-291 WAC, as applicable.

(5) **Protection of water supply** - Each water company must protect its sources of supply, as required by Washington department of health under chapter 246-290 or 246-291 WAC, as applicable.

(6) **Operations and maintenance** - Each water company must comply with Washington department of health rules regarding operation and maintenance, as required under chapter 246-290 or 246-291 WAC as applicable, and by good engineering practices.

(7) **Test records** - Each water company must:

(a) Keep a complete record of each test made for quality and service conditions as required under these rules. The records must contain complete information concerning the test, including such items as the commission may require;

(b) Provide the records to the commission staff upon request.

(8) **Interruption of service and service outages:**

(a) Water companies must make all reasonable efforts to avoid outage of service but are not insurers in the event of emergency, acts of God, or similar event. When outages do occur, the company must make reasonable efforts to reestablish service with a minimum of delay.

(b) When making necessary repairs or changes to its facilities, a water company:

(i) May interrupt service for a period of time as reasonably necessary and in a manner that minimizes the inconvenience to the customers; and

(ii) Must attempt to do the work during working hours regularly maintained by the company.

(c) A water company may interrupt service without incurring any liability.

(9) **Notice of service interruptions** - Water companies must:

(a) Notify its customers of a scheduled interruption twenty-four hours in advance through newspapers, radio announcements, or other means;

(b) Notify police and fire departments affected by the interruption individually;

(c) Keep a record of all interruptions of service affecting a substantial number of customers, including in such records:

(i) The location;

(ii) The date and time;

(iii) The duration; and

(iv) The cause of each interruption, if known.

(d) Provide copies of records to the commission staff, upon request;

(e) Notify the Washington department of health.

[Statutory Authority: RCW 80.01.040. 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-365, filed 11/30/99, effective 12/31/99.]

WAC 480-110-375 Form of bills. (1) Customer bills must:

(a) Be issued at intervals not to exceed three months and identify if the water company is billing in arrears or advance;

(b) Show a reference to the applicable rate schedule;

(c) Identify and show each separate charge as a line item;

(d) Show the total amount of the bill;

(e) Include enough information that, together with tariff rates, the customer can calculate his or her bill (a copy of the tariff is available for review at company or from the commission upon request);

(f) Show the date the bill becomes delinquent if not paid. The minimum specified time must be fifteen days after the bill's mailing date, if mailed from within the state of Washington, or eighteen days if mailed from outside the state of Washington, after the bill's mailing date.

A customer may request to pay by a certain date that is not the normally designated payment date when showing good cause. Good cause may include, but is not limited to, adjustment of a billing cycle to parallel receipt of income. The preferred payment date must be prior to the next invoice date.

(g) Include the water company's business address and telephone number and/or emergency telephone number by which a customer may contact the company;

(h) If the customer is metered, include the current and previous meter readings, the current read date, and the number and kind of units consumed;

(i) Show taxes and any tax percentage rate that the taxes are computed from. Taxes must be totaled to show a total taxed amount. Upon request, the company must provide a detail of the computation of the tax amount. Taxes, as used here, represent municipal occupation, business and excise taxes that have been levied by a municipality against the

company, and are being passed on to the customer as a part of the charge for water service; and

(j) Clearly identify when a bill has been estimated.

(2) Water companies may prorate bills for customers who have taken service for a fraction of the billing period. If the company does not have its method of prorating bills in its tariff, the company must prorate bills in the following manner:

(a) For flat rate service, the charge must be prorated on the basis of the proportionate part of the period during which service was rendered.

(b) For metered service the charge will be equal to:

(i) The applicable minimum charge as shown in the company's tariff must be prorated on the basis of the proportionate part of the period during which service was rendered; plus

(ii) Any water usage charge computed using rates and allowances shown in the company's tariff.

(3) The water company must include its method for estimating bills in its tariff. Estimating of bills is allowed for no more than two consecutive billing cycles.

(4) When a company has cause to back-bill a customer, the company must allow the customer payment arrangements, if requested, for the same number of months to pay equal to the cumulative total of months being back-billed. (Example: If the company is back-billing for a one-year period, the company must allow the customer twelve months of equal payments to pay the total amount of the back billing.) These payments will be in addition to current billings.

[Statutory Authority: RCW 80.01.040. 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-375, filed 11/30/99, effective 12/31/99.]

WAC 480-110-385 Water company responsibility for complaints and disputes. (1) If a water company receives a complaint or dispute from a customer or an applicant for service it must:

(a) Acknowledge the complaint;

(b) Investigate promptly;

(c) Report the results of the investigation to the complainant;

(d) Take corrective action, if warranted, as soon as appropriate under the circumstances;

(e) Inform the complainant that the decision may be appealed to a higher level representative at the company, if any;

(f) Inform the complainant, if still dissatisfied after speaking with the higher level representative, of the commission's availability for review of the complaint; and

(g) Provide the complainant with the commission's address and toll-free telephone number.

(2) Applicants, customers, or their representatives, may file with the commission:

(a) An informal complaint against the company as set forth in WAC 480-09-150; and/or

(b) A formal complaint against the company as set forth in WAC 480-09-500.

(3) When commission consumer affairs staff refers an informal complaint to the company, the company must:

(a) Investigate and report the results to the commission consumer affairs staff within two business days. The com-

mission consumer affairs staff may grant an extension of time for responding to the complaint, if requested and warranted;

(b) Keep the commission consumer affairs staff informed of progress toward the solution and the final result.

(4) Each water company must keep a record of all complaints concerning service or rates for at least one year and, on request, make them readily available for commission review. The record must contain:

- (a) Complainant's name and address;
- (b) Date and nature of the complaint;
- (c) Action taken; and
- (d) Final result.

[Statutory Authority: RCW 80.01.040, 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-385, filed 11/30/99, effective 12/31/99.]

WAC 480-110-395 Water quality refunds. (1) Water companies may be required to refund water charges due to poor water quality only:

(a) Upon commission order resulting from a formal proceeding before the commission; and

(b) When there are violations of the Washington department of health water quality standards in WAC 246-290-310 (primary contaminants); and

(c) If the company does not take follow up steps outlined in WAC 246-290-320.

(2) The amount of the refund will be determined in a formal proceeding before the commission and is not recoverable through rates or charges.

[Statutory Authority: RCW 80.01.040, 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-395, filed 11/30/99, effective 12/31/99.]

WAC 480-110-405 Meter accuracy and water pressure complaints. (1) When the water company receives a meter accuracy or water pressure complaint, it must perform a test and share the results with the customer. The test must be at no charge to the customer, except the water company may charge for any additional meter tests requested by the customer within a twelve-month period as provided in its tariff.

(2) The test must be performed within ten days of the complaint.

(3) The customer has the option to witness the test. Should the customer choose to witness the test, a mutually agreed time will be established. A continuously recording pressure gauge may be required for a period of up to one week based on customer complaints of low pressure.

(4) The meter or pressure test must be taken using industry standard methods and equipment.

(5) If a meter test reveals a meter error in excess of two percent water flow to the detriment of the customer, the company must repair or replace the meter at no cost to the customer. A refund for any over billing must be made to the customer.

(6) If the water company and customer cannot resolve a complaint, it may be appealed to the commission for resolution.

(7) The water company must keep a record of meter and pressure tests and have them available for inspection. The record must list the customer's name and address, type of complaint, resolution, and what test method was used.

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(8) The water company must provide, at the commission's request, a description of the test procedures and equipment used to perform meter and pressure complaint tests.

[Statutory Authority: RCW 80.01.040, 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-405, filed 11/30/99, effective 12/31/99.]

WAC 480-110-415 Meters. (1) **Water company rights and responsibilities:**

(a) The water company must:

(i) Bear the cost of the meter and meter installation.

(ii) Install water meters that are in working order and accurately measure water flow.

(iii) Record meter serial numbers and identify location of installation.

(iv) Repair or replace a malfunctioning meter at its expense unless a customer causes the malfunction.

(b) The water company may:

(i) Install meters and charge the tariff meter rate after thirty days notice to affected customers.

(ii) Install any apparatus to detect fraud or waste without notifying the customer.

(2) **Water customer rights and responsibilities:**

(a) A customer may request that a standard residential meter as defined in the company's tariff be installed, provided that metered rates are in effect.

(b) When a customer requests a meter installation, the water company may charge the customer in advance for the meter cost and meter installation, if such charge is included in the company's tariff. The company must reimburse the customer, by bill credit, at least ten percent of the meter and installation charge each month until fully paid.

(c) The water company has thirty days from the date of request to install the meter.

(d) If the water company fails to install the meter within the time limit in (c) of this subsection, the customer must be charged only the meter minimum charge until the meter is installed.

(e) If a customer tampers with a meter, the customer will be liable to the company for any repair or replacement costs.

(f) If the customer requests assistance in reading a meter, the water company must provide information on how to read the meter.

[Statutory Authority: RCW 80.01.040, 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-415, filed 11/30/99, effective 12/31/99.]

WAC 480-110-425 Water company customer notice requirements. (1) Draft customer notices must be submitted to the commission for review at least one week prior to the company's planned printing date for distribution.

(2) At a minimum, the water company must notify:

(a) Customers and potential customers who may be affected by the water company's proposal; and

(b) The public affairs section of the commission.

(3) Customers must receive notice thirty days prior to the requested effective date when a water company proposes to:

(a) Increase rates;

(b) Change terms and/or conditions of an existing service;

(c) Change the ownership or control of the operating company (see WAC 480-143-210 for content of notice);

(d) Institute a charge for a service that was formerly provided without charge; or

(e) Eliminate or grandfather any service.

(4) Content of notice for rate change - The notice to customers must contain, at a minimum, the following:

IMPORTANT NOTICE

(a) Date

(b) (Insert water company name) has filed for approval from the Washington utilities and transportation commission to increase rates (insert total annual revenue). If approved, the rates will be effective on (insert effective date).

(c) (Clearly explain the reason for the proposal - be specific.)

Current Rates/Services	Proposed Rates
\$	\$

(d) If you have questions about the proposed filing and how it will affect you, please call (insert company name & office phone number). If you have questions about the rate making process, you may contact the Washington Utilities and Transportation Commission at the following address: WUTC, 1300 S. Evergreen Park Drive S.W., P.O. Box 47250, Olympia, WA 98504-7250; 1-800-562-6150 (toll-free) or by e-mail comments@wutc.wa.gov.

(e) If you would like to comment on this proposal, it is important for you to do so now. Comments must be submitted in writing or presented at the commission's open meeting to be included as part of the formal record. The commission is interested in receiving your views regarding this proposal whether in favor or not. All open meetings are held in Olympia, WA. If you would like to be added to the commission's mailing list to be notified of the open meeting date, please call 1-800-562-6150 and leave your name, complete mailing address, the water company's name, and a description of the proposal you are interested in.

Sincerely,

(Company Name/Representative)

(5) Notice after commission action is permitted only when the commission approves an increase in federal, state, county or city-imposed taxes, fees or surcharges, and when credits are issued.

(a) At a minimum, notice after commission action must include the effective date, a clear description of changes to rates or services resulting from the commission's decision, and a company contact number where customers may seek additional information.

(b) Any notice after commission action may be accomplished by a bill message, bill insert, printed in a company newsletter, or mailed separately to customers.

(c) The commission may require other notification to the public as it determines necessary.

[Statutory Authority: RCW 80.01.040, 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-425, filed 11/30/99, effective 12/31/99.]

[Title 480 WAC—p. 228]

WAC 480-110-435 Extension contracts. (1) Each water company must file, as a part of its tariff, an extension rule that states the conditions required by the company before it will extend its transmission and distribution infrastructure to provide water service to an applicant.

(2) Companies entering into any extension contract must:

(a) File the contract with the commission not less than thirty days before the proposed effective date of the contract.

(b) Conform the proposed contract to the applicable provisions of WAC 480-80-335.

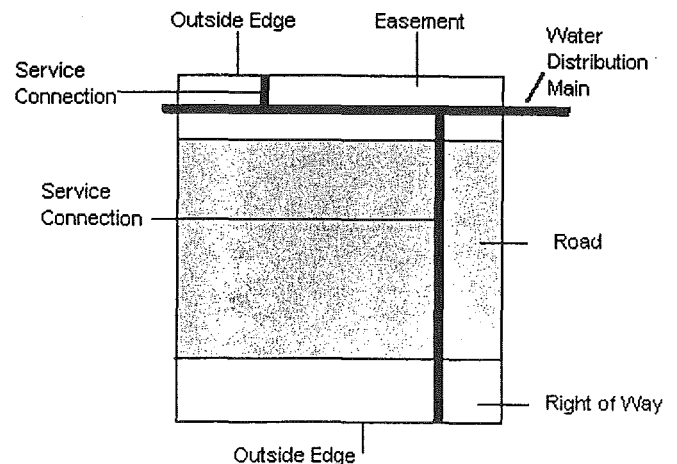
(3) Extension contracts must include the documentation necessary to show that the proposed charges are fair, just, reasonable, and sufficient.

(4) An extension may also be referred to as a distribution extension, a main extension, or a line extension.

[Statutory Authority: RCW 80.01.040, 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-435, filed 11/30/99, effective 12/31/99.]

WAC 480-110-445 Service connections and customer service lines. A service connection is the pipes, valves, and fittings between the water company's distribution system and the customer's service line. The customer's service line is the water line from the customer's points of usage to the water company's service connection.

(1) **Service connection charge and service connection length.** The length of a service connection can vary depending on where the customer's service line is or will be located. A tariffed service connection charge may be assessed for the cost of a new service connection. However, if the service connection is longer than the distance from the water distribution main to the outside edge of the right of way or easement that runs along or parallel to the water distribution main and closest to the customer's property line, the cost of such an extension may be financed as line extension, at the option of the company. The related line extension contract is subject to approval by the commission under WAC 480-110-435.



(2) Service connections may be installed when the system is built or at a later date, after the system is operational. A service connection charge may be based on the average installation cost for new service connections in subsection

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(3)(a) and (b) of this section. The service connection must be owned and maintained by the water company.

(3) A water company may assess a service connection charge, if named in its tariff, to recover the cost of the service connection:

(a) Installed by the water company during construction of the water system; or

(b) Installed after the distribution system had been buried and in service; or

(c) When the service connection has been previously removed for good cause and must be reinstalled to provide water service.

(4) A service connection charge must not be assessed if:

(a) The water company did not incur any cost to install the service connection (e.g., the service connection is a contribution in aid of construction);

(b) The water company is just installing a meter; or

(c) The water company is merely opening a valve to connect the company's distribution system to the customer's service line.

(5) The company may install the service connection to the property line, property corner, or to a location on the property mutually agreed upon. The company may install a meter or valve at any point along the service connection line or at a different mutually agreed location provided that in such event the property line will nevertheless be deemed the point of delivery.

(6) The customer's service line must be installed to provide easy access to the water company's distribution system. If there is doubt as to where the proper location should be, the customer must consult with the water company and agree on a location.

(7) The water company may request that the trench be left open and customer's service line exposed in order to inspect the connection for potential problems. The water company must complete the inspection within two business days after notification that the trench is open.

[Statutory Authority: RCW 80.01.040, 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-445, filed 11/30/99, effective 12/31/99.]

WAC 480-110-455 Water company funding mechanisms. (1) Some water companies have insufficient funds to respond to emergencies, replace or upgrade failing infrastructure, or add plant to accommodate growth. Frequently, water companies cannot obtain financing through traditional capital markets. The purpose of a surcharge or a facilities charge is to provide the water company with a source of capital, provided by customers, to fund capital needs. No company may collect a surcharge or facilities charge except by commission order or approval.

(2) Surcharges.

(a) Surcharges are designed to fund three types of financing needs:

(i) Future water utility plant. This surcharge allows the company to collect money from current customers to fund a reserve in order to pay for future capital projects that are part of a long-range plan. The project must be approved by the department of health as a part of a long-range plan, or required by the department of health to assure compliance with federal or state drinking water regulations, or to perform

construction or maintenance required by the department of ecology to secure safety to life and property under RCW 43.21A.064(2).

(ii) Current water utility plant. This surcharge is tied to the servicing and repayment of the debt used for the financing of the water utility plant required by:

(A) Washington department of health order or letter to adequately serve current customers; or

(B) Department of ecology.

(iii) Special expenses. This surcharge is used to pay for operating expenses that are independent and unique from normal operating expenses or that may be subject to large variations. This type of operating expense may need periodic reevaluation without the need of a general rate case. Examples of the use of this type of surcharge are: New or highly variable safe drinking water act testing and treatment expenses, extraordinary maintenance expenses, or temporary taxes.

(b) A surcharge may fund up to one hundred percent of the total cost of a project or expense.

(c) Funds received by surcharge, including any interest earned on the funds while being held in reserve, are contributions in aid of construction.

(d) When seeking approval of a surcharge the company must file:

(i) A cover letter explaining the request;

(ii) A tariff page, stating the amount of the surcharge and who must pay;

(iii) Supporting justification for the charge; and

(iv) If applicable, requests for capital surcharges must refer to the appropriate sections of the company's submitted comprehensive water system plan, or include a copy of the Washington department of health order or letter requiring plant improvements to adequately serve current customers.

(3) Facilities charges.

(a) Facilities charges are designed to fund two types of capital needs:

(i) Future water utility plant. This type of facilities charge allows the company to collect money from new customers to fund a reserve in order to pay a portion of future capital projects that are part of a long-range plan. The project must be in accordance with the company's submitted comprehensive water system plan or Washington department of health order or letter requiring plant improvements to adequately serve current customers, or utility plant that is required by department of ecology.

(ii) Current water utility plant. This type of facilities charge allows the company to collect money from new customers to be used to fund a reserve to partially finance current plant improvements required by Washington department of health order or letter to adequately serve current customers or required by department of ecology.

(b) A facilities charge may not fund one hundred percent of the total cost of qualifying projects. The water company must maintain an appropriate ratio of rate base to total plant.

(c) Funds received through a facilities charge, including any interest earned on the funds while being held in reserve, are contributions in aid of construction.

(d) A water company may impose a facilities charge by tariff or contract.

(e) When seeking approval of a facilities charge the company must file:

- (i) A cover letter explaining the request;
- (ii) A tariff page or signed contract, stating the amount of the charge and who must pay;
- (iii) Supporting justification for the charge;
- (iv) Requests for a facilities charge must refer to the appropriate sections of the company's submitted comprehensive water system plan, or include a copy of the Washington department of health order or letter requiring plant improvements to serve current or potential customers.

(4) Accounting and reporting requirements.

(a) Surcharge funds and facilities charge funds collected pursuant to this rule, and interest earned upon such funds must be held in a separate account by the company for the benefit of customers. Such funds do not become the property of company owners and may not (except as authorized in (b) of this subsection), be disbursed, alienated, attached, or otherwise encumbered by the company or its owners. In the event of a sale or transfer of the company, the trust obligations established in this rule regarding any unspent surcharge or facilities charge funds are transferred to the new owner of the company.

(b) Funds may be used from the account only to the extent and for the purposes approved by the commission.

(i) At the discretion of the commission, disbursements from the account may become subject to prior approval by the commission either by order by the commission or by letter from the executive secretary.

(ii) The company may be required to file requests for disbursements.

Requests must provide sufficient detail to allow the determination that the requested disbursement is in compliance with the commission's order.

(c) The water company must report for each tariffed surcharge or facilities charge the following information to the commission within sixty days of the end of the calendar quarter:

- (i) Beginning balance;
- (ii) Amounts received, detailed by source;
- (iii) Amounts spent, detailed by project or expense;
- (iv) Ending balance;
- (v) Reconciliation of bank balance to general ledger.

[Statutory Authority: RCW 80.01.040. 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-455, filed 11/30/99, effective 12/31/99.]

WAC 480-110-465 Political information and political education activities. (1) The commission will not allow expenses for political information or political education activities for ratemaking purposes.

(2) Political information and political education activities include, but are not limited to:

- (a) Encouraging support or opposition to ballot measures, legislation, candidates for an office, or current public office holders.
- (b) Soliciting support for political action committees.
- (c) Gathering data for political mailing lists.
- (d) Soliciting political contributions or recruiting political volunteers.

[Title 480 WAC—p. 230]

[Statutory Authority: RCW 80.01.040. 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-465, filed 11/30/99, effective 12/31/99.]

WAC 480-110-475 Reports of accidents. Each water company must notify the commission within seventy-two hours after every accident resulting in death or serious injury to any person occurring in its plant or through contact with its facilities. At a minimum, the report must include the name of the injured person, time and place of the accident, and an explanation of the accident. The water company may notify the commission by phone, but must provide a written report within five business days.

[Statutory Authority: RCW 80.01.040. 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-475, filed 11/30/99, effective 12/31/99.]

WAC 480-110-485 Retention and preservation of records and reports. (1) The water company must retain all records and reports for three years unless otherwise specified in subsection (2) of this section.

(2) The *Regulations to Govern the Preservation of Records of Electric, Gas and Water Companies*, published by the National Association of Regulatory Utility Commissioners is prescribed as the requirement for the state of Washington. This document is available at the commission branch of the Washington state library. The commission secretary will provide a copy of the document on request, subject to any charge, or it may be ordered directly from the National Association of Regulatory Utility Commissioners.

[Statutory Authority: RCW 80.01.040. 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-485, filed 11/30/99, effective 12/31/99.]

WAC 480-110-495 Maps. Each water company shall maintain a current map of each of its water systems showing the current service area. The company must provide the current maps to the commission for review within five business days of a request. The maps must contain enough detail to answer questions related to rates and charges and obligations to serve.

[Statutory Authority: RCW 80.01.040. 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-495, filed 11/30/99, effective 12/31/99.]

Chapter 480-120 WAC TELEPHONE COMPANIES

WAC

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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.	480-120-160
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.	480-120-170
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.	480-120-180
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.	480-120-190
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.	480-120-200
480-120-060	Annual reports. [Order R-5, § 480-120-060, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71.	480-120-210
480-120-070	Information—Available. [Order R-5, § 480-120-070, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-041.	480-120-220
480-120-080	Filing of records and reports. [Order R-5, § 480-120-080, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-136.	480-120-230
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.	480-120-240
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- 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.
- 480-120-260 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.
- 480-120-400 Purpose. [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.] Repealed by 99-01-076 (Order R-453, Docket No. UT-970545), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 80.01.040, 80.36.100, 80.36.140, 80.36.160, 80.36.170 and 80.36.180.
- 480-120-405 Definition of extended area service. [Statutory Authority: RCW 80.01.040, 96-23-070 (Order R-438, Docket No. UT-960687), § 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.] Repealed by 99-01-076 (Order R-453, Docket No. UT-970545), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 80.01.040, 80.36.100, 80.36.140, 80.36.160, 80.36.170 and 80.36.180.
- 480-120-410 Local calling capability. [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.] Repealed by 99-01-076 (Order R-453, Docket No. UT-970545), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 80.01.040, 80.36.100, 80.36.140, 80.36.160, 80.36.170 and 80.36.180.
- 480-120-415 Determination of extended area service routes. [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.] Repealed by 99-01-076 (Order R-453, Docket No. UT-970545), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 80.01.040, 80.36.100, 80.36.140, 80.36.160, 80.36.170 and 80.36.180.
- 480-120-420 Revenue requirements and rate design. [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.] Repealed by 99-01-076 (Order R-453, Docket No. UT-970545), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 80.01.040, 80.36.100, 80.36.140, 80.36.160, 80.36.170 and 80.36.180.
- 480-120-425 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), § 480-120-425, filed 1/14/91, effective 2/14/91.] Repealed by 99-01-076 (Order R-453, Docket No. UT-970545), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 80.01.040, 80.36.100, 80.36.140, 80.36.160, 80.36.170 and 80.36.180.
- 480-120-430 Impact on 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, effective 2/14/91.] Repealed by 99-01-076 (Order R-453, Docket No. UT-970545), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 80.01.040, 80.36.100, 80.36.140, 80.36.160, 80.36.170 and 80.36.180.
- 480-120-435 Petition for waiver. [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.] Repealed by 99-01-076 (Order R-453, Docket No. UT-970545), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 80.01.040, 80.36.100, 80.36.140, 80.36.160, 80.36.170 and 80.36.180.

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. Access code - sequence of numbers that, when dialed, connect the caller to the provider of operator telecommunication services associated with that sequence.

Aggregator - is referenced in these rules as a call aggregator, defined below.

Alternate operator services company - is referenced in these rules as an operator service provider (OSP), defined below.

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 - any corporation, company, partnership, or person, who, in the ordinary course of its operations, makes telephones available to the public or to users of its premises for telephone calls using a provider of operator services, including but not limited to hotels, motels, hospitals, campuses, and pay phones (see also pay phone service provider).

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).

Emergency calling - the ability to access emergency services by dialing 911, or dialing a local number to police and/or fire where 911 is not available, without the use of a coin or the entering of charge codes. Where enhanced 911 is operational, the address displayed to the public safety answering point (PSAP) shall be that of the phone instrument if different from the public access line demarcation point and the phone number must be that of the pay phone.

Exchange - a unit established by a telecommunications company 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.

Local coin call - a connection from a pay phone within the local calling area of not less than fifteen minutes.

Location surcharge - a flat, per-call charge assessed by an operator service provider (OSP) on behalf of a call aggregator/pay phone service provider 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/pay phone service provider.

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.

Operator service provider (OSP) - any corporation, company, partnership, or person 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.

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.

Pay phone or pay telephone - any telephone made available to the public on either a fee-per-call basis, independent of any other commercial transaction, for the purpose of making telephone calls, whether the telephone is coin-operated or is activated by calling collect or using a calling card.

Pay phone access line, public access line, pay telephone access line, pay station service, pay phone service (PAL) - is referenced in these rules as an access line, see above.

Pay phone services - provision of pay phone equipment to the public for placement of local exchange, interexchange, or operator service calls.

Pay phone service provider (PSP) - any corporation, company, partnership, or person who owns or operates and makes pay phones available to the public.

Presubscribed provider of operator services - the provider of operator services to which the consumer is connected when a call is placed without dialing an access code.

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 80.04.160, 80.36.520 and 80.01.040. 99-02-020 (Order R-452, Docket No. UT-970301), § 480-120-021, filed 12/29/98, effective 1/29/99. 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;

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(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 pub-

lished 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 commission 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.

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(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.

(5) Federal universal service contracts with schools, libraries, and rural health care providers pursuant to 47 CFR, Part 54. When a telecommunications company enters into a contract to provide competitively classified service to a school, library, or rural health care provider, as part of the federal universal service program, the telecommunications company must file the contract if the rates, terms, or conditions of the prediscouted contract service depart from the price list. The contract must be filed immediately upon acceptance by the administrator of the federal universal service program. The filing must include the same documentation required for approval by subsection (3)(b) of this section. The contract shall become effective immediately upon filing with the commission, or at such later time as is specified in the contract.

[Statutory Authority: RCW 80.36.080, 80.01.040 and the United States Telecommunications Act of 1996, Section 254. 98-04-028 (Order R-448, Docket No. UT-970317), § 480-120-027, filed 1/28/98, effective 2/28/98. 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

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shall be required to comply with the more detailed accounting specified for Class A companies. Any election to the contrary notwithstanding, the commission reserves the right to require any company to comply with the accounting requirements applicable to Class A companies.

(3) Jurisdictional differences. For Account 7910—Income effect of jurisdictional ratemaking differences—Net; Account 1500—Other jurisdictional assets—Net; Account 4370—Other jurisdictional liabilities and deferred credits—Net, and in a subaccount of Account 4550—Retained earnings, the exchange telecommunications companies operating in this state shall keep subsidiary accounts and records reflecting in separate accounts, subaccounts, and subsidiary records, the Washington intrastate differences in amounts arising from the departure of this commission for booking and/or ratemaking purposes from FCC prescribed accounting. Separate subaccounts shall be kept for each difference. Examples include, but are not limited to, separate accounting for the booking of an allowance for funds used during construction (AFUDC) for short-term construction work in progress (Account 2003, formerly subdivision (1) of Account 100.2); flow-through accounting of tax timing differences to the extent permitted by tax regulations (unless specific exceptions to the flow-through requirement have been granted or required by the commission); elimination of excess profits for affiliated transactions; or such other company specific ratemaking or accounting treatment ordered by the commission in any case involving the rates of a specific company, or in other accounting directives issued by the commission.

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

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

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

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

(e) As to a leased asset which is or has been used in the provision of utility service, unless an alternate accounting treatment has been specifically approved by the commission, any company which capitalizes leases in accordance with FASB-13 shall capitalize such leases at the lower of their

original cost or the present value of the minimum lease payments. For purposes of this section "original cost" is defined as the net book value of the leased property to the lessor at the inception of the lease. If all efforts by a company to obtain original cost information fail, and the original cost can not be reasonably estimated, then the companies will file a request with the commission seeking approval to record the asset at the lower of the fair market value of the asset or the present value of the minimum lease payments.

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

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

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

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

(i) Any property which has been used in the provision of utility service, when acquired from a nonaffiliate shall be recorded at its net book value at the time of the transfer. If the company wishes to record the acquisition at its acquisition cost rather than its net book value, it shall first seek approval for such accounting, providing such detail as the commission may require. If there is a jurisdictional difference in recording the cost of an acquisition, any such difference shall be recorded in a separate subaccount of the designated jurisdictional differences accounts. Any other property acquired from a nonaffiliate shall be recorded at its acquisition cost.

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

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

(4) The annual report form promulgated by the Federal Communications Commission is hereby adopted for purposes of annually reporting to this commission by those Class A telecommunications companies classified by the FCC in CC Docket No. 86-182 as Class A Tier I telecommunications companies. The annual report forms for all other Class A and Class B telecommunications companies shall be published by the commission. The annual report shall be filed with the commission as soon after the close of each calendar year as possible but in no event later than May 1 of the succeeding year. Those telecommunications companies having multi-state 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

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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. (1) 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.

(2) 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.

(3) Each local exchange company shall furnish a copy of any required directory to each of its subscribers 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.

(4) Each local exchange company that is providing service in an area covered by a directory published pursuant to this rule may, upon request, have an informational listing of its name and telephone number placed in each such directory. Each directory publisher may impose reasonable requirements on the timing and format of informational listings, provided that these requirements do not discriminate between local exchange carriers.

(5) 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.

(6) In the event of an error in the listed number of any subscriber, the subscriber's local exchange 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.

(7) Whenever a subscriber's telephone number is changed for any reason after a directory is published, the local exchange company 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.

(8) 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, 97-18-056 and 97-20-095 (Order R-442 and Order R-443, Docket No. UT-960942), § 480-120-042, filed 8/29/97 and 9/29/97, effective 9/29/97 and 10/30/97. 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 480-120-045 Local calling areas. (1) The commission may expand local calling areas only under the most exceptional circumstances. The commission will generally rely on long distance competition, local competition, and optional calling plans that assess additional charges only to

participating customers to meet customer demand for alternate or expanded calling.

(2) In evaluating requests for expanded local calling, the commission will consider whether the local calling area is adequate to allow customers to call and receive calls from the following community services: Community medical facilities, police and fire departments, city or town government, elementary and secondary schools, libraries, and a commercial center. In evaluating such requests, the commission will consider the overall community of interest of the entire exchange, and may consider other pertinent factors such as customer calling patterns, the availability and feasibility of optional calling plans, and the level of local and long distance competition.

(3) Requests for expanded local calling areas shall be made pursuant to RCW 80.04.110 (the commission's complaint statute).

[Statutory Authority: RCW 80.01.040, 80.36.100, 80.36.140, 80.36.160, 80.36.170 and 80.36.180. 99-01-076 (Order R-453, Docket No. UT-970545), § 480-120-045, filed 12/15/98, effective 1/15/99.]

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 spe-

cial 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 480-120-052 Prepaid calling services. (1) Prepaid calling services - Defined.

(a) Prepaid calling services (PPCS) means any transaction in which a consumer pays for service prior to use and the prepaid account is depleted as a consumer uses the service. Prepaid calling services may require the use of an access number or authorization code. The transaction often includes an object the size of a credit card which displays relevant information about the service. These objects are defined as prepaid calling cards.

(b) This section excludes credit cards and cash equivalent cards. Services provided at pay telephones using these cards are regulated under the provisions of WAC 480-120-138.

(i) Credit cards: Cards that can be used to make consumer purchases utilizing preapproved bank credit (e.g., Visa, MasterCard). Consumers utilizing such cards to complete pay telephone calls are charged the applicable tariffed coin operator rates on file with the commission for pay phone provider service at that location.

(ii) Cash equivalent cards: Are cards that may either be purchased for exclusive use at card reader pay telephones or may be used both for consumer purchases and use at card reader pay telephones. Cash equivalent cards are not purchased for the exclusive use through an individual telecommunications provider. Consumers utilizing such cards to complete pay telephone calls are charged the applicable tariffed coin operator rates on file with the commission for pay phone provider service at that location.

(2) Business office requirements for providers of prepaid calling services. A company offering prepaid calling services must provide consumers a without charges telephone number staffed by live personnel during regular business hours. The personnel must be sufficient to respond to all service related inquiries and must be capable of answering general account related questions. The without charge number business office number may be the same as the technical assistance number required in subsection (3) of this section.

(3) Technical assistance requirements when providing prepaid calling services. A company offering prepaid calling services must provide consumers a without charge number staffed by live personnel twenty-four hours a day, seven days a week. The personnel must be sufficient to respond to all inquiries and must be capable of assisting consumers with technical problems or questions related to their service. The without charge number for technical assistance may be the same as the business office number required in subsection (2)

of this section as long as the number is staffed twenty-four hours a day.

(4) Billing requirements for prepaid calling services.

(a) Billing increments must be defined in the company's price list, or tariff and presale document. If a company uses an increment based on a time measurement, the increments must not exceed one minute. If the company bills usage in "unit" measurements, units must clearly be defined using both equivalent dollar amounts and time measurement. Unit billing increments can not exceed the equivalent one minute rate.

(b) Service may be rated only for the actual time a circuit is open that allows for conversation. Conversation time of less than a full billing increment shall not be rounded up beyond that full increment.

(c) Companies may not reduce the value of a PPCS account by more than the charges specified on the prepaid calling card; prepaid calling card packaging; visible display at the point of sale; rates specified in the presale document; or the rate authorized by the commission at the time of purchase. The PPCS may, however, be recharged by the consumer at a rate different from that specified in the initial presale agreement or the last recharge information so long as the rate and surcharges conform with the company's tariff or price list at the time of purchase. The consumer must be informed of the new rates at the time of recharge.

(d) Companies providing prepaid calling services must be capable of providing consumers, upon request, call detail reports at no charge.

(i) Companies may establish verification procedures to confirm the person requesting the call detail was the actual user of the service.

(ii) Call detail reports may be provided orally to a consumer. The company will only be required to provide a written call detail report at no charge if the user requests the information in writing.

(e) Companies providing prepaid calling services must maintain call data for a minimum of thirty months. The data must include the following:

(i) Dialing and signaling information that identifies the inbound access number called or the access identifier;

(ii) The number of the originating phone when the information is passed to the prepaid calling provider;

(iii) The date and time the call was originated;

(iv) The duration or termination time of the call;

(v) The called number; and

(vi) The personal identification number (PIN) and/or account number.

(5) Written disclosure requirements for prepaid calling services - Prepaid calling cards.

(a) *Information required on prepaid calling cards.* At a minimum the cards must contain the following information:

(i) The company's name as registered with the commission. A "doing business as" name may only be used if officially filed with the commission. The language must clearly indicate that the company is providing the prepaid telecommunication services.

(ii) The toll-free or without charge number to reach the company's business office;

(iii) The toll-free or without charge number to reach the company's technical assistance office, if different than the business office number;

(iv) The company's toll-free or without charge number used to access the company's service, if applicable;

(v) Authorization code, if required to access the service or if applicable the toll-free number user is required to call to establish access capability;

(vi) Expiration date, if applicable. If a card expires after a set period of time from activation, (e.g., ninety days after first use) the company must place a general statement on the card outlining this expiration policy. If an expiration date or expiration policy is not disclosed on the card it will be considered live indefinitely; and

(vii) Cards must be voided or otherwise physically marked if they were produced as a "nonlive" card so that it is clear to the user that the card is only a sample and is not active. If the card is not disclosed as a nonoperative card, the card is considered live and the issuing company must honor it.

(b) *Prepaid calling card - Presale or point of sale documents.* The following information must be legibly printed on the card, packaging, or display visible in a prominent area at the point of sale of the prepaid calling card in such a manner that the consumer may make an informed decision prior to purchase. If the information below is to be provided on a visible display at the point of sale the company must ensure by contract with its retailers or distributors that the information is provided to the consumer.

(i) Maximum charge per billing increment for prepaid calling card service. If a company charges varying rates for intrastate and interstate calls all applicable rates must be provided. The rates displayed must be no more than those approved in the tariff or price list of the company at the time of retail purchase;

(ii) Approved charges for all services, and surcharges, fees, and taxes, if applicable and the method of application;

(iii) Expiration policy, if applicable. If an expiration date is not disclosed the service will be considered live until the prepaid balance is depleted;

(iv) Recharge policy, if applicable. If an expiration date is not disclosed at the time service is recharged the service will be considered live indefinitely; and

(6) Written disclosure requirement for prepaid calling service - Other than prepaid calling cards. *Presale agreement.* The following information shall be provided in a presale document to an applicant prior to consumer prepayment and initiation of service:

(i) The company's name as registered with the commission. A "doing business as" name may only be used if officially filed with the commission. The language must clearly indicate that the company is providing the prepaid telecommunication services.

(ii) The toll-free or without charge number to reach the company's business office;

(iii) The toll-free or without charge number to reach the company's technical assistance office, if different than the business office number;

(iv) The company's toll-free or without charge number used to access the company's network, if applicable;

(v) Authorization code, if required to access the service;

(vi) Maximum charge per billing increment for prepaid calling service. If a company charges varying rates for intrastate and interstate calls all applicable rates must be provided. The rates displayed shall be no more than those approved in the tariff or price list of the company at the time of retail purchase;

(vii) Approved charges for all services, and surcharges, fees, and taxes if applicable, and the method of application;

(viii) Expiration date, if applicable;

(ix) Recharge policy, if applicable.

(7) Verbal disclosure requirements for prepaid calling services.

(a) Companies offering prepaid calling service must:

(i) Provide an announcement at the beginning of each call indicating the time remaining on the prepaid account or prepaid calling card;

(ii) Provide an announcement when the prepaid account or prepaid calling card balance is about to be depleted. This announcement must be made at least one minute prior to depletion.

(iii) When requested by a Washington state consumer, the company's business office and technical assistance office must provide the consumer the number for the Washington utilities and transportation commission consumer services line; and

(iv) Company supervisory personnel must provide dissatisfied applicants or subscribers the commission's toll-free number and address in conformance with WAC 480-120-101.

(8) Requirements for refund of unused balances.

(a) When a company has failed to provide service at rates provided in presale documentation or quoted at the time an account is recharged, or that the company has failed to meet technical standards, companies offering prepaid calling services must provide refunds for any unused service or provide equivalent credit in services offered when requested by a customer. Refunds must equal the value remaining on the prepaid calling account or prepaid card. The customer is allowed to choose either the refund or equivalent service option.

(b) Refund requests received from consumers for reasons other than improper rates or failure to meet technical standards may be made at the sole discretion of and in a form prescribed by the company.

(9) Performance standards for prepaid calling services. Each company shall ensure that:

(a) A minimum of ninety-eight percent of all call attempts are completed to the called party's number. Station busies and unanswered calls will be considered completed calls.

(b) A minimum of ninety-eight percent of all call attempts are completed to a company's business office number. Station busies and unanswered calls will not be counted as completed calls.

(c) A minimum of ninety-eight percent of all call attempts are completed to the company's technical assistance number. Station busies and unanswered calls will not be counted as completed calls.

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(10) Requirements when a company ceases operations in the state of Washington. When a company ceases operations in the state, the company must:

(a) Provide the commission with thirty days advance notice in writing.

(b) At least twenty-one days before termination, provide written notice to customers at the address on file with the company, if applicable, indicating that service will be ending, and explain how customers may receive a refund on any unused service.

(c) Beginning at least fifteen days before termination, provide oral notice of termination at the beginning of each call originated in Washington, including the date of termination and a number to call for more information.

(d) Provide information to consumers via its customer service number outlining the procedure for obtaining refunds and continue to provide this information for sixty days from the date company ceases operations.

(e) Within twenty-four hours after ceasing operations, provide the commission and the company's bonding agent a list of all account numbers with unused balances. The list must include the following:

(i) The identification number used by the company on each account for billing/debit purposes;

(ii) The unused portion of any prepaid monthly fee on each account;

(iii) The unused time, stated in units or minutes as applicable on each account and the equivalent dollar amount.

(11) Compliance requirements for prepaid calling services.

(a) Printed materials including prepaid calling cards, pre-sale documents, and point of sale documents.

(i) All materials printed ninety days after the effective date of the rule must comply with provisions of this rule;

(ii) All printed materials in circulation must comply with this rule within nine months of the effective date of this rule.

(b) Rules requirements - excluding printed material. Companies providing prepaid calling services within the state of Washington must be in compliance with this rule within ninety days of the effective date of this rule.

(12) Other regulatory requirements. Companies providing prepaid calling services must comply with all other laws and commission rules relating to provision of telecommunications services unless the company has filed for and received waiver from the commission.

(13) Penalties for provision of service by an unregistered telecommunications company. When a penalty is imposed upon finding that an unregistered company has provided prepaid calling services within the state of Washington, the commission may assess penalties of up to one hundred dollars per day per violation under RCW 80.04.405 and/or up to one thousand dollars per day per violation under RCW 80.04.380.

[Statutory Authority: RCW 80.36.140, 99-10-013 (Order R-462, Docket No. UT-971469), § 480-120-052, filed 4/26/99, effective 8/18/99.]

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 outstanding balance, shall be transferable and applicable to the new service location.

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

(8) Extended payment on deposit. Where a subscriber or applicant for service of whom a deposit is required is unable to pay the entire amount of the deposit in advance of installation or continuation of service, the subscriber or applicant shall be allowed to pay fifty percent of the deposit amount prior to installation or continuation of service, with the remaining amount payable in equal amounts 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 delinquency notices have been served upon the interexchange telecommunications company by any telecommunications company during the twelve months previous to the application for service.

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

(c) When an interexchange telecommunications company:

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

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

(iii) Has given the utility cause to disconnect for 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 480-120-058 Protection of customer prepayments. (1) A company that intends to collect customer prepayments must first demonstrate to the commission that it meets (a), (b), or (c) of this subsection.

(a) The company has a corporate debt rating, according to Standard & Poor's of BBB or higher, or according to Moody's of BAA or higher, with respect to outstanding debt obligation; or

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(b) The company has a performance bond satisfactory to the commission sufficient to cover any customer prepayments; or

(c) The company has made provision for deposit of customer prepayments in a federally insured interest bearing trust account maintained by applicant solely for customer advances. The prepayments must be deposited in a bank, savings and loan association, mutual savings bank, or licensed escrow agent with access to such funds only for the purpose of refunding prepayments to customers. The funds must be maintained in an account within the state of Washington. In any order granting certification, the commission may require either bond or trust account or escrow as a condition.

(2) Reporting requirements for every bond or trust account.

(a) Each company collecting customer prepayments must submit to the commission a report within fifteen days after the end of each calendar quarter. The report must contain the following information specific to state of Washington operations:

(i) Total outstanding balance of customer prepayments at the beginning of the reporting period;

(ii) Dollar amount of prepaid services sold during the reporting period;

(iii) Depleted usage of prepaid services during the reporting period; and

(iv) Total outstanding prepaid service balances at the end of the reporting period.

(b) Nothing in this rule precludes commission staff from requesting current company financial or operating information at any time.

(c) A company may petition the commission for a reduction in reporting requirements. The commission may grant or deny the request by letter from the commission secretary.

(3) Calculation of trust or bond levels.

(a) The initial level of the bond or trust must comply with the provisions of subsection (1)(b) or (c) of this section.

(b) The company must adjust the subsequent level of the bond or trust based upon quarterly reports data and the company must notify the commission of that adjustment.

(4) A company may petition for and the commission may grant waiver of the bond/trust requirement either at the time of registration or at such later time as the company can demonstrate to the commission's satisfaction that it meets standards for waiver of the bond/trust requirement. The petitioning company must provide documentation to the commission in support of the petition. The commission may grant or deny the request by letter from the commission secretary. The commission will evaluate the following to determine whether a waiver of the bond/trust requirement will be granted:

(a) Certified financial statements establishing adequate financial resources sufficient to provide service to consumers of prepaid telecommunications service;

(b) Confirmation that the company has received approval for and has been providing comparable services satisfactorily in one or more other state jurisdictions. The documentation must consist of information from the regulatory agency in the other state and must demonstrate that the company has complied with that states' rules and regulations and

has provided adequate levels of service for twelve consecutive months;

(c) Compliance, following registration with the commission, with Washington rules and provision of adequate levels of service for at least twelve consecutive months;

(d) Documentation that the company has established a bond rating as provided for in subsection (1)(a) of this section;

(e) Other evidence demonstrating that consumer interests will be adequately protected.

[Statutory Authority: RCW 80.36.140, 99-10-013 (Order R-462, Docket No. UT-971469), § 480-120-058, filed 4/26/99, effective 8/18/99.]

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 alter-

native 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 Extension of service. (1) **Definitions.** The following definitions apply to this section unless the context clearly indicates otherwise:

"Basic monthly service rate" means the rate for nonmeasured service for the lowest-priced class of service ordered by the applicant.

"Binding site plan" has the same meaning as "binding site plan" in RCW 58.17.020.

"Constructed" means a residential building that has been approved for occupancy by the appropriate local government agency.

"Cost justification" means such cost and engineering information as the commission may request.

"Cost of service extension" means the direct and indirect costs of the material and labor to plan and construct the facilities including, but not limited to, drop wire, permitting fees, rights-of-way fees, and payments to subcontractors, and does not include the cost of reinforcement, network upgrade, or similar costs.

"Development" has the same meaning as "development" and "developed lands" in RCW 58.19.020.

"Distribution plant" means telephone equipment and facilities necessary to provide service to a premises, but does not include drop wire.

"Drop wire" means company-supplied wire and pedestals to be placed between a premise and the company distribution plant at the applicant's property line. For drop wire installed after the effective date of this section, a drop wire must be sufficient in capacity to allow the provisioning of three individual basic exchange voice-grade access lines.

"Extension of service" means an extension of company distribution plant to a location that is outside any municipal boundary and where no distribution plant of the extending company exists at the time an extension is requested, that is constructed at the request of one or more applicants for service who pay a charge under this section, and that extends more than 1/10 mile. Extensions of service do not include customer trenches, conduits or other support structure for placement of company-provided facilities from the customer property line to the premises to be served.

"Filed" means the approved plat, short plat, binding site plan or other similar approved instrument filed for record with a county auditor and authorizing development activity.

"Lot" has the same meaning as "lot" in RCW 58.17.020.

"Marina" has the same meaning as "marina" in RCW 88.12.010.

"Mobile home lot," "mobile home park," "mobile home park cooperative," and "mobile home park subdivision" have the same meanings as "mobile home lot," "mobile home park," "mobile home park cooperative," and "mobile home park subdivision" have in RCW 59.20.030.

"Neighboring exchange" means an exchange bordering on any other exchange.

"Premises" means any structure that is used as a residence, including farm houses, but does not include predominantly commercial or industrial structures.

"Radio communications service company" has the meaning contained in RCW 80.04.010.

"Residential buildings" has the same meaning as "residential buildings" in RCW 58.19.020.

"Short subdivision" has the same meaning as "short subdivision" in RCW 58.17.020.

"Subdivision" has the same meaning as "subdivision" in RCW 58.17.020.

"Temporary occupancy" means occupancy definitely known to be for less than one year but does not include inter-

mittent or seasonal use when such intermittent or seasonal use will occur in more than a one-year period.

"Temporary service" means service definitely known to be for a short period of time, such as service provided for sales campaigns, athletic contests, conventions, fairs, circuses, and similar events.

(2) Extensions of service.

(a) Each company required to file tariffs under RCW 80.36.100 must have on file an extension of service tariff and must extend service consistent with its tariff and this section and provide drop wire for customer use. Service extensions must be completed within eighteen months after a request is made and the customer makes the initial payment, unless the commission extends the time on a showing of good cause.

(b) Extension of service is required to occupied premises unless the company demonstrates occupancy is temporary. In the case of new construction commenced after the effective date of this section, extension of service is required only if the applicant has permission to build from the applicable local government and the need for service is not temporary.

(c) Any company required to extend service under this section may do so by extending distribution plant or by making a service and financial agreement with a radio communications service company or other alternative provider to provide service. The services provided through a radio communications service company or other alternative provider must be reasonably comparable services at reasonably comparable prices compared to services provided through wireline distribution facilities in the area of the exchange where service has been requested. In addition, the services must include all elements of basic service defined in RCW 80.36.600. A company extending service through a service agreement with a radio communications service company or other alternative provider may file a tariff as permitted under subsection (4) of this section to recover the lesser of the actual direct cost to extend the service through the cooperative agreement or the direct cost of extending wireline distribution plant.

(3) Service extension charge to applicants.

(a) For service provided under subsection (2) of this section, companies must submit a tariff that sets the level of an initial fee and per-month fee for any applicant requesting an extension of service. The tariff may also impose such fees upon applicants for new service from a service extension that is less than five years old measured from the date of the initial service provided by the extension. The charge to applicants for service extensions must include an initial payment to process the order. The maximum initial payment to process the order is an amount equal to twenty times the customer's basic monthly service rate exclusive of all fees, taxes or other charges.

A per-month payment beginning with the first monthly bill for service must be charged once the order is complete and service is provided. The maximum allowable per-month payment for a period of twenty months is an amount equal to the customer's basic monthly service rate, exclusive of all fees, taxes or other charges. Customers may pay the entire amount at any time, in lieu of monthly payments, and must pay the entire remaining amount at the time of disconnecting service if the disconnection occurs prior to full payment.

(b) Customers are responsible for providing or paying the cost of trenching, conduit, or other structures required for placement of company-provided drop wire from the customer's property line to the premises.

(4) Cost recovery for extensions of service.

(a) A company with a terminating-access tariff under WAC 480-120-540 and a service-extension tariff imposing fees or charges under subsection (3) of this section may file tariffs to include a service-extension element on terminating access in an amount necessary to recover the cost of an extension of service. The tariff may not recover costs covered by applicant or customer payments for service extensions, federal universal service funds, or any similar funds or grants from other sources. The company must file the tariff to be effective only so long as necessary to recover the costs allowed under this section.

(b) Companies may recover costs by filing a tariff under (b)(i) or (ii) of this subsection. In the case of companies that serve fewer than two percent of the access lines in the state, placement of the tariff on the agenda of a commission open meeting constitutes notice of an opportunity to be heard on the need for any reporting requirements related to a tariff based on estimated costs.

(i) A company may file a proposed tariff to recover fifty percent of the estimated cost of an extension after it obtains all permits necessary for construction related to the extension of service. Extensions of service must be completed within twelve months of the effective date of a tariff that uses estimated costs. The tariff based on estimates is null and void at the end of that twelve-month period if the extension of service is not completed however, the commission, for good cause shown, may permit the tariff based on estimates to remain in effect after twelve months. If the commission does not permit the tariff based on estimates to continue, the company must within thirty days of the commission's decision or the end of the twelve-month period, whichever is later, file a replacement tariff to offset the amounts collected. After completion of an extension subject to a tariff based on estimated costs, the company may file a tariff to recover the cost of the extension less any amount already recovered or, in the event of an over-collection, must file a tariff to reduce terminating access sufficient to offset the amount over-collected through the initial tariff.

Class A companies that have in effect a service-extension tariff based on estimated costs must report quarterly on collections, expenditures, and construction timetables and progress, including a final report after completion of the extension and termination of the tariff. Companies that serve fewer than two percent of the access lines in the state and that have in effect a service-extension tariff based on estimated costs must make the same report every six months if ordered by the commission.

(ii) A company may file a tariff to recover the cost of a service extension at any time within two years after completion of an extension and may accumulate the cost of multiple line extensions before filing a tariff.

(c) The commission will review the cost justification for the tariffs and approve the tariffs if they are consistent with this section. The commission will not conduct an earnings

review of the company's operations for the purpose of reviewing the proposed tariffs.

(5) Extension of service to neighboring exchange facilities.

(a) A company that is willing to extend service to a neighboring exchange may recover under subsection (4) of this section the cost of an extension to a neighboring exchange if companies obligated to serve the neighboring exchange agree that the cost of a cross-boundary service extension would be less than the cost of extension within the applicants' exchange and agree to the cross-boundary extension.

(b) In the case of a cross-boundary extension, an applicant will become a customer of the extending company. The customer's rates and local calling capabilities must be the same as other customers served out of the extending company's same central office.

(c) The newly constructed facilities will be the property of the extending company, but the exchange boundary will remain unchanged.

(d) The charge to the customer shall be determined in accordance with subsection (3) of this section.

(6) Extensions to developments. The cost of extensions to developments should be borne by those who gain economic advantage from development and not by ratepayers in general. This policy promotes the economic good of having telephone infrastructure placed at the same time as other infrastructure is constructed as a part of development. Accordingly, local exchange companies may not recover under subsection (4) of this section the costs of extensions to serve the following:

(a) Developments filed after the effective date of this rule for which a public offering statement is required under chapter 58.19 RCW;

(b) Divisions of land filed after the effective date of this rule that use binding site plans under RCW 58.17.035 to create five or more lots or units;

(c) Subdivisions filed after the effective date of this rule;

(d) Short subdivisions with five or more lots filed after the effective date of this rule;

(e) Developments filed prior to the effective date of this rule, in which all lots were under common ownership and control on the effective date of this rule, and in which no residential buildings were constructed after the division of land and prior to the effective date of this rule;

(f) Divisions of land using binding site plans under chapter 58.17 RCW with five or more lots or units filed prior to the effective date of this rule, in which all lots, units or both were under common ownership and control on the effective date of this rule, and in which no residential buildings or commercial or industrial buildings were constructed after the division of land and prior to the effective date of this rule;

(g) Subdivisions filed prior to the effective date of this rule, in which all lots were under common ownership and control on the effective date of this rule, and in which no residential buildings were constructed after the division of land and prior to the effective date of this rule;

(h) Short subdivisions with five or more lots filed prior to the effective date of this rule, in which all lots were under common ownership and control on the effective date of this

rule, and in which no residential buildings were constructed after the division of land and prior to the effective date of this rule;

(i) Mobile home parks, mobile home park cooperatives, and mobile home park subdivisions filed after the effective date of this rule;

(j) Mobile home parks, mobile home park cooperatives, and mobile home park subdivisions filed prior to the effective date of this rule, in which all lots were under common ownership and control on the effective date of this rule, and in which no residential buildings were placed or constructed after the division of land and prior to the effective date of this rule;

(k) Marinas;

(l) Camping resorts regulated under chapter 19.105 RCW;

(m) Condominiums regulated under chapters 64.32 and 64.34 RCW;

(n) Timeshares regulated under chapter 64.36 RCW.

(7) Waiver of obligation under this section.

(a) The commission retains the authority under RCW 80.36.090 to determine whether any applicant for service is not reasonably entitled to service and whether the local exchange company is not obligated to provide service to an applicant under subsection (2)(b) of this section. In determining the reasonable entitlement, the commission may consider those factors listed in (b)(ii)(A) through (G) of this subsection and such other information that it may consider necessary to a proper determination.

(b) Waiver of subsection (3)(a) of this section:

(i) A company may petition for a waiver of subsection (3)(a) of this section in order to charge an applicant the direct cost to extend service if it is unreasonable for the direct cost of the extension of service to be borne by rates permitted under subsection (4) of this section.

(ii) In determining whether cost recovery under subsection (4) of this section for an extension is unreasonable and granting a waiver is consistent with public interest, the commission will consider:

(A) The total direct cost of the extension;

(B) The number of customers to be served;

(C) The comparative price and capabilities of radio communication service or other alternatives available to customers;

(D) Technological difficulties and physical barriers presented by the requested extensions;

(E) The effect on the individuals and communities involved;

(F) The effect on the public switched network; and

(G) The effect on the company.

[Statutory Authority: RCW 80.01.040, 80.04.160, 80.36.080, 80.36.300.00-24-097 (Order R-474, Docket No. UT-991737), § 480-120-071, filed 12/5/00, effective 1/15/01; 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.]

(2001 Ed.)

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 cause 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 sub-

scriber'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 pre-

clude 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.

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(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 appli-

cant 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. (1) Except as provided in subsection (2) of this section, 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 operator service provider's billing agent, the provider of the operator services 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 or toll free telephone number of the operator service provider where they can 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 provide a copy of this list to the commission for its review upon request.

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.

(2) Any telecommunication company's prepaid calling card services are exempt from subsection (1) of this section. Any telecommunications company for which an exemption is provided under this section shall provide call detail reports for prepaid calling card services free to customers upon request and upon provision of the card or copy of the card.

[Statutory Authority: RCW 80.01.040, 98-02-003 (Order R-447, Docket No. UT-961295), § 480-120-106, filed 12/24/97, effective 1/24/98. 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.

[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

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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 480-120-138 Pay phone service providers (PSPs). (1) **General.** This section sets out the standards applicable to providing pay phone service in the state of Washington. All pay phone service providers (PSPs) must comply with this and all other rules relating to pay phone services.

Every local exchange company within the state of Washington must allow pay phones to be connected to its network, and must file a tariff or price list with the commission to include the rates and conditions applicable to providing service to pay phones via its network.

The absence from these rules of specific requirements of the Americans with Disabilities Act and of other local, state or federal requirements does not excuse PSPs from compliance with those requirements.

(2) **Registration and application of rules.**

(a) Pay phone service providers (PSPs) operating a pay phone within the state of Washington must register by:

(i) Submitting a master business application to the master license service, department of licensing; and

(ii) Obtaining a unified business identifier (UBI) number. A PSP that already has a UBI number need not reapply.

(b) Except where pay phone services or PSPs are specifically referenced, the rules of general applicability to public service companies or telecommunications companies do not apply to pay phone services. This does not exempt pay phone service providers from rules applicable to remedies or sanctions for violations of rules applicable to PSP operations.

(3) **Access.** Pay phones must provide access to:

(a) Dial tone;

(b) Emergency calling;

(c) Operator;

(d) Telecommunications relay service calls for the hearing impaired;

(e) All available subscriber toll-free services; and

(f) All available interexchange carriers, including the local exchange company.

Access to services (a) through (e) of this subsection, must be provided at no charge to the calling party.

(4) **Disclosure - What must be posted.** The following information must be clearly and legibly posted on or near the front of the pay phone, and must not be obstructed by advertising or otherwise:

(a) The rate for local calls, including any restrictions on the length of calls. Clear and legible posting of the rate can be accomplished by using 30 point or larger type print, or contrasting color;

(b) Notice that directory assistance charges may apply, and to ask the operator for rates;

(c) Notice that the pay phone does not make change, if applicable;

(d) The emergency number (911);

(e) The name, address, phone number, and unified business identifier (UBI) number of the owner or operator;

(f) A without-charge number to obtain assistance if the pay phone malfunctions, and procedures for obtaining a refund;

(g) The name, address, and without-charge number of all presubscribed operator service providers, as registered with the commission. This information must be updated within thirty days of a change in the OSP.

(h) Notice to callers that they can access other long distance carriers;

(i) The phone number including area code of the pay phone. When the pay phone is in an area that has had an area code change, that area code change must be reflected on the pay phone within thirty days of the area code conversion;

(j) In contrasting colors, the commission compliance number for consumer complaints, to include the following information: "If you have a complaint about service from this pay phone and are unable to resolve it by calling the repair/refund number or operator, please call the commission at 1-888-333-WUTC (9882); and

(k) Placarding shall be in place within sixty days after the effective date of an applicable rule change.

(5) Operation and functionality.

(a) The pay phone, if coin operated, must return coins to the caller in the case of an incomplete call and must be capable of receiving nickels, dimes, and quarters.

(b) Pay phone keypads must include both numbers and letters.

(c) A PSP must order a separate pay phone access line (PAL) for each pay phone installed. The commission may waive this requirement if a company demonstrates that technology accomplishes the same result as one to one ratio by means other than through a PAL, that the service provided to consumers is fully equivalent, and that all emergency calling requirements are met. This PAL must pass the appropriate screening codes to the connecting carrier to indicate that the call is originating from a pay phone.

(d) Extension telephones may be connected to a pay phone access line for the purpose of monitoring emergency use only. An extension phone must be activated only when 911 is dialed from the pay phone, and the extension phone must be equipped with a "push to talk" switch or other mechanism to prevent inadvertent interruption of the caller's conversation with the public safety answering point. The pay phone must be clearly labeled to indicate that "911 calls are monitored locally."

(e) Cordless and tabletop pay phones may be connected to the telephone network only when the bill is presented to the user before leaving the premises where the bill was incurred, unless the consumer requests that the call be alternatively billed.

(f) The pay phone may not restrict the number of digits or letters that may be dialed.

(g) Pay phones may provide credit-only service, or coin and credit service.

(h) Pay phones must provide two-way service, and no charge may be imposed by the PSP for incoming calls. Exceptions to two-way service are allowed under the following circumstances:

(i) Service provided to hospitals and libraries where a telephone ring might cause undue disturbance;

(ii) Service provided within a building on the premises of a private business establishment, in the discretion of the business owner. For purposes of this section, premises where people have access to public transportation such as airports, bus and train stations are not considered private business establishments; and

(iii) Service at locations where local governing jurisdictions or law enforcement find that incoming calls may be related to criminal or illicit activities and have obtained an order under subsection (6) of this section. Each pay phone confined to one-way service must be clearly marked on or near the front of the pay phone.

(6) **Restrictions.** A PSP must limit the operational capabilities of pay phones only when directed by the commission. The commission may direct such limitations upon request of local governing jurisdictions (or other governmental agencies) in their efforts to prevent or limit criminal or illicit activities. Restrictions may include, but are not limited to, blocking of incoming calls, limiting touch tone capabilities and coin restriction during certain hours.

Requests for a commission order directing the restriction of a pay phone (or pay phones in a certain geographic area) must be made by petition to the commission for waiver of subsection (5) of this section to allow one or more specific restrictions and for an order directing restriction of the phone. The petition may be made on a form provided by the commission. The petition must include a request for the restriction signed by an agent of the local government jurisdiction in which the pay phone is located who has authority from the jurisdiction to submit the request and must state the jurisdiction's reasons for the request.

The petitioner must serve a copy of the petition on the pay phone service provider no later than the date the petition is filed with the commission. The petitioner must post a notice prominently visible at the pay phone(s) of the proposed restriction, no later than the day it is filed with the commission, and maintain it at the location until the commission acts on the petition. The notice must explain what is proposed and how to file an objection to the petition with the commission. The petition is for an administrative, and not an adjudicative, decision and will be processed administratively.

If no objection is made by any person or by commission staff within the twenty-day comment period, the commission will enter an order directing the restriction. If an objection is filed, the commission will hear the petition after notice to the objector and the petitioner.

Once restrictions are in place at the telephone, the PSP must post on or near each pay phone so limited, in legible and prominent type, a description of each limitation in effect, times when the restrictions will be in effect, and the name and without-charge number of the governmental agency that recommended the restriction.

(7) **Telephone directories.** The provider of the pay phone access line must furnish without charge one current

telephone directory each year for each pay phone access line (PAL).

The PSP must ensure that a current directory is available at every pay phone.

(8) **Malfunctions and rule violations.** Malfunctions of the pay phone, or rule violations reported to the repair/refund number or the commission, must be corrected within five days.

(9) **Complaints and disputes.** Complaints and disputes regarding pay phone service providers shall be treated in accordance with WAC 480-120-101.

[Statutory Authority: RCW 80.04.160, 80.36.520 and 80.01.040. 99-02-020 (Order R-452, Docket No. UT-970301), § 480-120-138, filed 12/29/98, effective 1/29/99. 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 480-120-139 Changes in local exchange and intrastate toll services. (1) Verification of orders. A local exchange or intrastate toll carrier that requests on behalf of a customer that the customer's telecommunications carrier be changed, and that seeks to provide retail services to the customer ("submitting carrier") may not submit a change order for local exchange or intrastate toll service until the order is confirmed in accordance with one of the following procedures:

(a) The telecommunications company has obtained the customer's written authorization to submit the order (letter of agency). The letter of agency must be a separate document (or easily separable document) containing only the authorizing language described in (a)(i) through (vii) of this subsection, having the sole purpose of authorizing a telecommunications carrier to initiate a preferred carrier change. The letter of agency must be signed and dated by the customer to the telephone line(s) requesting the preferred carrier change. The letter of agency shall not be combined on the same document with inducements of any kind; however, it may be combined with checks that contain only the required letter of agency language as prescribed in (a)(i) through (vii) of this subsection, and the necessary information to make the check a negotiable instrument. The check may not contain any promotional language or material. It must contain, in easily readable, bold-face type on the front of the check, a notice that the customer is authorizing a preferred carrier change in the customer's preferred carrier by signing the check. Letter-of-agency language must be placed near the signature line on the back of the check. Any carrier designated in a letter of agency as a preferred carrier must be the carrier directly setting the rates for the customer. Letters of agency must not suggest or require that a customer take some action in order to retain the customer's current telecommunications carrier. If any portion of a letter of agency is translated into another language, then all portions must be translated into that language, as well as any promotional materials, oral descriptions or instructions provided with the letter of agency. The letter of agency must confirm the following information from the customer:

(i) The customer billing name, billing telephone number and billing address and each telephone number to be covered by the change order;

(ii) The decision to change;

(iii) The customer's understanding of the change fee;

(iv) That the customer designates (name of carrier) to act as the customer's agent for the preferred carrier change; and

(v) That the customer understands that only one telecommunications carrier may be designated as the customer's interstate preferred carrier; that only one telecommunications carrier may be designated as the customer's intraLATA preferred carrier; and that only one telecommunications carrier may be designated as the customer's local exchange provider, for any one telephone number. The letter of agency must contain a separate statement regarding the customer's choice for each preferred carrier, although a separate letter of agency for each choice is not necessary; and

(vi) Letters of agency may not suggest or require that a customer take some action in order to retain the current preferred carrier.

(b) The submitting carrier has obtained the customer's authorization, as described in (a) of this subsection, electronically, by use of an automated, electronic telephone menu system. This authorization must be placed from the telephone number(s) for which the preferred carrier is to be changed and must confirm the information required in (a)(i) through (vi) of this subsection.

Telecommunications companies electing to confirm sales electronically must establish one or more toll free telephone numbers exclusively for that purpose.

Calls to the number(s) must connect a customer to a voice response unit, or similar device, that records the required information regarding the change, including automatically recording the originating automatic number identification (ANI).

(c) An appropriately qualified and independent third party operating in a location physically separate from the telemarketing representative has obtained the customer's oral authorization to submit the change order that confirms and includes appropriate verification data (e.g., the customer's date of birth). The independent third party must not be owned, managed, controlled or directed by the carrier or the carrier's marketing agent; and must not have any financial incentive to confirm preferred carrier change orders for the carrier or the carrier's marketing agent. The content of the verification must include clear and conspicuous confirmation that the customer has authorized a preferred carrier change.

(2) Where a telecommunications carrier is selling more than one type of telecommunications service (e.g., local exchange, intraLATA/intrastate toll, interLATA/interstate toll and international toll), that carrier must obtain separate authorization, and separate verification, from the customer for each service sold, although the authorizations may be made within the same solicitation.

(3) The documentation regarding a customer's authorization for a preferred carrier change must be retained by the submitting carrier, at a minimum, for two years to serve as verification of the customer's authorization to change his or her telecommunications company. The documentation must be made available to the customer and to the commission

upon request. Documentation includes, but is not limited to, all entire third-party-verification conversations and, for written verifications, the entire verification document.

(4) Implementing order changes. An executing carrier may not verify the submission of a change in a customer's selection of a provider received from a submitting carrier. The executing carrier must comply with a requested change promptly, without any unreasonable delay. An executing carrier is any telecommunications carrier that effects a request that a customer's carrier be changed.

This section does not prohibit any company from investigating and responding to any customer initiated inquiry or complaint.

(5) Preferred carrier freezes. A preferred carrier freeze prevents a change in a customer's preferred carrier selection unless the customer gives the carrier from whom the freeze was requested express consent. Express consent means direct, written or oral direction by the customer. All local exchange companies must offer preferred carrier freezes. Such freezes must be offered on a nondiscriminatory basis to all customers. Offers or solicitations for such freezes must clearly distinguish among telecommunications services subject to a freeze (e.g., local exchange, intraLATA/intrastate toll, interLATA/interstate toll and international toll). The carrier offering the freeze must obtain separate authorization for each service for which a preferred carrier freeze is requested. Separate authorizations may be contained within a single document.

(a) All local exchange companies must notify all customers of the availability of a preferred carrier freeze, no later than the customer's first telephone bill, and once per year must notify all local exchange service customers of such availability on an individual customer basis (e.g., bill insert, bill message, or direct mailing).

(b) All carrier-provided solicitation and other materials regarding freezes must include an explanation, in clear and neutral language, of what a preferred carrier freeze is, and what services may be subject to a freeze; a description of the specific procedures to lift a preferred carrier freeze; an explanation that the customer will be unable to make a change in carrier selection unless he or she lifts the freeze; and an explanation of any charges incurred for implementing or lifting a preferred carrier freeze.

(c) No local exchange carrier may implement a preferred carrier freeze unless the customer's request to impose a freeze has first been confirmed in accordance with the procedures outlined for confirming a change in preferred carrier, as described in subsections (1) and (2) of this section.

(d) All local exchange carriers must offer customers, at a minimum, the following procedures for lifting a preferred carrier freeze:

(i) A customer's written and signed authorization stating his or her intent to lift the freeze;

(ii) A customer's oral authorization to lift the freeze. This option must include a mechanism that allows a submitting carrier to conduct a three-way conference call with the executing carrier and the customer in order to lift the freeze. When engaged in oral authorization to lift a freeze, the executing carrier must confirm appropriate verification data

(e.g., the customer's date of birth), and the customer's intent to lift the freeze.

(e) A local exchange company may not change a customer's preferred carrier if the customer has a freeze in place, unless the customer has lifted the freeze in accordance with this subsection (5).

(6) Remedies. In addition to any other penalties provided by law, a submitting carrier that requests a change in a customer's carrier without proper verification as described in this rule shall receive no payment for service provided as a result of the unauthorized change and shall promptly refund any amounts collected as a result of the unauthorized change. The customer may be charged, after receipt of the refund, for such service at a rate no greater than what would have been charged by its authorized telecommunications company, and any such payment shall be remitted to the customer's authorized telecommunications company.

[Statutory Authority: RCW 80.01.040(4), 80.04.160, 00-03-047 (Order R-468, Docket No. UT-980675), § 480-120-139, filed 1/14/00, effective 2/14/00, except (5) and (5)(a) effective 3/1/00. Statutory Authority: RCW 80.01.040, 99-11-070 (Order R-463, Docket No. UT-971514), § 480-120-139, filed 5/18/99, effective 6/18/99; 97-18-056 and 97-20-095 (Order R-442 and Order R-443, Docket No. UT-960942), § 480-120-139, filed 8/29/97 and 9/29/97, effective 9/29/97 and 10/30/97.]

WAC 480-120-141 Operator service providers (OSPs). (1) **General.** This section gives information to operator service providers (OSPs) that provide operator services from pay phones and other aggregator locations within Washington. All telecommunications companies providing operator services (both live and automated) must comply with this and all other rules relating to telecommunications companies not specifically waived by order of the commission. The absence from these rules of specific requirements of the Americans with Disabilities Act and of other local, state or federal requirements does not excuse OSPs from compliance with those requirements.

(a) Each operator service provider (OSP) must maintain a current list of the customers it serves in Washington and the locations and telephone numbers where the service is provided.

(b) No OSP may provide service to a PSP that is not fully in compliance with the rules.

(c) For purposes of this section, "consumer" means the party initiating and/or paying for a call using operator services. In collect calls, both the originating party and the party on the terminating end of the call are consumers. "Customer" means the call aggregator or pay phone service provider, i.e., the hotel, motel, hospital, correctional facility/prison, or campus, contracting with an OSP for service.

(2) Disclosure.

(a) **What must be posted.** The following information must be clearly and legibly posted on or near the front of a pay phone, and must not be obstructed by advertising or other messages:

(i) The name, address, and without-charge number of all presubscribed operator service providers, as registered with the commission. This information must be updated within thirty days after a change of OSPs;

(ii) Notice to consumers that they can access other long distance carriers;

(iii) In contrasting colors, the commission compliance number for consumer complaints, to include the following information: "If you have a complaint about service from this pay phone and are unable to resolve it by calling the repair/refund number or operator, please call the commission at 1-888-333-WUTC (9882)"; and

(iv) Placarding as a result of rule changes shall be in place within sixty days after the effective date of the rule change.

(b) **Verbal disclosure of rates.** Before an operator-assisted call from an aggregator location may be connected by a presubscribed OSP, the OSP must verbally advise the consumer how to receive a rate quote, such as by pressing a specific key or keys, but no more than two keys, or by staying on the line. This message must precede any further verbal information advising the consumer how to complete the call, such as to enter the consumer's calling card number. This rule applies to all calls from pay phones or other aggregator locations, including prison phones, and store-and-forward pay phones or "smart" telephones. After hearing an OSP's message, a consumer may waive their right to obtain specific rate quotes for the call they wish to make by choosing not to press the key specified in the OSP's message to receive such information or by hanging up. The rate quoted for the call must include any applicable surcharge. Charges to the user must not exceed the quoted rate.

(3) **Access.** Pay phones must provide access to the services identified in WAC 480-120-138(3).

(4) **Branding.** The operator service provider must:

(a) Identify the OSP providing the service audibly and distinctly at the beginning of every call, including an announcement to the called party on calls placed collect.

(b) Ensure that 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.

(c) State the name of the company as registered with the commission (or its registered "doing business as" name) whenever referring to the OSP. Terms such as "company," "communications," "incorporated," "of the northwest," etc., may be omitted when not necessary to identify clearly the OSP.

(5) **Billing.** The operator service provider must:

(a) Provide to the billing company applicable call detail necessary for billing purposes, as well as an address and toll free telephone number for consumer inquiries.

(b) Ensure that consumers are not billed for calls that are not completed. For billing purposes, calls must be itemized, identified, and rated from the point of origination to the point of termination. No call may be transferred to another carrier by an OSP unless the call can be billed from the point of origination of the call.

(c) Charges billed to a credit card need not conform to the call detail requirements of this section. However, the OSP must provide specific call detail in accordance with WAC 480-120-106, Form of bills, upon request.

(6) **Operational capabilities.** The operator service provider must:

(a) Answer at least ninety percent of all calls within ten seconds from the time the call reaches the carrier's switch.

(b) 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 is the responsibility of the OSP to determine what caused the blockage and take immediate steps to correct the problem.

(c) Offer operator services that equal or exceed the industry standards in availability, technical quality, response time, and that also equal or exceed industry standards in variety or are particularly adapted to meet unique needs of a market segment.

(d) Reoriginate calls to another carrier upon request and without charge when the capability to accomplish reorigination with screening and allow billing from the point of origin of the call, is in place. If reorigination is not available, the OSP must give dialing instructions for the consumer's preferred carrier.

(7) **Emergency calls.** For purposes of emergency calls, every OSP must have the following capabilities:

(a) Be able to transfer the caller into the appropriate E-911 system and to the public safety answering point (PSAP) serving the location of the caller with a single keystroke from the operator's console, to include automatic identification of the exact location and address from which the call is being made;

(b) Have the ability for the operator to stay on the line with the emergency call until the PSAP representative advises the operator that they are no longer required to stay on the call; and

(c) Be able to provide a without-charge number for direct access to public safety answering points should additional information be needed when responding to a call for assistance from a phone utilizing the provider's services. That emergency contact information must not be considered proprietary.

(8) **Fraud protection.**

(a) A company providing telecommunications service may not bill a call aggregator for the following:

(i) Charges billed to a line for calls which originated from that line through the use of carrier access codes (i.e., 10XXX+0, 10XXX+01, 950-XXXX), toll-free access codes, or when the call originating from that line otherwise reached an operator position, if the originating line subscribed to outgoing call screening or pay phone specific ANI coding digits and the call was placed after the effective date of the outgoing call screening or pay phone specific ANI coding digits order; or

(ii) Collect or third-number billed calls, if the line serving the call that was billed had subscribed to incoming call screening (also termed billed number screening) and the call was placed after the effective date of the call screening service order.

(b) Any calls billed through the access line provider in violation of (a)(i) or (ii) of this subsection must be removed from the call aggregator's bill by the access line provider. If investigation by the access line provider determines that the pertinent call screening or pay phone specific ANI coding digits was operational when the call was made, the access

line provider may return the charges for the call to the telecommunications company as not billable.

(c) Any call billed directly by an OSP, or through a billing method other than the access line provider, which is billed in violation of (a)(i) and (ii) of this subsection, must be removed from the call aggregator's bill. The telecommunications company providing the service may request an investigation by the access line provider. If the access line provider determines that call screening or pay phone specific ANI coding digits (which would have protected the call) was subscribed to by the call aggregator and was not operational at the time the call was placed, the OSP must bill the access line provider for the call.

(9) **Enforcement.** Operator service providers are subject to all pertinent provisions of law.

(a) **Suspension.** The commission may suspend the registration of any company providing 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 and pertinent rules.

(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) No operator service provider may operate while its registration is suspended.

(iii) Except as required by federal law, no provider of pay phone access line service may provide service to any operator service provider 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 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 operator services as authorized by law.

(d) **Complaints.** Complaints and disputes will be treated in accordance with WAC 480-120-101.

[Statutory Authority: RCW 80.04.160, 80.36.520 and 80.01.040. 99-02-020 (Order R-452, Docket No. UT-970301), § 480-120-141, filed 12/29/98, effective 1/29/99. 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 480-120-144 Use of privacy listings for telephone solicitation. A telecommunications company may not make telephone solicitation or telemarketing calls using its list of customers with nonpublished or unlisted numbers unless it has notified each such customer at least once in the past year that the company makes such calls to its customers with nonpublished or unlisted numbers and that the customer has a right to request that the company make no such calls.

[Statutory Authority: RCW 80.01.040. 99-05-015 (Order R-459, Docket No. UT-971514), § 480-120-144, filed 2/5/99, effective 3/8/99.]

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WAC 480-120-151 Telecommunications carriers' use of customer proprietary network information (CPNI). (1) Any telecommunications carrier may use, disclose, or permit access to CPNI for the purpose of providing or marketing service offerings among the categories of service (i.e., local, interexchange, and CMRS) already subscribed to by the customer from the same carrier, without customer approval.

(a) If a telecommunications carrier provides different categories of service, and a customer subscribes to more than one category of service offered by the carrier, the carrier is permitted to share CPNI among the carrier's affiliated entities that provide a service offering to the customer.

(b) If a telecommunications carrier provides different categories of service, but a customer does not subscribe to more than one offering by the carrier, the carrier is not permitted to share CPNI among the carrier's affiliated entities.

(2) A telecommunications carrier may not use, disclose or permit access to CPNI to market to a customer service offerings that are within a category of service to which the customer does not already subscribe to from that carrier, unless the carrier has customer approval to do so, except as described in subsection (3) of this section.

(a) A telecommunications carrier may not use, disclose, or permit access to CPNI derived from its provision of local service, interexchange service, or CMRS, without customer approval, for the provision of customer premises equipment and information services, including call answering, voice mail or messaging, voice storage and retrieval services, fax store and forward, and Internet access services. For example, a carrier may not use its local exchange service CPNI to identify customers for the purpose of marketing to those customers related CPE or voice mail service.

(b) A telecommunications carrier may not use, disclose, or permit access to CPNI to identify or track customers who call competing service providers. For example, a local exchange carrier may not use local service CPNI to track all customers who call local service competitors.

(c) A telecommunications carrier may not use, disclose, or permit access to a former customer's CPNI to regain the business of the customer who has switched to another service provider.

(3) A telecommunications carrier may use, disclose, or permit access to CPNI, without customer approval, as described in this subsection.

(a) A telecommunications carrier may use, disclose, or permit access to CPNI, without customer approval, in its provision of inside wiring installation, maintenance, and repair services.

(b) CMRS (wireless telecommunications service) providers may use, disclose, or permit access to CPNI for the purpose of conducting research on the health effects of CMRS.

(c) Local exchange companies and CMRS providers may use CPNI, without customer approval, to market services formerly known as adjunct-to-basic services, such as, but not limited to, speed dialing, computer-provided directory assistance, call monitoring, call tracing, call blocking, call return, repeat dialing, call tracking, call waiting, caller I.D., call forwarding, and certain centrex features.

[Statutory Authority: RCW 80.01.040, 99-05-015 (Order R-459, Docket No. UT-971514), § 480-120-151, filed 2/5/99, effective 3/8/99.]

WAC 480-120-152 Notice and approval required for use of customer proprietary network information (CPNI).

(1) A telecommunications carrier must obtain customer approval to use, disclose, or permit access to CPNI to market a customer service to which the customer does not already subscribe from that carrier.

(2) A telecommunications carrier may obtain approval through written, oral or electronic methods.

(3) A telecommunications carrier relying on oral approval must bear the burden of demonstrating that such approval has been given in compliance with the commission's rules.

(4) Approval obtained by a telecommunications carrier for the use of CPNI outside of the customer's total service relationship with the carrier must remain in effect until the customer revokes or limits such approval, so long as the carrier maintains the records of customer notification and approval required in this rule.

(5) A telecommunications carrier must maintain records of notification and approval, whether oral, written or electronic, for at least one year.

(6) Prior to any solicitation for customer approval, a telecommunications carrier must provide a one-time notification to the customer of the customer's right to restrict use of, disclosure of, and access to that customer's CPNI.

(a) A telecommunications carrier may provide notification through oral or written methods.

(b) Customer notification must provide sufficient information to enable the customer to make an informed decision as to whether to permit a carrier to use, disclose, or permit access to, the customer's CPNI.

(i) The notification must state that the customer has a right, and the carrier a duty, under federal and state law, to protect the confidentiality of CPNI.

(ii) The notification must specify the types of information that constitute CPNI and the specific entities that will receive CPNI, describe the purposes for which CPNI will be used, and inform the customer of his or her right to disapprove those uses, and deny or withdraw access to CPNI at any time.

(iii) The notification must advise the customer of the precise steps the customer must take in order to grant or deny access to CPNI, and must clearly state that a denial of approval will not affect the provision of any services to which the customer subscribes.

(iv) The notification must be comprehensible and must not be misleading.

(v) If written notification is provided, the notice must be clearly legible, use sufficiently large type, and be placed so as to be readily apparent to a customer.

(vi) If any portion of a notification is translated into another language, then all portions of the notification must be translated into that language.

(vii) A carrier may state in the notification that the customer's approval to use CPNI may enhance the carrier's ability to offer products and services tailored to the customer's needs. A carrier also may state in the notification that the

customer upon affirmative written request may compel the carrier to disclose CPNI to any person.

(viii) A carrier may not include in the notification any statement attempting to encourage a customer to freeze third party access to CPNI.

(ix) The notification must state that any approval, or denial of approval for the use of CPNI outside of the service to which the customer already subscribes to from that carrier is valid until the customer affirmatively revokes or limits the approval or denial.

(7) A telecommunications carrier's solicitation for approval must be proximate to the notification of a customer's CPNI rights.

(8) A telecommunications carrier's solicitation for approval, if written, must not be a document separate from the notification, even if both documents are included within the same envelope or package.

[Statutory Authority: RCW 80.01.040, 99-05-015 (Order R-459, Docket No. UT-971514), § 480-120-152, filed 2/5/99, effective 3/8/99.]

WAC 480-120-153 Safeguards required for use of customer proprietary network information (CPNI).

(1) Telecommunications carriers must train all personnel who have access to CPNI as to when they are and are not authorized to use CPNI, and carriers must implement an express disciplinary process to deal with violations of the requirement.

(2) Telecommunications carriers must establish a supervisory review process regarding carrier compliance with rules governing outbound marketing situations and must maintain records of carrier compliance for at least one year. Specifically, sales personnel must obtain supervisory approval of any proposed outbound marketing request.

(3) A telecommunications carrier must have a corporate officer, as an agent of the carrier, sign a compliance certificate on an annual basis that the officer has personal knowledge that the carrier is in compliance with the rules of this subpart. A statement explaining how the carrier is in compliance with the rules in this subpart must accompany the certificate.

[Statutory Authority: RCW 80.01.040, 99-05-015 (Order R-459, Docket No. UT-971514), § 480-120-153, filed 2/5/99, effective 3/8/99.]

WAC 480-120-154 Definitions. For purposes of WAC 480-120-151 through 480-120-154, terms have the following meaning:

(1) **Affiliate.** An affiliate is an entity that directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with, another entity.

(2) **Customer.** A customer of a telecommunications carrier is a person or entity to which the telecommunications carrier is currently providing service.

(3) **Commercial mobile radio service (CMRS).** Commercial mobile radio service means any mobile (wireless) telecommunications service that is provided for profit that makes interconnected service available to the public or to such classes of eligible users as to be effectively available to a substantial portion of the public.

(4) **Customer proprietary network information (CPNI).** Customer proprietary network information (CPNI) is:

(a) Information that relates to the quantity, technical configuration, type, destination, and amount of use of a telecommunications service subscribed to by a customer of a telecommunications carrier, and that is made available to the carrier by the customer solely by virtue of the customer-carrier relationship; and

(b) Information contained in a customer's bill pertaining to telephone exchange service or telephone toll service received by a customer of a carrier. Customer proprietary network information does not include subscriber list information.

(5) Customer premises equipment (CPE). Customer premises equipment (CPE) is equipment employed on the premises of a person (other than a carrier) to originate, route, or terminate telecommunications.

(6) Information service. Information service is the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, and includes electronic publishing, but does not include any use of any such capability for the management, control, or operation of a telecommunications system or the management of a telecommunications service.

(7) Local exchange carrier (LEC). A local exchange carrier (LEC) is any person that is engaged in the provision of telephone exchange service or exchange access. For purposes of these rules, the term does not include a person insofar as such person is engaged in the provision of commercial mobile service under 47 U.S.C. 332(c).

(8) Subscriber list information (SLI). Subscriber list information (SLI) is any information:

(a) Identifying the listed names of subscribers of a carrier and those subscribers' telephone numbers, addresses, or primary advertising classifications (as such classifications are assigned when service is established), or any combination of listed names, numbers, addresses, or classifications; and

(b) That the carrier or an affiliate has published, caused to be published, or accepted for publication in any directory format.

(9) Telecommunications carrier. A telecommunications carrier is any provider of telecommunications services, except that such term does not include aggregators of telecommunications services (as defined in 47 U.S.C. 226 (a)(2)). The definition of telecommunications carrier for purposes of these rules does not include CMRS providers, except as a substitute for wire line telecommunications in locations where wire line services are not available.

[Statutory Authority: RCW 80.01.040, 99-05-015 (Order R-459, Docket No. UT-971514), § 480-120-154, filed 2/5/99, effective 3/8/99.]

WAC 480-120-340 911 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 911 service, where the PBX or similar equipment generates and forwards appropriate number identification information, as follows:

(a) For exchanges with enhanced 911 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 911 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 911 services shall file with the commission tariffs and supporting cost studies which specify the charges and terms for 911 services, including enhanced 911 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 480-120-500 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 per-

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son. 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 abnor-

mal 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 dBrnC.

(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.]

WAC 480-120-540 Terminating access charges. (1)

Except for any universal service rate allowed pursuant to subsection (3) of this section, the rates charged by a local exchange company for terminating access shall not exceed the lowest rate charged by the local exchange company for the comparable local interconnection service (in each exchange), such as end office switching or tandem switching. If a local exchange company does not provide local interconnection service (or does so under a bill and keep arrangement), the rates charged for terminating access shall not exceed the cost of the terminating access service being provided.

(2) The cost of the terminating access shall be determined based on the total service long-run incremental cost of terminating access service plus a reasonable contribution to common or overhead costs. Local loop costs are considered "shared" or "joint" costs and shall not be included in the cost of terminating access. However, nothing in this rule prohibits recovery of local loop costs through originating access charges (including switched, special, and dedicated as defined in subsection (4)(a) of this section).

(3) If a local exchange company is authorized by the commission to recover any costs for support of universal access to basic telecommunications service through access charges, it shall recover such costs as an additional, explicit universal service rate element applied to terminating access service.

(4) Definitions.

(a) "Access charge" means a rate charged by a local exchange carrier to an interexchange carrier for the origination, transport, or termination of a call to or from a customer of the local exchange carrier. Such origination, transport, and termination may be accomplished either through switched access service or through special or dedicated access service.

(b) "Terminating access service" includes transport only to the extent that the transport service is bundled to the end office or tandem switching service. Dedicated transport unbundled from switching services is not subject to subsection (1) of this section.

(c) "Bill and keep" (also known as "mutual traffic exchange" or "payment in kind") is a compensation mechanism where traffic is exchanged among companies on a reciprocal basis. Each company terminates the traffic originating from other companies in exchange for the right to terminate its traffic on that company's network.

(5) The requirement of subsection (1) of this section that any terminating rate be based on cost shall not apply to any local exchange company that is a small business, or to any local exchange company that is competitively classified, if it concurs in the terminating rate of any local exchange company that has filed a terminating rate that complies with the requirements of subsection (1) of this section. For the purposes of this subsection, "small business" has the same meaning as it does in RCW 19.85.020.

(2001 Ed.)

(6) Any local exchange company that is required to lower its terminating access rates to comply with this rule may file tariffs or price lists (as appropriate) to increase or restructure its originating access charges. The commission will approve the revision as long as it is consistent with this rule, in the public interest and the net effect is not an increase in revenues.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 80.36.140, 98-19-147 (Order R-450, Docket No. UT-970325), § 480-120-540, filed 9/23/98, effective 12/21/98.]

WAC 480-120-560 Collocation. (1) Definitions.

"CLEC" means a competing local exchange carrier that orders collocation from an ILEC.

"Collocation" means the ability of a CLEC to place equipment, including microwave equipment, within or upon an ILEC's premises.

"Deliver" or "delivery date" means the point when the ILEC turns the collocation space and related facilities over to the CLEC and the space and facilities are ready for service. Deliver or delivery includes, but is not necessarily limited to, providing the CLEC with access to the collocation space for collocation other than virtual collocation, as well as providing power, telephone service, and other services and facilities ordered by the CLEC for provisioning by the delivery date.

"ILEC" means an incumbent local exchange carrier that is required to provide collocation.

"ILEC premises" means an ILEC wire center, central office, or any other location owned and/or controlled by the ILEC at which interconnection with the ILEC's network or access to ILEC unbundled network elements is technically feasible.

"Points of interface (POI)" means the demarcation between the networks of an ILEC and a CLEC. The POI is the point where the exchange of traffic takes place.

(2) ILEC response to CLEC order for collocation. Within ten calendar days of receipt of an order for collocation, an ILEC must notify the CLEC whether sufficient space exists in the ILEC premises to accommodate the CLEC's collocation requirements. As part of that notification, the ILEC must also notify the CLEC of any circumstance that may delay delivery of the ordered collocation space and related facilities.

(3) Provisioning collocation. If the ILEC notifies a CLEC that sufficient space exists to accommodate the CLEC's order for collocation, the following procedures apply:

(a) Within twenty-five calendar days of receipt of the order, the ILEC must provide the CLEC with a written quote detailing the nonrecurring and recurring charges applicable to provisioning the ordered collocation. After providing the written quote and upon reasonable notice of a request by the CLEC, the ILEC must permit the CLEC at least one accompanied site visit to the designated collocation space without charge to the CLEC, to enable the CLEC to verify and inspect the space the ILEC offers for collocation. The CLEC's acceptance of the written quote and payment of one-half of the nonrecurring charges specified in the quote must be within seven calendar days and does not preclude the CLEC from

later disputing the accuracy or reasonableness of those charges.

(b) If the ordered collocation space was included in a periodic forecast submitted by the CLEC to the ILEC at least three months in advance of the order, the ILEC must complete construction of, and deliver, the ordered collocation space and related facilities within forty-five calendar days after the CLEC's acceptance of the written quote and payment of one-half of the nonrecurring charges specified in the quote.

(c) If the ordered collocation space was not included in a periodic forecast submitted by the CLEC to the ILEC at least three months in advance of the order, the Commission declines to apply the forty-five calendar day interval in (3)(b) and the national standards adopted by the FCC shall apply.

(d) Following any initial notification as required in section (2) above, the ILEC must notify the CLEC of any change in circumstances as soon as the ILEC is aware of those circumstances and must take all reasonable steps to avoid or minimize any delays caused by those circumstances, including but not limited to joint provisioning of collocation elements by the ILEC and CLEC, or sole construction by the CLEC, through a mutually acceptable third party contractor.

(e) If the ILEC fails to deliver the collocation space by the required delivery date, the ILEC must credit the CLEC in an amount equal to one-tenth of the total nonrecurring charge for the ordered collocation for each week beyond the required delivery date. Recurring charges will not begin to accrue for any element until the ILEC delivers that element to the CLEC. To the extent that a CLEC self-provisions any collocation element, the ILEC may not impose any charges for provisioning that element.

(f) The ILEC must provide periodic notices to the CLEC during construction of the CLEC's collocation space, including scheduled completion and delivery dates. At least thirty calendar days prior to the scheduled delivery date, the ILEC must provide the CLEC with sufficient information to enable the ILEC and the CLEC to establish firm Common Language Location Identifier (CLLI) codes and any other codes necessary to order interconnection and cross-connection circuits for the equipment the CLEC intends to collocate, and the ILEC must accept and process CLEC orders for such circuits. The ILEC must provision points of interface (POIs) and other circuits concurrent with delivery of the collocation space and related facilities, unless the CLEC agrees to a later date.

(g) The ILEC must conduct an inspection with the CLEC of the collocation space at least five business days prior to completion of construction of the collocation space. The ILEC must correct any deviations to the CLEC's original or jointly amended requirements after the inspection, at the ILEC's sole expense.

(h) Upon order of the CLEC and concurrent with delivery of the collocation space and related facilities, the ILEC must provide basic telephone service to the collocation space under the rates, terms, and conditions of the ILEC's current tariff or price list offering for the service ordered. The ILEC must also provide CLEC employees, contractors, and representatives with reasonable access to basic facilities, such as restroom facilities and parking, while at the ILEC premises.

(4) Denial of order for collocation. If the ILEC notifies a CLEC that insufficient space exists to accommodate the CLEC's order for collocation, the following procedures apply:

(a) As part of its notification of lack of space, the ILEC must notify the CLEC if any space is available for collocation and, if so, how much space is available. The ILEC must also verify that the ILEC cannot reclaim space for collocation by consolidating or removing inactive or underutilized equipment.

(b) The ILEC must permit the CLEC to tour the ILEC premises within fourteen calendar days of the CLEC's written request.

(c) If the CLEC notifies the ILEC that it contests the denial of an order for collocation, the ILEC must, within twenty-five calendar days of the notification, file a petition asking the Commission to determine that the space requested by the CLEC is not available. Upon request and execution of an appropriate confidentiality agreement, the ILEC must also provide a copy of the petition to the CLEC. The ILEC must prepare the petition at its sole expense, and the petition must include the following information:

- (i) Central Office CLLI, where applicable;
- (ii) Ordering CLEC, including the amount of space sought by the CLEC;
- (iii) Written inventory of active, inactive, and underutilized equipment, including the signatures of ILEC personnel certifying the accuracy of the information provided;
- (iv) Color-coded floor plans that identify office space work areas, provide spatial dimensions to calculate the square footage for each area, and locate inactive and underutilized equipment;
- (v) Narrative of the central office floor space use;
- (vi) Total amount of space occupied by interconnecting collocators for the sole purpose of interconnection;
- (vii) Total amount of space occupied by third parties for purposes other than interconnection, and a narrative of the space use;
- (viii) The number of central office employees employed and job titles;
- (ix) Description of central office renovation/expansion plans and time frames for completion;
- (x) Description of conversion of administrative, maintenance, equipment, and storage space plans and timeframes for completion; and
- (xi) Description of any internal policies for conversion of administrative, maintenance, equipment, and storage space in central offices.

(d) The Commission will decide any petition filed under subsection (4)(c) through an expedited proceeding conducted in accordance with the relevant procedural requirements and time lines established in WAC 480-09-530. The ILEC bears the burden to prove to the Commission that the ordered collocation is not practical for technical reasons or because of space limitations. The ILEC may be relieved of its obligation to provide collocation at a particular ILEC premises only to the extent expressly provided by Commission order.

(e) Each ILEC must maintain a list of all of its central offices in Washington in which insufficient space exists to accommodate one or more types of collocation. The list must

specify which types of collocation are unavailable in each office and whether the Commission has approved the ILEC's denial of collocation in that office. The ILEC must post this list on its publicly accessible web site and provide a copy of the list to any CLEC upon request. The ILEC must update this list within ten business days of (i) denying a CLEC's order for collocation; (ii) the service date of any order from the Commission approving or disapproving such a denial; (iii) providing notice to CLECs previously denied collocation that space has become available in a central office; or (iv) obtaining knowledge through any other means that space for one or more types of collocation is no longer available or has become available in a particular central office.

(f) Each ILEC must maintain for each central office a waiting list of all unfilled orders for collocation space and the date of each order. After an ILEC has announced that one or more types of collocation space are not available in an office, any CLEC may submit a letter of intent to order collocation space in lieu of a collocation order, and this letter of intent must be included on the waiting list. If space for collocation becomes available in any central office, the ILEC must inform all CLECs, that ordered collocation or submitted a letter of intent to order collocation, of the availability of that space and must provide each such CLEC with fifteen calendar days to renew its original collocation order. The ILEC must provision collocation to these CLECs on a first-come, first-served basis according to the dates on which each ordered collocation or submitted a letter of intent to collocate in that central office.

[Statutory Authority: RCW 80.01.040 and 80.04.160, 00-24-047 (Order R-475, Docket No. UT-990582), § 480-120-560, filed 11/30/00, effective 12/31/00.]

Chapter 480-121 WAC

REGISTRATION, COMPETITIVE CLASSIFICATION AND PRICE LISTS OF TELECOMMUNICATIONS COMPANIES

WAC

480-121-010	Filing of registration application, competitive classification petition, and price list.
480-121-015	Exemptions from rules.
480-121-020	Requirements for registration applications, competitive classification petitions, and price lists.
480-121-023	When a supplemental application is required.
480-121-026	Rejection of registration application, competitive classification petition, and price list.
480-121-030	Additional information.
480-121-040	Grant or denial of registration.
480-121-050	Cancellations.
480-121-060	Revocation of registration.
480-121-070	Petition for competitive classification.

WAC 480-121-010 Filing of registration application, competitive classification petition, and price list. Applications, petitions, and price lists must be filed at the office of the commission in Olympia, Washington, by mail or in person. Applicants must submit a declaration signed and dated by applicant or its attorney certifying the accuracy of the application, petition, and price list. Applications, petitions, and price lists will be assigned a docket number. All additional exhibits and data thereafter filed, and correspondence in connection with the filing, should bear that docket number. Applications for registration, petitions for competitive classification,

and price lists must be submitted at the same time. The applicant must file with the commission an original application, petition, and price list and any additional copies as the commission may require.

[Statutory Authority: RCW 80.01.040, 99-13-097 (Order R-464, Docket No. UT-980083), § 480-121-010, filed 6/15/99, effective 7/16/99. 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 480-121-015 Exemptions from rules. (1) The commission may grant an exemption of any rule in this chapter, when doing so is consistent with the public interest, the purposes underlying regulation, and applicable statutes.

(2) To request a rule exemption, a person must file with the commission a written request identifying the rule for which an exemption is sought and giving a full explanation of the reason the exemption is requested.

(3) The commission will assign the request a docket number, if needed, and schedule the request for consideration at one of its regularly scheduled open meetings or, if appropriate under chapter 34.05 RCW, in an adjudication. The commission will notify the person requesting the exemption, and other interested persons, of the date the commission will consider the request.

(4) The commission will enter an order granting or denying the request or setting it for hearing, pursuant to chapter 480-09 WAC.

[Statutory Authority: RCW 80.01.040, 99-13-097 (Order R-464, Docket No. UT-980083), § 480-121-015, filed 6/15/99, effective 7/16/99.]

WAC 480-121-020 Requirements for registration applications, competitive classification petitions, and price lists. (1) Applications for registration must:

(a) Be in the form prescribed by the commission;

(b) Comply with the rules set forth in chapter 480-120 WAC; and

(c) Be accompanied by the applicant's current balance sheet, latest annual report, if any, and a description of the telecommunications service it intends to offer.

(2) Petitions for competitive classification must meet the requirements of WAC 480-120-023.

(3) Price lists must meet the requirements of WAC 480-120-027.

(4) As a condition to registration, with or without hearing, the commission may require an applicant clearly show that:

(a) The applicant possesses adequate financial resources to provide the proposed service;

(b) The applicant possesses adequate technical competence to provide the proposed service;

(c) The applicant is in compliance with all applicable federal, state and local telecommunications technical and business regulations.

(5) The commission may request an applicant to provide information regarding the applicant's regulatory performance in other states in which it operates.

(6) Applicants intending to collect customer prepayments must meet the requirements of WAC 480-120-058.

(7) Applicants collecting customer deposits pursuant to WAC 480-120-056 may be required to procure a bond or establish a federally insured interest-bearing trust account.

[Statutory Authority: RCW 80.01.040, 99-13-097 (Order R-464, Docket No. UT-980083), § 480-121-020, filed 6/15/99, effective 7/16/99. 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 480-121-023 When a supplemental application is required. Supplemental registration applications, competitive classification petitions, and price lists are required if a telecommunications company intends to amend its registration to include collecting deposits or providing alternate operator services, local exchange services, or prepaid calling services.

[Statutory Authority: RCW 80.01.040, 99-13-097 (Order R-464, Docket No. UT-980083), § 480-121-023, filed 6/15/99, effective 7/16/99.]

WAC 480-121-026 Rejection of registration application, competitive classification petition, and price list. Registration applications, competitive classification petitions, and price lists not in substantial compliance with these rules and chapter 480-120 WAC will be rejected by the commission and returned to the applicant.

[Statutory Authority: RCW 80.01.040, 99-13-097 (Order R-464, Docket No. UT-980083), § 480-121-026, filed 6/15/99, effective 7/16/99.]

WAC 480-121-030 Additional information. The commission may require additional information to supplement the registration application, competitive classification petition, and price list. Unless a different time is specified, such information shall be provided within ten days of the written request.

[Statutory Authority: RCW 80.01.040, 99-13-097 (Order R-464, Docket No. UT-980083), § 480-121-030, filed 6/15/99, effective 7/16/99. 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. An application may be granted without hearing upon a determination by the commission that the application is consistent with the public interest, that the applicant meets the requirements of this section and RCW 80.36.350 and that the applicant has provided adequately for the protection of customer deposits or prepayments. The application may be set for hearing in accordance with notice issued by the commission. If, after hearing, the commission finds that registration is not consistent with the public interest, or that the applicant does not meet the requirements of RCW 80.36.350, or that customer deposits or prepayments cannot be adequately protected, it will deny the application.

The commission will deny an application for registration submitted by an alternate operator services provider if, after hearing, the commission finds that the operator services offered by the company or the charges for those services are not consistent with the public convenience and advantage.

[Statutory Authority: RCW 80.01.040, 99-13-097 (Order R-464, Docket No. UT-980083), § 480-121-040, filed 6/15/99, effective 7/16/99. 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

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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.]

WAC 480-121-050 Cancellations. (1) A request to cancel registration as a telecommunications company must be submitted in writing to the commission.

(2) Registered telecommunications companies collecting prepayments that cease operations must comply with WAC 480-120-058(10).

[Statutory Authority: RCW 80.01.040, 99-13-097 (Order R-464, Docket No. UT-980083), § 480-121-050, filed 6/15/99, effective 7/16/99. Statutory Authority: RCW 80.01.040, 85-20-002 (Order R-237, Cause No. U-85-43), § 480-121-050, filed 9/19/85.]

WAC 480-121-060 Revocation of registration. The commission may revoke a registration, after hearing, for good cause. Good cause includes, but is not limited to, failure to:

- (1) File an annual report;
- (2) Pay regulatory fees;
- (3) Comply with the requirements of WAC 480-120-058;
- (4) Provide adequate service;
- (5) Maintain correct contact information, including current address and telephone number;
- (6) Comply with applicable federal, state and local telecommunications and business regulations; or
- (7) Comply with applicable federal, state, and local technical regulations imposed on the carrier.

[Statutory Authority: RCW 80.01.040, 99-13-097 (Order R-464, Docket No. UT-980083), § 480-121-060, filed 6/15/99, effective 7/16/99.]

WAC 480-121-070 Petition for competitive classification. (1) In addition to meeting the requirements of WAC 480-120-023, a petition for competitive classification must state an effective date no sooner than thirty days from the filing date.

(2) The petitioner must provide notice in the same manner as provided in WAC 480-80-120 for tariff changes.

[Statutory Authority: RCW 80.01.040, 99-13-097 (Order R-464, Docket No. UT-980083), § 480-121-070, filed 6/15/99, effective 7/16/99.]

Chapter 480-122 WAC

WASHINGTON TELEPHONE ASSISTANCE PROGRAM

WAC

480-122-010	Definitions.
480-122-020	Washington telephone assistance program rate.
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430-122-040	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 commission shall set by order the telephone assistance rate.

[Statutory Authority: RCW 80.01.040. 98-18-106 (Order R-449, Docket No. UT-971664), § 480-122-020, filed 9/2/98, effective 10/3/98; 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 con-

nection 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 set by the commission by order under 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, 98-18-106 (Order R-449, Docket No. UT-971664), § 480-122-070, filed 9/2/98, effective 10/3/98; 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 rate-payer'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 480-123 WAC

FEDERAL UNIVERSAL SERVICE CONTRACTS

WAC

480-123-010 Federal universal service contracts.

WAC 480-123-010 Federal universal service contracts. For purposes of schools and libraries receiving federal universal service funding under 47 CFR, Part 54 of the Federal Communications Commission rules, the following discounts shall apply:

SCHOOLS AND LIBRARIES

**DISCOUNT MATRIX
HOW DISADVANTAGED?**

% of students
eligible for national
school lunch program
<1
1-19
20-34
35-49

DISCOUNT LEVEL

urban	rural
discount	discount
(%)	(%)
20	25
40	50
50	60
60	70

50-74	80	80
75-100	90	90

[Statutory Authority: RCW 80.36.080, 80.01.040 and the United States Telecommunications Act of 1996, Section 254, 98-04-028 (Order R-448, Docket No. UT-970317), § 480-123-010, filed 1/28/98, effective 2/28/98.]

Chapter 480-140 WAC

COMMISSION GENERAL—BUDGETS

WAC

480-140-010	Definitions.
480-140-015	Exemptions from rules.
480-140-020	Who must file.
480-140-030	When to file.
480-140-040	What to file.
480-140-080	Confidentiality provision.
480-140-180	Additional information.

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

480-140-050	Approval. [Order R-5, § 480-140-050, filed 6/6/69, effective 10/9/69.] Repealed by 99-23-065 (Order No. R-466, Docket No. A-990298), filed 11/15/99, effective 12/16/99. Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330.
480-140-060	Supplemental change. [Order R-5, § 480-140-060, filed 6/6/69, effective 10/9/69.] Repealed by 99-23-065 (Order No. R-466, Docket No. A-990298), filed 11/15/99, effective 12/16/99. Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330.
480-140-070	Emergency expenditures. [Order R-5, § 480-140-070, filed 6/6/69, effective 10/9/69.] Repealed by 99-23-065 (Order No. R-466, Docket No. A-990298), filed 11/15/99, effective 12/16/99. Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330.
480-140-090	Conformity of accounts. [Order R-5, § 480-140-090, filed 6/6/69, effective 10/9/69.] Repealed by 99-23-065 (Order No. R-466, Docket No. A-990298), filed 11/15/99, effective 12/16/99. Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330.
480-140-100	Donations. [Order R-5, § 480-140-100, filed 6/6/69, effective 10/9/69.] Repealed by 99-23-065 (Order No. R-466, Docket No. A-990298), filed 11/15/99, effective 12/16/99. Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330.
480-140-110	Dues. [Order R-5, § 480-140-110, filed 6/6/69, effective 10/9/69.] Repealed by 99-23-065 (Order No. R-466, Docket No. A-990298), filed 11/15/99, effective 12/16/99. Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330.
480-140-120	Wage scales. [Order R-5, § 480-140-120, filed 6/6/69, effective 10/9/69.] Repealed by 99-23-065 (Order No. R-466, Docket No. A-990298), filed 11/15/99, effective 12/16/99. Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330.
480-140-130	Tax expenditures. [Order R-5, § 480-140-130, filed 6/6/69, effective 10/9/69.] Repealed by 99-23-065 (Order No. R-466, Docket No. A-990298), filed 11/15/99, effective 12/16/99. Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330.
480-140-140	Affiliated interests. [Order R-5, § 480-140-140, filed 6/6/69, effective 10/9/69.] Repealed by 99-23-065 (Order No. R-466, Docket No. A-990298), filed 11/15/99, effective 12/16/99. Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330.
480-140-150	Advertising. [Order R-5, § 480-140-150, filed 6/6/69, effective 10/9/69.] Repealed by 99-23-065 (Order No. R-466, Docket No. A-990298), filed 11/15/99, effective 12/16/99. Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330.
480-140-160	Salaries. [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.] Repealed by 99-23-065 (Order No. R-466, Docket No. A-990298), filed 11/15/99, effective 12/16/99. Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330.

480-140-170

Operations covered. [Order R-5, § 480-140-170, filed 6/6/69, effective 10/9/69.] Repealed by 99-23-065 (Order No. R-466, Docket No. A-990298), filed 11/15/99, effective 12/16/99. Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330.

WAC 480-140-010 Definitions. Commission means Washington utilities and transportation commission.

Net utility plant in service means plant in service less accumulated depreciation and amortization.

Public service company means every gas company, electrical company, telecommunications company, and water company subject to regulation under the provisions of Title 80 RCW as to rates and service by the commission.

[Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330. 99-23-065 (Order No. R-466, Docket No. A-990298), § 480-140-010, filed 11/15/99, effective 12/16/99; Order R-5, § 480-140-010, filed 6/6/69, effective 10/9/69.]

WAC 480-140-015 Exemptions from rules. (1) The commission may grant an exemption of any rule in this chapter, if consistent with the public interest, the purposes underlying regulation, and applicable statutes.

(2) To request a rule exemption, a person must file with the commission a written request identifying the rule for which an exemption is sought and giving a full explanation of the reason the exemption is requested.

(3) The commission will assign the request a docket number, if needed, and schedule the request for consideration at one of its regularly scheduled open meetings or, if appropriate under chapter 34.05 RCW, in an adjudication. The commission will notify the person requesting the exemption, and other interested persons, of the date the commission will consider the request.

(4) The commission will enter an order granting or denying the request or setting it for hearing, pursuant to chapter 480-09 WAC.

[Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330. 99-23-065 (Order No. R-466, Docket No. A-990298), § 480-140-015, filed 11/15/99, effective 12/16/99.]

WAC 480-140-020 Who must file. The following public service companies with annual gross operating revenues exceeding two hundred fifty thousand dollars must file budgets with the commission:

- (1) Gas companies;
- (2) Electrical companies;
- (3) Telecommunications companies that serve more than two percent of the access lines in the state of Washington, except those companies classified as competitive by the commission; and
- (4) Water companies that are not required to file water system plans with the department of health in compliance with WAC 246-290-100. Water companies required to file water system plans with the department of health must concurrently file a copy with the commission.

(2001 Ed.)

[Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330. 99-23-065 (Order No. R-466, Docket No. A-990298), § 480-140-020, filed 11/15/99, effective 12/16/99. 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 fiscal year must be filed with the commission within ten days after it is approved by the company, but no later than sixty days after the beginning of the company's fiscal year.

[Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330. 99-23-065 (Order No. R-466, Docket No. A-990298), § 480-140-030, filed 11/15/99, effective 12/16/99; Order R-5, § 480-140-030, filed 6/6/69, effective 10/9/69.]

WAC 480-140-040 What to file. Budgets, in a format selected by the reporting company, must show amounts needed for construction, operation and maintenance during the ensuing year. The reporting company must provide the information by industry (water, gas, electrical, and telecommunications) to the extent such information has been prepared. All major construction projects must be identified in the budget. Major construction projects will be determined as described below:

(1) For water, gas, and electrical companies, major projects include all projects where the Washington-allocated share of the total project is greater than five-tenths of one percent of the company's latest year-end Washington-allocated net utility plant in service, but does not include any project of less than three million dollars on a total project basis. This determination for companies providing combined industry services will be done on an industry-specific basis.

(2) For telecommunications companies, major projects include all construction projects where the intrastate Washington jurisdictional share is greater than one million dollars.

[Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330. 99-23-065 (Order No. R-466, Docket No. A-990298), § 480-140-040, filed 11/15/99, effective 12/16/99. 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 480-140-080 Confidentiality provision. The commission may, in its discretion, to the extent permitted by RCW 80.04.095 and chapter 42.17 RCW, upon the request of any public service company, withhold from publication, any portion of any budget designated as confidential pursuant to WAC 480-09-015.

[Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330. 99-23-065 (Order No. R-466, Docket No. A-990298), § 480-140-080, filed 11/15/99, effective 12/16/99; 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.]

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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

480-143-100	Application of rules.
480-143-110	Filing.
480-143-120	Transfers of property.
480-143-130	Purchase of property.
480-143-140	General contents.
480-143-150	Statement required for nonpublic service company purchases.
480-143-160	Public hearing.
480-143-170	Application in the public interest.
480-143-180	Disposal and determination of necessary or useful property.
480-143-190	Annual filing of property transferred without authorization.
480-143-200	Certain telephone leases are exempt.
480-143-210	Transfer customer notice requirements.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-143-010	Sale, lease or assignment of property. [Order R-5, § 480-143-010, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-055 (Order R-461, Docket No. A-980084), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.
480-143-020	Purchase of property. [Order R-5, § 480-143-020, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-055 (Order R-461, Docket No. A-980084), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.
480-143-030	Statement required of a nonutility. [Order R-5, § 480-143-030, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-055 (Order R-461, Docket No. A-980084), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.
480-143-040	Public hearing. [Order R-5, § 480-143-040, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-055 (Order R-461, Docket No. A-980084), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.
480-143-050	Transaction must be consistent with public interest. [Order R-5, § 480-143-050, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-055 (Order R-461, Docket No. A-980084), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.
480-143-060	Definition of property not necessary or useful. [Order R-5, § 480-143-060, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-055 (Order R-461, Docket No. A-980084), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.
480-143-070	Annual filing of property disposed of without authorization. [Order R-5, § 480-143-070, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-055 (Order R-461, Docket No. A-980084), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.
480-143-080	Certain telephone utility leases exempt. [Order R-5, § 480-143-080, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-055 (Order R-461, Docket No. A-980084), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.
480-143-990	Form of verification for application. [Order R-5, Form (codified as WAC 480-143-990), filed 6/6/69, effective 10/9/69.] Repealed by 99-08-055 (Order R-461, Docket No. A-980084), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.

WAC 480-143-100 Application of rules. The rules in this chapter apply to any public service company that meets

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the requirements for commission regulation or jurisdiction under RCW 80.04.010. The rules do not apply to a local exchange company that serves less than two percent of the access lines in the state of Washington.

The commission may waive or modify the application of any rule to a public service company upon written request or upon the commission's own motion, except when such provisions are fixed by statute. The waiver or modification must be approved by the commission in writing. Violations of these rules will be subject to the penalty provisions of chapter 80.04 RCW.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-055 (Order R-461, Docket No. A-980084), § 480-143-100, filed 4/1/99, effective 5/2/99.]

WAC 480-143-110 Filing. Any filing under this chapter must be made at the commission by mail or in person or as the commission otherwise may provide.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-055 (Order R-461, Docket No. A-980084), § 480-143-110, filed 4/1/99, effective 5/2/99.]

WAC 480-143-120 Transfers of property. A public service company may not complete a transfer of property necessary or useful to perform its public duties unless the company first applies for, and obtains, commission approval. Transfers include sale, lease, assignment of all or part of a public service company's property, and merger or consolidation of a public service company's property with another public service company. Certain telephone utility leases are exempt under WAC 480-143-200. Applications must describe transfers in detail and must include the public service company's current financial statements and copies of all transfer instruments.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-055 (Order R-461, Docket No. A-980084), § 480-143-120, filed 4/1/99, effective 5/2/99.]

WAC 480-143-130 Purchase of property. A public service company may not acquire any franchise, property, facility, capital stock, or bonds of another public service company unless it first applies for, and obtains, commission approval. Applications must describe the proposed acquisitions in detail and include the public service company's current financial statements and copies of all transfer instruments.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-055 (Order R-461, Docket No. A-980084), § 480-143-130, filed 4/1/99, effective 5/2/99.]

WAC 480-143-140 General contents. Applicants must state all facts that support each application. Each application must be dated and signed by the applicant, the applicant's authorized representative, or the applicant's attorney. Whoever signs the application must certify that the information it includes is true and correct to the best of the signer's information and belief under penalty of perjury as set forth in RCW 9A.72.085.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-055 (Order R-461, Docket No. A-980084), § 480-143-140, filed 4/1/99, effective 5/2/99.]

WAC 480-143-150 Statement required for nonpublic service company purchases. If a company other than a public service company proposes to acquire franchises, property, or facilities from a public service company, the commission may require a sworn statement from the purchaser that includes any resulting changes in rates, services, or equipment that may affect the public interest.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-055 (Order R-461, Docket No. A-980084), § 480-143-150, filed 4/1/99, effective 5/2/99.]

WAC 480-143-160 Public hearing. The commission will examine all applications for transfers and accompanying exhibits. The commission may set an application for hearing and require all parties to the transaction to appear and give testimony.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-055 (Order R-461, Docket No. A-980084), § 480-143-160, filed 4/1/99, effective 5/2/99.]

WAC 480-143-170 Application in the public interest. If, upon the examination of any application and accompanying exhibits, or upon a hearing concerning the same, the commission finds the proposed transaction is not consistent with the public interest, it shall deny the application.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-055 (Order R-461, Docket No. A-980084), § 480-143-170, filed 4/1/99, effective 5/2/99.]

WAC 480-143-180 Disposal and determination of necessary or useful property. A public service company must not dispose of any property necessary or useful to perform its public duties unless it first applies for, and obtains, written authority from the commission.

Necessary or useful includes all property except items that:

- (1) Are substituted with or replaced by items of equal or greater value or usefulness;
- (2) Are surplus and unneeded assets for which full value is received;
- (3) Are obsolete; or
- (4) Are excluded from the public service company's rate base by commission order, or otherwise.

The public service company must file an application for commission determination that the property is not necessary or useful, prior to disposing of such property, if the property to be disposed of has a market value that exceeds the greater of .1% of the public service company's rate base (for the applicable utility service) last established by commission order, or \$20,000.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-055 (Order R-461, Docket No. A-980084), § 480-143-180, filed 4/1/99, effective 5/2/99.]

WAC 480-143-190 Annual filing of property transferred without authorization. Every public service com-

pany must file with the commission by March 1 of each year a detailed list of all items transferred without commission approval during the previous calendar year, except items whose fair market value is less than the greater of .01% of the public service company's last rate base (for the applicable utility service) established by commission order or two thousand dollars. The public service company must attach an affidavit by a responsible officer qualified to state that none of the items was necessary or useful to perform the public service company's public duties and that the public service company received fair market value for each item.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-055 (Order R-461, Docket No. A-980084), § 480-143-190, filed 4/1/99, effective 5/2/99.]

WAC 480-143-200 Certain telephone leases are exempt. A telephone utility may lease its properties to another telephone utility without prior commission approval if:

- (1) The properties are not essential to the lessor's provision of telephone service;
- (2) The properties are used to transmit interexchange messages between subscribers of different utilities;
- (3) The lease expedites economical interexchange telephone service; and
- (4) A copy of the lease agreement is kept in the lessor's office.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-055 (Order R-461, Docket No. A-980084), § 480-143-200, filed 4/1/99, effective 5/2/99.]

WAC 480-143-210 Transfer customer notice requirements. (1) Whenever a public service company files an application to merge or consolidate any of its franchises, property or facilities with any other company, it must provide notice to customers. This notice must be provided thirty days before the commission's open meeting date when the application is scheduled for action.

(2) A draft customer notice must be submitted to the commission for review at least one week prior to the public service company's planned printing date for distribution.

(3) The public service company must provide a final copy of the notice to the commission.

(4) Content of notice. The notice to customers must contain, at a minimum, the following:

COMPANY NAME
ADDRESS
PHONE NUMBER

DATE

IMPORTANT NOTICE

(Company Name) has asked the Washington Utilities and Transportation Commission for authorization to transfer ownership and operation of (name of company being sold) to (name of company buying). This transfer is contingent upon approval by the Washington Utilities and Transportation Commission.

(Give background information about the new owner, for example, how many years in business, etc.)

If you have questions about this request and how it will affect you, please call (company name & office phone number). If you have questions about the approval process, you may contact the Washington Utilities and Transportation Commission at the following address:

Secretary
Washington Utilities & Transportation Commission
P.O. Box 47250
Olympia, WA 98504-7250
1-800-562-6150 (toll-free)

If you would like to comment on this proposal, it is important for you to do so now. Comments must be submitted in writing or presented at the commission's open meeting to be considered as part of the formal record. The commission encourages your written comments, either in favor or opposition, regarding this proposal. All open meetings are held in Olympia, WA. If you would like to be added to the commission's mailing list to be notified of the open meeting date please call the toll-free number listed above and leave your name and complete mailing address.

Sincerely,
Company Name/Representative

(5) The commission may require additional notice to the public as it determines necessary.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-055 (Order R-461, Docket No. A-980084), § 480-143-210, filed 4/1/99, effective 5/2/99.]

Chapter 480-146 WAC

COMMISSION GENERAL—SECURITIES, LIENS, AFFILIATED INTERESTS, REFUNDING OF NOTES, LEASE OF UTILITY FACILITIES

WAC

480-146-240	Application of rules.
480-146-250	Filing.
480-146-260	Commission may require additional information.
480-146-270	Applicant may include information by reference.
480-146-280	Applicant duty when information is unavailable.
480-146-290	Securities statements and applications.
480-146-300	Filing requirements for securities statements and applications.
480-146-310	Commission may set securities application or statement for public hearing.
480-146-320	Minimum time required for commission order.
480-146-330	Supplemental securities filings may be exempt from time limitations.
480-146-340	Reporting of securities transactions.
480-146-350	Filing of affiliated interest transactions.
480-146-360	Reporting of affiliated interest transactions.
480-146-370	Application for approval of lease of utility facilities.
480-146-380	Form of lease application.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-146-010	Filing. [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.] Repealed by 99-08-054 (Order R-460, Docket No. A-980085), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.
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480-146-020	Requests, applications, and 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.] Repealed by 99-08-054 (Order R-460, Docket No. A-980085), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.
480-146-030	General contents. [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.] Repealed by 99-08-054 (Order R-460, Docket No. A-980085), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.
480-146-040	Additional information. [Order R-5, § 480-146-040, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-054 (Order R-460, Docket No. A-980085), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.
480-146-050	Material incorporated by reference. [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.] Repealed by 99-08-054 (Order R-460, Docket No. A-980085), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.
480-146-060	Conditions for public hearing. [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.] Repealed by 99-08-054 (Order R-460, Docket No. A-980085), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.
480-146-070	Procedure for merger or consolidation. [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.] Repealed by 99-08-054 (Order R-460, Docket No. A-980085), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.
480-146-080	Form of securities application. [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.] Repealed by 99-08-054 (Order R-460, Docket No. A-980085), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.
480-146-090	Form of affiliated interest application. [Order R-5, § 480-146-090, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-054 (Order R-460, Docket No. A-980085), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.
480-146-091	Reporting of affiliated interest transactions. [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.] Repealed by 99-08-054 (Order R-460, Docket No. A-980085), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.
480-146-095	Form of lease application. [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.] Repealed by 99-08-054 (Order R-460, Docket No. A-980085), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.
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.
480-146-200	Minimum time required for commission order. [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.] Repealed by 99-08-054 (Order R-460, Docket No. A-980085), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.

- 480-146-210 Supplemental filings exempt from time limitations. [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.] Repealed by 99-08-054 (Order R-460, Docket No. A-980085), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-146-220 Waiver of time limitations. [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.] Repealed by 99-08-054 (Order R-460, Docket No. A-980085), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-146-230 Reporting of securities transactions. [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.] Repealed by 99-08-054 (Order R-460, Docket No. A-980085), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.

WAC 480-146-240 Application of rules. The rules in this chapter apply to any public service company that meets the requirements for commission regulation or jurisdiction under RCW 80.04.010. The rules do not apply to a local exchange company that serves less than two percent of the access lines in the state of Washington.

The commission may waive or modify the application of any rule to a public service company upon written request or upon the commission's own motion, except when such provisions are fixed by statute. The waiver or modification must be approved by the commission in writing. Violations of these rules will be subject to the penalty provisions of chapter 80.04 RCW.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-054 (Order R-460, Docket No. A-980085), § 480-146-240, filed 4/1/99, effective 5/2/99.]

WAC 480-146-250 Filing. Any filing under this chapter must be made at the commission by mail or in person or as the commission otherwise may provide.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-054 (Order R-460, Docket No. A-980085), § 480-146-250, filed 4/1/99, effective 5/2/99.]

WAC 480-146-260 Commission may require additional information. The commission may require the applicant to file or provide pertinent information in addition to that specified by statute or in this chapter.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-054 (Order R-460, Docket No. A-980085), § 480-146-260, filed 4/1/99, effective 5/2/99.]

WAC 480-146-270 Applicant may include information by reference. When any information required to support an application is on file with the commission, it is sufficient for the applicant to make specific reference to the information indicating the proceeding, report, or other filing that contains the referenced information.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-054 (Order R-460, Docket No. A-980085), § 480-146-270, filed 4/1/99, effective 5/2/99.]

(2001 Ed.)

WAC 480-146-280 Applicant duty when information is unavailable. If any required information is unavailable at the time of the application, the applicant must include with the application the reason why the information is not available and state when it will be available.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-054 (Order R-460, Docket No. A-980085), § 480-146-280, filed 4/1/99, effective 5/2/99.]

WAC 480-146-290 Securities statements and applications. Any public service company that issues stocks, stock certificates, other evidence of interest or ownership, bonds, notes, or other evidence of indebtedness must file a statement with the commission. A corporation formed by a merger or consolidation that issues securities must also file a statement with the commission. Statements must include:

(1) A description of the purposes for which the issuance is made, including a certification by an officer authorized to do so that the proceeds from any such financing is for one or more of the purposes allowed by RCW 80.08.030;

(2) A description of the proposed issuance including the terms of the financing; and

(3) A statement as to why the transaction is in the public interest.

Any public service company making such a filing may request from the commission a written order affirming that the public service 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.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-054 (Order R-460, Docket No. A-980085), § 480-146-290, filed 4/1/99, effective 5/2/99.]

WAC 480-146-300 Filing requirements for securities statements and applications. The applicant must submit all information required to comply with the requirements of RCW 80.08.040 and any additional information deemed necessary by the commission. The applicant, authorized representative, or applicant's attorney must sign and date the statement and include a certification that the information is true and correct to the signer's information and belief, under penalties of perjury as set forth in RCW 9A.72.085. When an applicant requests an order affirming compliance with RCW 80.08.040 it must submit a draft order.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-054 (Order R-460, Docket No. A-980085), § 480-146-300, filed 4/1/99, effective 5/2/99.]

WAC 480-146-310 Commission may set securities application or statement for public hearing. The commission will act upon a complete, filed application or statement as promptly as possible. The commission may consider the application or statement without public hearing or can order a hearing.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-054 (Order R-460, Docket No. A-980085), § 480-146-310, filed 4/1/99, effective 5/2/99.]

WAC 480-146-320 Minimum time required for commission order. A public service company must submit an

application, except as provided in WAC 480-146-330, at least fifteen working days prior to the requested effective date for a commission order. The fifteen day period will start once the applicant has filed with the commission all information and exhibits required by WAC 480-146-290.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-054 (Order R-460, Docket No. A-980085), § 480-146-320, filed 4/1/99, effective 5/2/99.]

WAC 480-146-330 Supplemental securities filings may be exempt from time limitations. Supplemental filings made:

- (1) To comply with a previous order;
- (2) To change the terms and conditions of a previous order; or
- (3) To request that flaws in a previous order must be corrected are exempt from WAC 480-146-320.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-054 (Order R-460, Docket No. A-980085), § 480-146-330, filed 4/1/99, effective 5/2/99.]

WAC 480-146-340 Reporting of securities transactions. (1) A public service company must file a letter with the commission outlining the final terms and conditions of the transaction, within thirty days after the issuance of any of the following:

- (a) Stock;
- (b) Stock certificates;
- (c) Other evidence of interest or ownership;
- (d) Bonds;
- (e) Notes; or
- (f) Other evidences of indebtedness.

(2) Every public service company, as defined in the application of rules WAC 480-146-240, that has issued securities during the prior year, must file with the commission by April 1 of each year an annual securities transaction report. At a minimum, the report must contain:

- (a) A detailed description of the final agreements;
- (b) A description of the use of proceeds;
- (c) The level of expenses for each of the securities transactions for the year ending December 31;
- (d) Information to determine the individual and collective impact on capital structure;
- (e) The pro forma cost of money for the securities transactions.

(3) Any public service company that is not required to file an annual report must maintain complete records of any securities transactions as outlined in subsection (2) of this section. The commission may request any information as it determines necessary.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-054 (Order R-460, Docket No. A-980085), § 480-146-340, filed 4/1/99, effective 5/2/99.]

WAC 480-146-350 Filing of affiliated interest transactions. Every public service company must file a verified copy, or a verified summary, if unwritten, of contracts or arrangements with affiliated interests before the effective date of the contract or arrangement. Verified copies of modifications or amendments to the contract or arrangements

must be filed before the effective date of the modification or amendment. If the contract or arrangement is unwritten, then a public service company must file a verified summary of any amendment or modification. The commission may institute an investigation and disapprove the contract or arrangement if the commission finds the public service company has failed to prove that it is reasonable and consistent with the public interest.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-054 (Order R-460, Docket No. A-980085), § 480-146-350, filed 4/1/99, effective 5/2/99.]

WAC 480-146-360 Reporting of affiliated interest transactions. (1) Every public service company, as defined in the application of rules WAC 480-146-240, must file with the commission by June 1 of every year an annual report of all affiliated interest transactions that occurred during the period January 1 through December 31 of the preceding year.

"Affiliated interest transactions" mean contracts or arrangements between affiliated interests as defined in RCW 80.16.010.

(2) The annual report must include a corporate organization chart of the public service company and its affiliates.

(3) The annual report must contain the following information for each affiliate that had transactions with the public service company during the preceding year:

(a) A description of the products or services flowing between the public service company and any affiliated interest;

(b) A description of the pricing basis or costing method and procedures for allocating costs for such products or services rendered, and the amount and accounts charged;

(c) A description of the terms of any loans between the public service company and its affiliate and a listing of the year-end loan amounts and maximum loan amounts outstanding during the year;

(d) A description of the terms and maximum amount of any debt guarantees by the public service company for any affiliate and a listing of the year end debt amounts and maximum debt amounts outstanding during the year;

(e) A detailed description of the activities of the affiliates with which the public service company has transactions;

(f) A list of all common officers and directors of the affiliated interest company and the public service company along with their titles in each organization, and;

(g) Appropriate financial information for each affiliated interest company including, but not limited to, a balance sheet and income statement.

The commission may request any additional information during its review of the public service company's annual report of affiliated interest transactions.

(4) 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.

(5) The public service company is obligated to file verified copies of affiliated interest contracts and arrangements as stated in WAC 480-146-350.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-054 (Order R-460, Docket No. A-980085), § 480-146-360, filed 4/1/99, effective 5/2/99.]

WAC 480-146-370 Application for approval of lease of utility facilities. The applicant must certify that the requested approval of lease of utility facilities is necessary to exempt any owner of the facilities from being a public utility company under the Public Utility Holding Company Act of 1935.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-054 (Order R-460, Docket No. A-980085), § 480-146-370, filed 4/1/99, effective 5/2/99.]

WAC 480-146-380 Form of lease application. A filing for approval of lease of utility facilities must be submitted in the following form:

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

IN THE MATTER OF THE APPLICATION OF (insert name) FOR AN ORDER APPROVING THE LEASE OF UTILITY FACILITIES.

No.

(Number to be inserted by Secretary of Commission)

Application is hereby made to the Washington Utilities and Transportation Commission for an order authorizing the lease of utility facilities. The following general information and exhibits are furnished in support:

GENERAL INFORMATION

- 1. Name of applicant.
2. Address of principal office of applicant.
3. Name and address of attorney or agent.
4. State or states under which applicant is organized and form of organization.
5. A general description of the property owned by applicant and the field of its operations.

EXHIBIT "A"

A statement by applicant certifying that the requested 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 three months before the date the application is filed, and a pro forma balance sheet as of the same date showing the effect of the proposed lease. Indicate separately the amount of intangibles and the amount reflected in plant acquisition adjustment account if such items are included in the 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 earnings should be segregated from other surplus accounts.

EXHIBIT "C"

- 1. A description of the property to be leased.
2. The historical or original cost of the property to be leased and the related accrued depreciation. (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 that 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.

DATED at, THIS. DAY OF, 19.

(Applicant)
By
Title

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-054 (Order R-460, Docket No. A-980085), § 480-146-380, filed 4/1/99, effective 5/2/99.]

Chapter 480-149 WAC TARIFF CIRCULAR NO. 6

WAC

- 480-149-010 Form and size of tariffs.
480-149-020 Changes to be indicated.
480-149-030 Title page to all tariffs.
480-149-040 General rules.
480-149-050 Freight tariffs.
480-149-060 Passenger tariffs.
480-149-100 Transfer of rates or fares from one tariff to another.
480-149-110 Amendments and supplements.
480-149-120 Notice required—Less than statutory notice.
480-149-130 Method of filing.
480-149-140 Rates prescribed by the commission.
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 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, sup-

plement 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:

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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. Concur-

rences 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 revoked, 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 commission.

The filing of tariffs or supplements with the commission 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-

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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 permission 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 Commerce

Commission regulations. (1) Wherever the provisions 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 Commerce 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.]