

dent is authorized to use the small works roster in lieu of public advertisement for bids. In the event the legislature further increases the small works roster limit, the university is authorized to use the small works roster for any projects up to the subsequently authorized limit.

[Statutory Authority: RCW 39.04.155. 01-08-007, § 478-355-030, filed 3/22/01, effective 4/22/01. Statutory Authority: RCW 28B.10.355. 93-24-049, § 478-355-030, filed 11/24/93, effective 12/25/93. Statutory Authority: RCW 28B.20.130. 88-19-041 (Order 88-01), § 478-355-030, filed 9/14/88. Statutory Authority: RCW 28B.20.130 and 39.34.080. 86-08-027 (Order 86-1), § 478-355-030, filed 3/26/86.]

WAC 478-355-040 Procedure for use. Procedures shall be established for securing telephone, written, or electronic quotations from contractors on the appropriate small works roster to assure that a competitive price is established and to award contracts to the lowest responsible bidder. Bids may be solicited from all appropriate contractors on the roster, or, alternatively, from at least five contractors who have indicated the capability of performing the kind of work being contracted. If the estimated cost of the work is from one hundred thousand dollars to two hundred thousand dollars, and bids are not solicited from all appropriate contractors, all appropriate contractors must be notified that bids are being solicited. Detailed plans and specifications are not required as part of the bid invitation.

[Statutory Authority: RCW 39.04.155. 01-08-007, § 478-355-040, filed 3/22/01, effective 4/22/01. Statutory Authority: RCW 28B.20.130. 88-19-041 (Order 88-01), § 478-355-040, filed 9/14/88. Statutory Authority: RCW 28B.20.130 and 39.34.080. 86-08-027 (Order 86-1), § 478-355-040, filed 3/26/86.]

Title 479 WAC

TRANSPORTATION IMPROVEMENT BOARD

(Formerly: Urban Arterial Board)

Chapters 479-05

Program requirements.

Chapter 479-05 WAC PROGRAM REQUIREMENTS

WAC 479-05-240

Procedure to request increase in board funds.

WAC 479-05-240 Procedure to request increase in board funds. The amount of funds approved will be based upon the amount requested at design approval. This amount may be adjusted from the amount shown in the project application with adequate justification. Board fund increases are not approved at predesign and design phase.

Local agencies may request an increase in funds over the amount set forth in the design phase, at the construction phase, bid opening or contract completion of a project in accordance with the following procedures:

(1) At the construction phase all requests shall be reviewed by the director. The director shall report the find-

ings to the board for its review, consideration and final action. The board shall not grant a request for increase at this phase if:

(a) The requested increase is to pay for an expansion of the scope of the work that is beyond the work required to accomplish the intent of the project as approved at the design phase.

(b) The granting of the request will obligate funding beyond the level acceptable to the board or will in any way adversely affect authorized funds previously approved by the board.

(2) Request for increases at bid opening shall not exceed the amount set by board policy. Requests for increases at this phase will take priority over design and construction phase approvals. Such requests shall be reviewed by the director and will not be approved if:

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

(b) If the request is not substantiated and the director determines that the increased funds should have been anticipated by the local agency at the construction phase of the project.

(3) Requests for increases in funds submitted to the board at contract completion shall not exceed the amount set by board policy. Requests for increases at this phase will take priority over design and construction phase approvals. Such requests shall be reviewed by the director and will not be approved if:

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

(b) If the request is not substantiated and the director determines that the increased funds should have been anticipated by the local agency at the construction approval phase of the project.

(4) If the director or the board, as the case may be, does not approve the request of a local agency for an increase, the administering agency may:

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

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

(c) Within the authorized amount, and subject to approval by the director, reduce the scope of the project while retaining a usable and functional improvement.

[Statutory Authority: Chapter 47.26 RCW. 01-19-040, § 479-05-240, filed 9/14/01, effective 10/15/01. Statutory Authority: Chapters 47.26 and 47.66 RCW. 99-24-038, § 479-05-240, filed 11/23/99, effective 12/24/99.]

Title 480 WAC

UTILITIES AND TRANSPORTATION COMMISSION

Chapters 480-14

Motor carriers, excluding household goods carriers and common carrier brokers.

480-15	Household goods carriers.
480-30	Auto transportation companies.
480-31	Private, nonprofit transportation providers.
480-40	Passenger charter carriers.
480-62	Railroad companies—Operations.
480-70	Solid waste and/or refuse collection companies.
480-75	Petroleum pipeline companies.
480-80	Utilities general—Tariffs, price lists, and contracts.
480-90	Gas companies—Operations.
480-93	Gas companies—Safety.
480-100	Electric companies.
480-120	Telephone companies.
480-121	Registration, competitive classification and price lists of telecommunications companies.

Chapter 480-14 WAC

MOTOR CARRIERS, EXCLUDING HOUSEHOLD GOODS CARRIERS AND COMMON CARRIER BROKERS

WAC

480-14-040	Definitions.
480-14-060	Repealed.
480-14-070	Federal regulations, 49 CFR, Part 390—General applicability and definitions.
480-14-250	Insurance requirements; cause for suspension or cancellation.
480-14-360	Equipment—Inspection—Ordered out-of-service for repairs.
480-14-370	Equipment—Drivers—Safety.
480-14-380	Hours of service—On duty—Federal safety regulations.
480-14-390	Hazardous materials regulations.
480-14-400	Transportation of radioactive materials—Driving and parking rules.
480-14-999	Adoption of reference.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-14-060	Adoption by reference defined. [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.] Repealed by 01-20-061 (Docket No. A-010827, General Order No. R-491), filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310.
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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 480-15 WAC, the term "common carrier" also includes persons engaged in the business of transporting household goods as common carriers or of providing, contracting for, or undertaking to provide transportation of property for compensation over the public

highways of the state of Washington as brokers or forwarders.

(3) The term "private carrier" means a person who, in its own vehicle, transports only property owned or being bought or sold by it in good faith and only when such transportation is purely an incidental adjunct to some established private business owned or operated by it in good faith.

(4) The term "exempt carrier" means any person operating a vehicle exempted from certain provisions of the act under RCW 81.80.040.

(5) The terms "registered carrier" and "registered exempt carrier" have the meanings set out in WAC 480-14-290.

(6) The term "carrier of hazardous materials" means any person who transports radioactive materials, hazardous waste, hazardous materials and hazardous substances as defined in Title 49 Code of Federal Regulations. Information about 49 CFR regarding the version currently in effect and where to obtain it is set out in WAC 480-14-999.

(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 480-15-020.

(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, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-14-040, filed 9/28/01, effective 10/29/01. 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 480-14-060 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-14-070 Federal regulations, 49 CFR, Part 390—General applicability and definitions. (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. Information about 49 CFR regarding the version currently in effect and where to obtain it is set out in WAC 480-14-999.

(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, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-14-070, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-070, filed 11/22/95, effective 12/23/95.]

WAC 480-14-250 Insurance requirements; cause for suspension or cancellation. (1) Requirements. Each applicant for common carrier authority, and each common carrier, shall file with the commission evidence of currently effective liability and property damage insurance written by a company authorized to write such insurance in the state of Washington, covering each motor vehicle as defined in RCW 81.80.010 used or to be used under the permit granted.

(a) For vehicles with gross vehicle weight ratings of ten thousand pounds or more, filings shall be for the amount shown on the following table:

Category of Carrier Operation	Filing Required
1. Property (nonhazardous)	\$750,000
2. Hazardous substances, as defined in 49 CFR 171.8 transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons; or in bulk Class A or B explosives, poison gas (Poison A), liquified compressed gas or compressed gas; or highway route controlled quantity radioactive materials as defined in 49 CFR 173.455	\$5,000,000
3. Oil listed in 49 CFR 172.101; hazardous waste, hazardous materials and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned in 2. above or in 4. below	\$1,000,000
4. Any quantity of Class A or B explosives; any quantity of poison gas (Poison A); or highway route controlled quantity radioactive materials as defined in 49 CFR 173.455	\$5,000,000

(b) For vehicles with gross vehicle weight ratings less than ten thousand pounds, filings shall be for the amounts shown on the following table:

Category of Carrier Operation	Filing Required
1. Property (nonhazardous)	\$300,000
2. Property (hazardous); any quantity of Class A or B explosives; any quantity of poison gas (Poison A); or highway route controlled quantity radioactive materials as defined in 49 CFR 173.455	\$5,000,000

(c) For taxicabs whose only operation subject to commission jurisdiction is the operation of small parcel general freight service under a permit issued pursuant to chapter 81.80 RCW shall comply with the provisions of RCW 46.72.040 and 46.72.050 in lieu of the above. Such carriers must comply with the reporting requirements of this section.

(d) Carriers registering under WAC 480-14-300 as registered interstate carriers may provide evidence of insurance in the amount prescribed by the Interstate Commerce Commission or its successor agency written by a company authorized to write insurance in any state.

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

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

(2) **Insurance, continuation of.** Proper evidence of continued insurance shall be filed with the commission not less than ten days prior to termination date of insurance then on file in order that there shall be no question of continuous coverage as required by law.

(3) **Insurance endorsement.** All liability and property damage insurance policies issued to motor freight carriers shall carry a "uniform motor carrier bodily injury and property damage liability endorsement."

(4) **Insurance termination.** All insurance policies issued under the requirements of chapter 81.80 RCW shall provide that the same shall continue in full force and effect unless and until canceled by at least thirty days' written notice served on the insured and the Washington utilities and transportation commission by the insurance company, with the thirty days' notice to commence to run from the date notice is actually received by the commission, except for binders which may be cancelled on ten days' written notice.

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

No common carrier may operate upon the public highways of this state without insurance as required in this section. The permit of any common carrier who fails to maintain evidence on file that its insurance is in current force and effect as required herein shall be suspended by operation of law beginning with the time of the failure, until the permit is canceled or the cause of the suspension is cured and the permit is reinstated. The commission will make a good faith effort to notify carriers of impending suspension for failure to maintain evidence of insurance and will make a good faith effort to enter a timely order of suspension, but failure to do so shall not invalidate the suspension.

(5) Information about 49 CFR regarding the version currently in effect and where to obtain it is set out in WAC 480-14-999.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-14-250, filed 9/28/01, effective 10/29/01. 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 480-14-360 Equipment—Inspection—Ordered out-of-service for repairs. (1) All motor vehicles operated under chapter 81.80 RCW shall be maintained in a safe and sanitary condition. They shall at all times be subject

to inspection by the commission and its duly authorized representatives who shall have power to order out of service any vehicle meeting the out-of-service criteria standards contained in the *North American Uniform Out-of-Service Criteria*, or which is not being operated in compliance with state laws in regard to equipment or method.

(2) Equipment standards. The purpose of this section is to identify critical vehicle inspection items and provide criteria for placing a vehicle(s) in an out-of-service category subsequent to a safety inspection. The criteria for out-of-service condition are those defined in the *North American Uniform Out-of-Service Criteria*. Information about the *North American Out-of-Service Criteria* regarding the version currently in effect and where to obtain it is set out in WAC 480-14-999.

(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 80.10.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-14-360, filed 9/28/01, effective 10/29/01. 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. Information about 49 CFR regarding the version currently in effect and where to obtain it is set out in WAC 480-14-999.

(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.

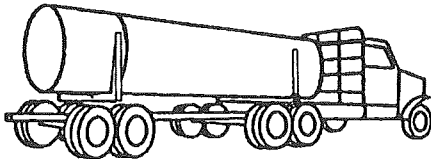
(q) Binder extensions. Pipe extension handles (swedes) for tightening or securing binders shall be limited to not longer than thirty-six inches. Care shall be taken that a sufficient amount of the pipe extends over the binder handle.

(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.

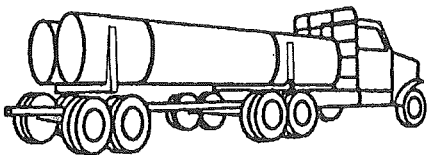
PLACEMENT AND NUMBER OF WRAPPERS

One log load



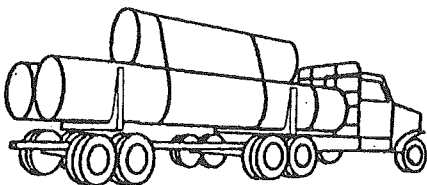
One wrapper required which shall be secured to the rear bunk. Log shall be blocked or secured in a manner to prevent it from rolling or shifting. A second wrapper secured to the front bunk is optional.

Two log load



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

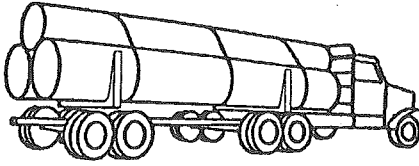
Three or four log load forty-four feet or less



A minimum of two wrappers required.

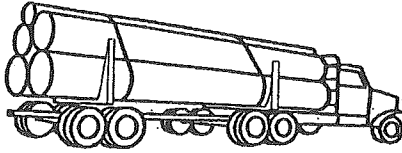
Three or four log loads more than forty four feet

A minimum of three wrappers required.



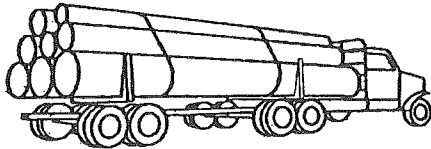
Five or six log load all logs seventeen feet or less

A minimum of two wrappers required.



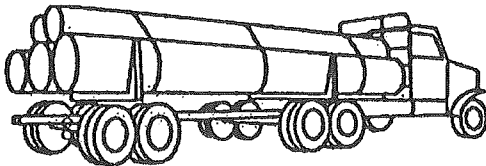
Seven or more log load all logs seventeen feet or less

A minimum of two wrappers required.



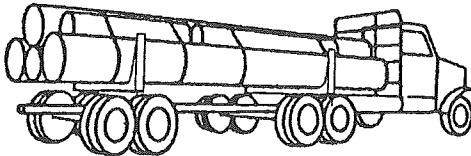
Five or more log load if any logs are more than seventeen feet

A minimum of three wrappers are required.



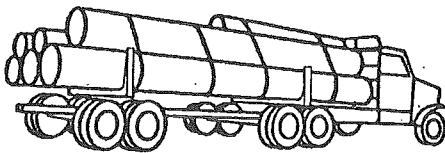
Outside logs or top logs

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



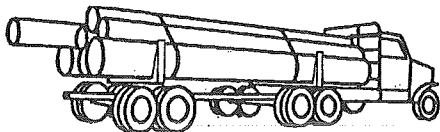
A wrapper shall be near each bunk

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



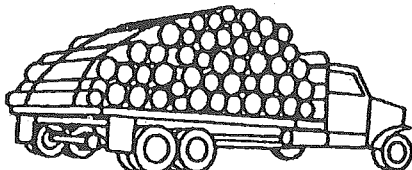
Proper support for logs

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. Information about 49 CFR regarding the version currently in effect and where to obtain it is set out in WAC 480-14-999. Exception: 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* on the date specified in WAC 480-14-999.

(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, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-14-370, filed 9/28/01, effective 10/29/01. 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—Federal safety regulations. The rules and regulations adopted by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 395 in effect on the date specified in WAC 480-14-999 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, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-14-380, filed 9/28/01, effective 10/29/01. 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 in effect on the date specified in WAC 480-14-999, are adopted and prescribed by the commission to define hazardous materials for motor vehicle transportation purposes, and to state the precautions that must be observed in storage, packaging, loading, and unloading such materials, and in maintaining, placarding, marking, and certifying motor vehicles and equipment used in transporting such materials, and in the maintenance of shipping papers prepared in conjunction with transporting such materials. The rules and regulations adopted and prescribed by this rule shall be observed by all common and registered carriers operating in this state.

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

(3) Out-of-service criteria.

(a) All motor vehicles operated under chapter 81.80 RCW shall be operated in compliance with the rules and regulations governing the transportation of hazardous materials. They shall at all times be subject to inspection by the com-

mission 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* in effect on the date specified in WAC 480-14-999.

(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, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-14-390, filed 9/28/01, effective 10/29/01. 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 in effect on the date specified in WAC 480-14-999 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, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-14-400, filed 9/28/01, effective 10/29/01. 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 480-14-999 Adoption of reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American Uniform Out-of-Service Criteria (OOSC)** is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, 2001.

(b) This publication is referenced in WAC 480-14-360, 480-14-370 and 480-14-390.

(c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in Bethesda, Maryland.

(2) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, 2000.

(b) This publication is referenced in WAC 480-14-040, 480-14-070, 480-14-250, 480-14-360, 480-14-370, 480-14-380, 480-14-390 and 480-14-400.

(c) Copies of Title 49 Code of Federal Regulations are available from the Seattle office of the Government Printing Office and from various third-party vendors.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-14-999, filed 9/28/01, effective 10/29/01.]

Chapter 480-15 WAC

HOUSEHOLD GOODS CARRIERS

WAC

480-15-040

Repealed.

480-15-050

Repealed.

480-15-560

Equipment safety requirements.

480-15-570

Driver safety requirements.

480-15-999

Adoption by reference.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-15-040

Adoption by reference. [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.] Repealed by 01-20-061 (Docket No. A-010827, General Order No. R-491), filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310.

480-15-050

Where may I get copies of documents adopted by reference? [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.] Repealed by 01-20-061 (Docket No. A-010827, General Order No. R-491), filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310.

WAC 480-15-040 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-15-050 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-15-560 Equipment safety requirements.

(1) **What are the commission's equipment safety requirements?** 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 these requirements?** 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* as adopted in WAC 480-15-999. 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 on the date specified in WAC 480-15-999:

(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 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-15-560, filed 9/28/01, effective 10/29/01. 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.]

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* as adopted in WAC 480-15-999. 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 on the date specified in WAC 480-15-999:

(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 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-15-570, filed 9/28/01, effective 10/29/01. 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.]

WAC 480-15-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American Uniform Out-of-Service Criteria (OOSC)** is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, 2001.

(b) This publication is referenced in WAC 480-15-560.

(c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in Bethesda, Maryland.

(2) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, 2000.

(b) This publication is referenced in WAC 480-15-560 and 480-15-570.

(c) Copies of Title 49 Code of Federal Regulations are available from the Seattle office of the Government Printing Office and from various third-party vendors.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-15-999, filed 9/28/01, effective 10/29/01.]

Chapter 480-30 WAC

AUTO TRANSPORTATION COMPANIES

WAC

480-30-010	Definitions.
480-30-015	Repealed.
480-30-030	Certificates—Auto transportation companies.

480-30-035
480-30-095
480-30-097
480-30-100
480-30-999

Repealed.
Equipment—Safety.
Equipment—Inspection—Ordered for repairs.
Operation of motor vehicles.
Adoption by reference.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 480-30-015 Adoption by reference defined. [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.] Repealed by 01-20-061 (Docket No. A-010827, General Order No. R-491), filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310.
- 480-30-035 Certificates—Private, nonprofit transportation providers. [Statutory Authority: 1979 c 111 § 6. 79-09-015 (Order R-129, Cause No. TC-1249), § 480-30-035, filed 8/9/79.] Repealed by 01-20-061 (Docket No. A-010827, General Order No. R-491), filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310.

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.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-30-010, filed 9/28/01, effective 10/29/01. 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 Repealed. See Disposition Table at beginning of this chapter.

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

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

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

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

(5) Every auto transportation company shall submit, at the time of filing quarterly reports of gross operating revenue, as required by WAC 480-30-110(1), on forms to be prescribed and furnished by the commission, a list of all vehicles

used under its certificate during the preceding quarter, or portion thereof.

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

- (a) Description of each vehicle used;
- (b) Number of trips and to what points each of said vehicles was operated;
- (c) Drivers' time sheets for each day's employment;
- (d) Copies of all accident reports.

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

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

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

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

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

(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, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-30-030, filed 9/28/01, effective 10/29/01. 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 480-30-035 Repealed. See Disposition Table at beginning of this chapter.

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, in effect on the date specified in WAC 480-30-999, 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, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-30-095, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040. 94-11-021 (Order R-415, Docket No. TC-940123), § 480-30-095, filed 5/5/94, effective 6/5/94; 92-02-082 (Order R-357, Docket No. TC-900481), § 480-30-095, filed 12/31/91, effective 1/31/92; 89-06-021 (Order R-295, Cause No. TV-2225), § 480-30-095, filed 2/23/89. Statutory Authority: RCW 81.68.030. 83-06-018 (Order R-197, Cause No. TC-1684), § 480-30-095, filed 2/23/83. Statutory Authority: RCW 80.01.040 and 81.68.030. 80-11-029 (Order R-143, Cause No. TC-1355), § 480-30-095, filed 8/14/80.]

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

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

service category subsequent to a safety inspection. The criteria for out-of-service condition and restricted service condition are those defined in the *North American Uniform Out-Of-Service Criteria* in effect on the date specified in WAC 480-30-999.

(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, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-30-097, filed 9/28/01, effective 10/29/01. 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, in effect on the date specified in WAC 480-30-999, 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, in effect on the date specified in WAC 480-

30-999, 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 1-888-606-9566. 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* in effect on the date specified in WAC 480-30-999.

(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, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-30-100, filed 9/28/01, effective 10/29/01. 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 480-30-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American Uniform Out-of-Service Criteria** (OOSC) is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, 2001.

(b) This publication is referenced in WAC 480-30-097 and 480-30-100.

(c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in Bethesda, Maryland.

(2) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, 2000.

(b) This publication is referenced in WAC 480-30-095 and 480-30-100.

(c) Copies of Title 49 Code of Federal Regulations are available from the Seattle office of the Government Printing Office and from various third-party vendors.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-30-999, filed 9/28/01, effective 10/29/01.]

Chapter 480-31 WAC

PRIVATE, NONPROFIT TRANSPORTATION PROVIDERS

WAC

480-31-020	Application of rules.
480-31-030	Definitions.
480-31-050	Certificates.
480-31-060	Repealed.
480-31-100	Equipment—Safety.
480-31-120	Equipment—Inspection—Ordered for repairs.
480-31-130	Operation of motor vehicles.
480-31-140	Safety inspections.
480-31-999	Adoption by reference.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-31-060	Tariff. [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.] Repealed by 01-20-061 (Docket No. A-010827, General Order No. R-491), filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310.
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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.

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, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-31-020, filed 9/28/01, effective 10/29/01. 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.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-31-030, filed 9/28/01, effective 10/29/01. 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 480-31-050 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.

(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, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-31-050, filed 9/28/01, effective 10/29/01. 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 Repealed. See Disposition Table at beginning of this chapter.

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 the date specified in WAC 480-31-999.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-31-100, filed 9/28/01, effective 10/29/01. 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.]

[2002 WAC Supp—page 2302]

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) in effect on the date specified in WAC 480-31-999.

(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 the date specified in WAC 480-31-999.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-31-120, filed 9/28/01, effective 10/29/01. 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) in effect on the date specified in WAC 480-31-999, 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 395 (Hours of Service of Drivers) in effect on the

date specified in WAC 480-31-999, 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 the date specified in WAC 480-31-999.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-31-130, filed 9/28/01, effective 10/29/01. 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 the date specified in WAC 480-31-999.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-31-140, filed 9/28/01, effective 10/29/01. 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.]

WAC 480-31-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American Uniform Out-of-Service Criteria (OOSC)** is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, 2001.

(b) This publication is referenced in WAC 480-31-120.

(c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in Bethesda, Maryland.

(2) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, 2000.

(b) This publication is referenced in WAC 480-31-100, 480-31-120, 480-31-130 and 480-31-140.

(c) Copies of Title 49 Code of Federal Regulations are available from the Seattle office of the Government Printing Office and from various third-party vendors.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-31-999, filed 9/28/01, effective 10/29/01.]

Chapter 480-40 WAC PASSENGER CHARTER CARRIERS

WAC

480-40-015
480-40-065
480-40-075
480-40-999

Repealed.

Equipment—Inspection—Ordered for repairs.

Equipment—Safety.

Adoption by reference.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-40-015

Adoption by reference defined. [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.] Repealed by 01-20-061 (Docket No. A-010827, General Order No. R-491), filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310.

WAC 480-40-015 Repealed. See Disposition Table at beginning of this chapter.

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* in effect on the date specified in WAC 480-40-999.

(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, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-40-065, filed 9/28/01, effective 10/29/01. 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 480-40-075 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, in effect on the date specified in WAC 480-40-999 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, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-40-075, filed 9/28/01, effective 10/29/01. 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 480-40-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American Uniform Out-of-Service Criteria (OOSC)** is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, 2001.

(b) This publication is referenced in WAC 480-40-065.

(c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in Bethesda, Maryland.

(2) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, 2000.

(b) This publication is referenced in WAC 480-40-070 and 480-40-075.

(c) Copies of Title 49 Code of Federal Regulations are available from the Seattle office of the Government Printing Office and from various third-party vendors.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-40-999, filed 9/28/01, effective 10/29/01.]

Chapter 480-62 WAC RAILROAD COMPANIES—OPERATIONS

WAC

480-62-010	Repealed.
480-62-020	Repealed.
480-62-030	Repealed.
480-62-040	Repealed.
480-62-050	Repealed.
480-62-060	Repealed.
480-62-070	Repealed.
480-62-080	Repealed.
480-62-085	Repealed.
480-62-090	Repealed.
480-62-100	Repealed.
480-62-120	Repealed.
480-62-125	Definitions.
480-62-130	Application of this chapter.
480-62-135	Additional requirements.
480-62-140	Exemptions from rules.
480-62-145	Commission proceedings.
480-62-150	Grade crossing petitions.
480-62-155	Train speeds.
480-62-160	Compliance policy.
480-62-165	Severability.
480-62-170	Resolving disputes about the meaning of these rules.
480-62-200	Roadway worker safety and operating rules and statutes.
480-62-205	Track safety standards.
480-62-210	Crossing signal circuitry.
480-62-215	Hazardous materials regulations.
480-62-220	Blockage of public grade crossings.

480-62-225 Crossing surfaces.
 480-62-230 Traffic control devices.
 480-62-235 Flaggers.
 480-62-240 Passenger carrying vehicles—Equipment.
 480-62-245 Passenger carrying vehicles—Operation.
 480-62-250 On-track equipment.
 480-62-300 Annual reports.
 480-62-305 Railroad community notice requirements.
 480-62-310 Accident reports.
 480-62-315 Miscellaneous reporting requirements.
 480-62-320 Remote controlled operations.
 480-62-325 Railroad police officers—Notice.
 480-62-999 Adoption by reference.

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

480-62-010 Locomotive speedometers. [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.] Repealed by 01-04-026 (Docket No. TR-981102, General Order No. R-477), filed 1/30/01, effective 3/2/01. Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW.

480-62-020 Traffic control devices. [Statutory Authority: RCW 81.53.420. 78-05-053 (Order R-114, Cause No. TR-1100), § 480-62-020, filed 4/26/78.] Repealed by 01-04-026 (Docket No. TR-981102, General Order No. R-477), filed 1/30/01, effective 3/2/01. Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW.

480-62-030 Flagpersons. [Statutory Authority: RCW 81.53.420. 78-05-053 (Order R-114, Cause No. TR-1100), § 480-62-030, filed 4/26/78.] Repealed by 01-04-026 (Docket No. TR-981102, General Order No. R-477), filed 1/30/01, effective 3/2/01. Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW.

480-62-040 Exemption. [Statutory Authority: RCW 81.53.420. 78-05-053 (Order R-114, Cause No. TR-1100), § 480-62-040, filed 4/26/78.] Repealed by 01-04-026 (Docket No. TR-981102, General Order No. R-477), filed 1/30/01, effective 3/2/01. Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW.

480-62-050 Passenger carrying vehicles—General. [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.] Repealed by 01-04-026 (Docket No. TR-981102, General Order No. R-477), filed 1/30/01, effective 3/2/01. Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW.

480-62-060 Passenger carrying vehicles—Equipment. [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.] Repealed by 01-04-026 (Docket No. TR-981102, General Order No. R-477), filed 1/30/01, effective 3/2/01. Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW.

480-62-070 Passenger carrying vehicles—Operation. [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.] Repealed by 01-04-026 (Docket No. TR-981102, General Order No. R-477), filed 1/30/01, effective 3/2/01. Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW.

480-62-080 Accident reports. [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.] Repealed by 01-04-026 (Docket No. TR-981102, General Order No. R-

477), filed 1/30/01, effective 3/2/01. Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW.

480-62-085 Annual reports. [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.] Repealed by 01-04-026 (Docket No. TR-981102, General Order No. R-477), filed 1/30/01, effective 3/2/01. Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW.

480-62-090 Hazardous materials regulations. [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 80.01.040 [80.01.040] and 81.44.065. 81-10-019 (Order R-164, Cause No. TR-1458), § 480-62-090, filed 4/27/81.] Repealed by 01-04-026 (Docket No. TR-981102, General Order No. R-477), filed 1/30/01, effective 3/2/01. Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW.

480-62-100 Bridge safety rules. [Statutory Authority: RCW 80.01.040, 80.01.010 and 81.44.065. 83-09-004 (Order R-201, Cause No. TR-1696), § 480-62-100, filed 4/7/83. Statutory Authority: RCW 80.01.040 and 31.44.065 [81.44.065]. 81-10-018 (Order R-163, Cause No. TR-1457), § 480-62-100, filed 4/27/81.] Repealed by 01-04-026 (Docket No. TR-981102, General Order No. R-477), filed 1/30/01, effective 3/2/01. Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW.

480-62-120 Train operations—Tacoma. [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.] Repealed by 01-04-026 (Docket No. TR-981102, General Order No. R-477), filed 1/30/01, effective 3/2/01. Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW.

WAC 480-62-010 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-62-020 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-62-030 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-62-040 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-62-050 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-62-060 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-62-070 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-62-080 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-62-085 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-62-090 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-62-100 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-62-120 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-62-125 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

"Class I railroad company" means a railroad company having annual operating revenues of \$250 million or more;

"Class II railroad company" means a railroad company having annual operating revenue of less than \$250 million, but more than \$20 million; and

"Class III railroad company" means a railroad company having annual operating revenues of \$20 million or less.

"Commission" means the Washington utilities and transportation commission.

"Department of labor and industries" means the Washington state department of labor and industries.

"Department of transportation" means the Washington state department of transportation.

"On track equipment" means self-propelled equipment, other than locomotives, that can be operated on railroad tracks.

"Passenger carrying vehicle" means those buses and trucks owned, operated, and maintained by a railroad company which transports railroad employees in other than the cab of such vehicles and are designed primarily for operation on roads which may or may not be equipped with retractable flanged wheels for operation on railroad tracks.

"Railroad" means every permanent road with a line of rails fixed to ties providing a track for cars or equipment drawn by locomotives or operated by any type of power, including interurban and suburban electric railroads, for the public use of conveying persons or property for hire, with all bridges, ferries, tunnels, equipment, switches, spurs, sidings, tracks, stations, and terminal facilities of every kind, used, operated, controlled, managed, or owned by or in connection therewith. Unless otherwise provided by rule, the term "railroad" does not include logging and industrial railroads, or street railways operating within the limits of any incorporated city or town.

"Railroad company" means every corporation, company, partnership, association, joint stock association, or person, their lessees, trustees, or receivers appointed by any

court, and any common carrier owning, operating, controlling or managing any railroad or any cars or other equipment used on, or in connection with the railroad within this state.

"Railroad police officer" means a peace officer who is commissioned in his or her state of legal residence or state of employment by a railroad company to enforce state laws for the protection of railroad property, personnel, passengers and/or cargo.

"State" means the state of Washington.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-125, filed 1/30/01, effective 3/2/01.]

WAC 480-62-130 Application of this chapter. The rules in this chapter apply within certain cities and to any railroad company subject to the jurisdiction of the commission under RCW 81.04.010 and chapters 81.04, 81.24, 81.28, 81.36, 81.40, 81.44, 81.48, 81.52, 81.53, 81.54, 81.60, and 81.61 RCW, as set forth below:

(1) To all Class I, II, and III railroad companies operating within the state of Washington, with the exceptions noted in subsections (2), (3), and (4) of this section.

(2) To and within first class cities except for WAC 480-62-145, 480-62-150, 480-62-155, and 480-62-225.

(3) To and within cities with a population of more than 400,000 except for WAC 480-62-145, 480-62-150, 480-62-155, 480-62-225, 480-62-230, and 480-62-235.

(4) To logging and industrial railroads except for WAC 480-62-200, 480-62-205, 480-62-215, 480-62-240, 480-62-245, 480-62-250, 480-62-300, the portions of WAC 480-62-310 that do not involve grade crossing accidents, WAC 480-62-315 (2), (4) and (5), and WAC 480-62-325.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-130, filed 1/30/01, effective 3/2/01.]

WAC 480-62-135 Additional requirements. (1) These rules do not relieve any railroad company from any of its duties and obligations under the laws of the state of Washington.

(2) The commission retains the authority to impose additional or different requirements on any railroad company in appropriate circumstances, consistent with the requirements of law.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-135, filed 1/30/01, effective 3/2/01.]

WAC 480-62-140 Exemptions from rules. (1) The commission may grant an exemption from the provision of any rule in this chapter, when doing so in chapter 480-62 WAC 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, giving a full explanation of the reason the exemption is requested.

(3) The commission will assign the request a docket number, if it does not arise in an existing docket, and will 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 affected persons, of the date of the hearing or open meeting when the commission will consider the request.

(4) In determining whether to grant the request, the commission may consider whether application of the rule would impose undue hardship on the petitioner, of a degree or a kind different from hardships imposed on other similarly situated persons, and whether the effect of applying the rule would be contrary to the purposes of the rule.

(5) 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, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-140, filed 1/30/01, effective 3/2/01.]

WAC 480-62-145 Commission proceedings. 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.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-145, filed 1/30/01, effective 3/2/01.]

WAC 480-62-150 Grade crossing petitions. (1) Whenever a railroad company, city, county, the department of transportation, the parks and recreation commission, or the commission seeks to take any of the following actions at a railroad-highway grade crossing, it must file a petition with the commission seeking approval under RCW 81.53.020 and 81.53.060:

- (a) Opening a railroad-highway crossing at-grade, or by constructing an overcrossing or undercrossing;
- (b) Closing a railroad-highway crossing;
- (c) Constructing supplemental safety measures under RCW 81.48.015(1), including, but not limited to, median barriers;
- (d) Realigning highway or railroad tracks;
- (e) Widening highways;
- (f) Constructing multiple tracks; or
- (g) Changes to crossing surfaces that alter:
 - The dimensions of an existing surface;
 - The angle at which the tracks intersect a highway; or
 - The vertical alignment of a crossing (i.e., to accommodate track superelevation, or changes in railroad or roadway grade).

(2) Whenever a railroad company, city, county, the department of transportation, the parks and recreation commission, or the commission seeks to take any of the following

actions at a railroad-highway grade crossing, it must file a petition with the commission seeking approval under RCW 81.53.261:

- (a) Modifying or upgrading warning signals or devices;
- (b) Adding a crossing signal;
- (c) Adding gates to a crossing signal;
- (d) Modifying or upgrading circuitry for a warning signal; or
- (e) Installing an intertie between railroad crossing signals and highway traffic signals.

(3) This rule applies to all railroad companies, including logging and industrial railroads, however, it does not apply to crossings within the limits of first class cities, unless federal funding is used at the crossing.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-150, filed 1/30/01, effective 3/2/01.]

WAC 480-62-155 Train speeds. (1) **Scope of commission authority.** The commission's authority to regulate the speed of trains is established in RCW 81.48.030 but limited by federal law. Under RCW 81.48.030, the commission has the power to "fix and regulate" the speed of trains within the limits of any city and town, other than a first class city and at grade crossings outside the limits of cities and towns. However, under section 205 of the Federal Railroad Safety Act, 49 U.S.C. §20106, states are limited to actions which are "necessary to eliminate or reduce an essentially local safety hazard." Accordingly, the commission will act to limit train speeds below those set by the United States Secretary of Transportation only where it finds that there exists such a local safety hazard and that reduction of the train speed is necessary to eliminate or reduce that hazard.

(2) **Procedure.** The commission will consider whether to set train speed limits below those authorized by the United States Secretary of Transportation either upon petition or upon its own motion.

(a) Petition process.

(i) Any person, other than a railroad company, who seeks to have the commission set a train speed limit different from the federally set speed limit or modify an existing limit set by the commission must file with the commission a petition. Such petition must contain the following information:

- (A) Name and address of the petitioner;
- (B) Specific location and length of track over which the speed limit is sought;
- (C) Reasons for the speed limit;
- (D) If the petitioner seeks a speed limit different from the federally set speed limit, a detailed explanation of why there exists an "essentially local safety hazard" and why that speed limit is necessary to eliminate or reduce the hazard; and
- (E) Any other information the petitioner deems relevant.

(ii) A railroad company that seeks to modify an existing limit set by the commission must file with the commission a petition. Such petition must contain the following information:

- (A) Name and address of the railroad company, and a contact person;

(B) Specific location and length of track over which the speed limit is sought;

(C) Class of track over which the speed limit is sought;

(D) Reason for the speed limit requested; and

(E) Any other information the railroad company deems relevant.

(iii) Upon receipt of a petition, the commission will serve the petition on the railroad company, if the railroad company did not file the petition; the governing body of any local government within which the proposed speed limit is intended to apply; and the secretary of the department of transportation. The commission will ask for responses from those persons. The commission will set the matter for consideration at a regularly scheduled or special open meeting or, in its discretion, for a formal adjudicatory proceeding under chapter 34.05 RCW.

(b) **Commission-initiated process.** After investigation, the commission may also initiate a proceeding to set a train speed limit. Such a proceeding will be initiated by serving a notice on the railroad company or companies; the chief executive officer of any local government within which the proposed speed limit is intended to apply; and the secretary of the department of transportation. The notice will contain the information described in (a)(i)(A) through (E) of this subsection, the time for filing responses to the notice and the date, time, and place at which the commission will consider the matter. Such consideration may be at a regular or special open meeting or, in the commission's discretion, in a formal adjudicatory proceeding under chapter 34.05 RCW.

(c) **Burden of proof.**

(i) When a railroad company files a petition to modify an existing limit set by the commission to or within a federally set speed limit, including the information set forth in (a)(ii)(A) through (E) of this subsection, the railroad will be deemed to have met its burden of proof as to why the speed limit should be modified. The burden then shifts to the governing body of the local government, commission staff, or other interested persons to show that there exists "an essentially local safety hazard," and that a speed limit different from that proposed by the railroad company is necessary to eliminate or reduce the hazard.

(ii) When a person, other than a railroad company, files a petition with the commission to set a train speed limit different from the federally set speed limit or modify an existing limit set by the commission, that person bears the burden of showing that there exists "an essentially local safety hazard," and that the speed limit is necessary to eliminate or reduce the hazard.

(iii) When the commission initiates a proceeding on its own motion to set a train speed limit different from the federally set speed limit or modify an existing limit set by the commission, the commission staff bears the burden of showing that there exists "an essentially local safety hazard," and that the speed limit is necessary to eliminate or reduce the hazard.

(3) **Evidence of what constitutes an "essentially local safety hazard."** In determining whether a train speed limit, lower than authorized by federal law, is necessary to eliminate or reduce an essentially local safety hazard, the commission will include in its consideration, at a minimum, the following:

(a) Whether the local situation is one that is covered by or is capable of being adequately covered by uniform national standards;

(b) Whether there exist unusual local geographic or other conditions which contribute to the existence of the hazard;

(c) The history of accidents or potential for accidents at the location; and

(d) Whether there exist alternate means to reduce or eliminate any hazard that can be included as conditions to an order setting a train speed.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-155, filed 1/30/01, effective 3/2/01.]

WAC 480-62-160 Compliance policy. (1) The commission encourages voluntary compliance with state statutes, rules, and commission orders through the following:

(a) A program emphasizing education and technical assistance; and

(b) A compliance program including inspections and investigation of railroad company operations:

(i) For compliance with state statutes, rules, and commission orders;

(ii) For compliance with Federal Railroad Administration (FRA) rules through the State Safety Participation Program, 49 CFR Part 212. Information about Title 49 CFR regarding the version adopted and where to obtain it is set out in WAC 480-62-999.

(2) The commission may pursue administrative actions, including, but not limited to, issuing defect notices to railroad companies, reports and recommendations to the FRA, warnings, sanctions, and penalty assessments.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-160, filed 1/30/01, effective 3/2/01.]

WAC 480-62-165 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-165, filed 1/30/01, effective 3/2/01.]

WAC 480-62-170 Resolving disputes about the meaning of these rules. If the interpretation of any rule in this chapter is questioned by a railroad company, a request for clarification may be filed with the commission.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-170, filed 1/30/01, effective 3/2/01.]

WAC 480-62-200 Roadway worker safety and operating rules and statutes. (1) The commission adopts by reference the following parts of Title 49 of the Code of Federal Regulations (CFR) and Title 49 of the United States Code (U.S.C.) and all pertinent appendices:

- (a) 49 CFR Part 209: Railroad safety enforcement procedure;
- (b) 49 CFR Part 214: Railroad workplace safety;
- (c) 49 CFR Part 217: Railroad operating rules;
- (d) 49 CFR Part 218: Railroad operating practices;
- (e) 49 CFR Part 219: Procedures for transportation workplace drug testing programs;
- (f) 49 CFR Part 220: Radio standards and procedures;
- (g) 49 CFR Part 221: Rear end marking device - passenger, commuter and freight trains;
- (h) 49 CFR Part 225: Railroad Accidents/Incidents: Reports classification, and investigations;
- (i) 49 CFR Part 228: Hours of service of railroad employees;
- (j) 49 CFR Part 239: Passenger train emergency preparedness;
- (k) 49 CFR Part 240: Qualification and Certification of Locomotive Engineers Hours of Service;
- (l) 49 U.S.C. Chapter 211: Hours of Service.

(2) Information about Title 49 CFR and Title 49 U.S.C. regarding the version adopted and where to obtain it is set out in WAC 480-62-999.

(3) All violations of the above incorporated rules and statutes will be submitted to the Federal Railroad Administration for enforcement action pursuant to the State Safety Participation Program, 49 CFR Part 212.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-200, filed 1/30/01, effective 3/2/01.]

WAC 480-62-205 Track safety standards. (1) Rules governing track safety standards are prescribed by the United States Department of Transportation in Title 49, Part 213, of the Code of Federal Regulations, along with appendices. Information about Title 49 CFR regarding the version adopted and where to obtain it is set out in WAC 480-62-999.

(2) All violations of the above incorporated rules will be submitted to the Federal Railroad Administration for enforcement action pursuant to the State Safety Participation Program, 49 CFR Part 212.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-205, filed 1/30/01, effective 3/2/01.]

WAC 480-62-210 Crossing signal circuitry. (1) Rules governing grade crossing signal system safety are prescribed by the United States Department of Transportation in Title 49 of the Code of Federal Regulations, Part 234 along with appendices. Information about Title 49 CFR regarding the version adopted and where to obtain it is set out in WAC 480-62-999.

(2) All violations of the above incorporated rules will be submitted to the Federal Railroad Administration for enforcement action pursuant to the State Safety Participation Program, 49 CFR Part 212.

(3) Violations involving all railroad companies not subject to the jurisdiction of the Federal Railroad Administration will be enforced pursuant to WAC 480-62-160, Compliance policy.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-210, filed 1/30/01, effective 3/2/01.]

WAC 480-62-215 Hazardous materials regulations.

(1) Rules governing hazardous materials are prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, Parts 171 through 174, and Parts 178 and 179, and the appendices to Title 49. Information about Title 49 CFR regarding the version adopted and where to obtain it is set out in WAC 480-62-999.

(2) All violations of the above incorporated rules and statutes will be submitted to the Federal Railroad Administration for enforcement action pursuant to the State Safety Participation Program, 49 CFR Part 212.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-215, filed 1/30/01, effective 3/2/01.]

WAC 480-62-220 Blockage of public grade crossings.

(1) Railroad companies must not block a grade crossing for more than ten consecutive minutes, if reasonably possible.

(2) A blocked grade crossing must be cleared immediately by the fastest available method, if the train movement will not violate rules issued by the Federal Railroad Administration, upon the request of law enforcement or other emergency services personnel, or when the engineer becomes aware that the crossing is being approached by a law enforcement or other emergency services vehicle with its emergency lights flashing or that such a vehicle is stopped with its emergency lights flashing at the crossing blocked by the train.

(3) A grade crossing is "blocked" if any part of a stopped train occupies the crossing or causes warning devices to be activated.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-220, filed 1/30/01, effective 3/2/01.]

WAC 480-62-225 Crossing surfaces. (1) Areas of responsibility.

(a) Highway authorities must maintain and keep in repair the surfaces and the subgrades of the roadway approaches up to one foot from the outside of either rail at a grade crossing with one track. At crossings involving more than one track, the highway authority must maintain and keep in repair the roadway approaches up to one foot from the outside of each of the two outside rails.

(b) At a grade crossing with one track, railroad companies must maintain and keep in repair the crossing surfaces between the rails and for a distance of one foot on the outside of either rail. At crossings involving more than one track, railroad companies must maintain and keep in repair the crossing surfaces and the roadway for the entire area between the outermost rails at the crossing, and for a distance of one foot outside of the two outermost rails.

(c) If tracks at a crossing involving more than one track are owned by different railroad companies, each company must maintain and keep in repair the crossing surfaces and roadway within its right of way that is within the area specified in (b) of this subsection.

(2) Crossing surfaces.

(a) Crossing surfaces include shoulders and pedestrian walkways immediately adjacent to a roadway or shoulder. If reasonably possible, roadways and adjacent shoulders and pedestrian walkways must be continued through a crossing without narrowing the roadway, shoulder or walkway.

(b) The subgrade to a crossing surface must be maintained in a manner which minimizes damage to the crossing surface, taking into account the effects of topography, water tables, weather, and the types of vehicular traffic generally using the crossing.

(3) Roadways.

(a) Roadways between tracks at crossings involving more than one set of tracks, including the roadway subgrade, must be of the same quality as the roadway approaches to the crossing unless the highway authority and the railroad company agree to a higher quality.

(b) Roadway approaches must be constructed and maintained so that the transition between the roadway and crossing surface is on the same plane and smooth.

(c) At grade crossings where track superelevation exists, roadway approaches must be constructed and maintained so that the transition between the roadway and crossing surface is as smooth as practicable.

(4) Standards for surface maintenance and repair. Crossing surfaces must be convenient and safe for passage. Some factors in determining compliance with this general standard are:

(a) Whether crossing surfaces and the adjacent roadways are level with the top of the rails on the plane created by each set of tracks.

(b) Whether crossing surfaces are broken or loose.

(c) The existence of potholes.

(d) The existence of curled or rolled asphalt.

(e) Whether traffic generally slows to traverse the crossing.

(f) Citizen complaints.

(5) Notice. Notice requirements for highway authorities and railroad companies when performing maintenance on a crossing surface are located in WAC 480-62-305 (4) and (5).

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-225, filed 1/30/01, effective 3/2/01.]

WAC 480-62-230 Traffic control devices. (1) Whenever a railroad company performs any construction, maintenance or repairs at a grade crossing or grade separated crossing, the company must install and maintain traffic control devices adequate to protect the public and railroad employees. Flaggers must also be provided where necessary to adequately protect the public and railroad employees.

(2) The rules governing traffic control devices are prescribed in the Manual on Uniform Traffic Control Devices and chapter 468-95 WAC. Information about the Manual on Uniform Traffic Control Devices and chapter 468-95 WAC regarding the versions adopted and where to obtain them is set out in WAC 480-62-999.

(3) Any traffic control device must be used only as long as the device is needed or applicable. Any device that is no longer needed or applicable must be immediately removed or inactivated so as to prevent confusion.

(4) All barricades, signs, and similar devices must be constructed and installed in a workmanlike manner.

(5) Bushes, weeds, or any other material or object must not be allowed to obscure any traffic control devices.

(6) All signs, barricades, and other control devices intended for use during hours of darkness must be adequately illuminated or reflectorized, with precautions taken to protect motorists from glare.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-230, filed 1/30/01, effective 3/2/01.]

WAC 480-62-235 Flaggers. (1) The rules in this section apply whenever a railroad company engages in the maintenance, repair, or construction of a grade crossing or grade separated crossing; however, they do not apply when flaggers are provided only because of a crossing signal malfunction or only because of inspections or repairs to a crossing signal system. The latter circumstances are covered by 49 CFR, Part 234. In addition, 49 CFR Part 234.5 recommends that railroad companies follow the requirements of Part VI of the Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD) to the extent possible. The commission further recommends that railroads also abide by the following rules to the extent possible in situations covered by 49 CFR Part 234.

(2) Except as otherwise required in this section, traffic control devices, signs, barricades, and signaling methods must be set up and used by individuals trained in and familiar with the provisions of and according to the guidelines in the Manual on Uniform Traffic Control Devices, Part VI.

(3) Flaggers are to be used only when other reasonable means of control will not adequately control traffic in work zones. It may be reasonable in some cases to close the road on which the crossing is located, but only if agreed to by the public authority responsible for the roadway.

(4) Standards for high-visibility safety apparel.

(a) While flagging during daylight hours, a flagger must, at a minimum, wear:

- A high-visibility safety garment designed according to Class 2 specifications in ANSI/ISEA 107-1999, American National Standards for High-Visibility Safety Apparel, spe-

cifically, a garment containing at least seven hundred seventy-five square inches of background material and two hundred one square inches of retroreflective material; and

- A high-visibility hard hat.

(b) While flagging at night, a flagger must, at a minimum, wear:

- A high-visibility safety garment designed according to Class 2 specifications in ANSI/ISEA 107-1999 over white coveralls, or other coveralls or trousers designed according to ANSI/ISEA 107-1999 standards; and

- A high-visibility hard hat that is marked with at least twelve square inches of reflectorized material providing three hundred sixty degrees of visibility.

(c) While flagging during inclement weather, yellow rain gear, white rain gear, or rain gear designed according to ANSI/ISEA 107-1999 may be substituted for white coveralls.

(5) Railroad companies must develop and use a method to ensure that whenever there is any potential hazard associated with motor vehicles, construction equipment, or on-track equipment, that flaggers have adequate warning of objects approaching from behind the flagger.

Note: The following are some nonmandatory examples of methods that may be used to adequately warn flaggers:

- Mount a mirror on the flagger's hard hat;
- Use a motion detector with audible warning; or
- Use a spotter.

(6)(a) Railroad companies must conduct an on-site safety briefing for flaggers each time a flagger reports for duty, and also when job site conditions change significantly. The briefing must include applicable portions of the traffic control plan and any changes applicable during the flagger's shift. If not covered in the traffic control plan, the briefing must also include:

- The flagger's role and location at the job site;
- Motor vehicles and equipment in operation at the site;
- Job site traffic patterns;
- Communications and signals to be used between flaggers and equipment operators;
- Expected train and other on-track equipment movements;
- On-foot escape route; and
- Other hazards specific to the job site.

(b) When flaggers are used on a job site at a roadway allowing speeds of forty-five mph or more and the job will last more than one day, the railroad company must keep on the site a current site-specific traffic control plan. The purpose of this plan is to help move traffic through or around the construction zone in a way that protects the safety of the traveling public, pedestrians and workers. The plan must include, but is not limited to, such items as:

- Sign use and placement;
- Application and removal of pavement markings;
- Construction;
- Scheduling;
- Methods and devices for delineation and channelization;
- Placement and maintenance of devices;
- Placement of flaggers;
- Roadway lighting;
- Traffic regulations; and
- Surveillance and inspection.

(7)(a) Where flaggers are used on roads allowing speeds of at least forty-five mph, the railroad company must provide an additional warning sign marked "BE PREPARED TO STOP."

(b) This sign is in addition to those required by Part VI of the Manual on Uniform Traffic Control Devices. It should be placed between the last two warning signs in the series or on the opposite side of the road when used on undivided roads.

(c) This additional sign does not increase the required advance warning area.

(d) The purpose of this additional sign is to clearly point out that a flagger will be encountered and the driver should be prepared to stop.

(8) To protect flaggers, railroad companies must ensure that:

(a) Flagger workstations are illuminated at night and during inclement weather by floodlights. It is important to adequately illuminate the workstation without creating glare in the eyes of approaching drivers. The adequacy and proper placement of floodlights can best be determined by driving through and observing the workstation from each direction on the roadway.

(b) Warning signs reflect the actual condition of the work zone. When not in use, warning signs should either be taken down or covered.

(c) Flaggers are not assigned other duties while engaging in flagging activities.

(d) Flaggers do not use devices (e.g., cell phones, pagers, or radio headphones) that may distract the vision, hearing, or attention of the flagger. Devices such as two-way radios used for communication between flaggers to direct traffic or ensure flagger safety are acceptable.

(e) Flaggers receive appropriate breaks from flagging so they can remain attentive and alert.

(9) Unless an emergency makes it impossible, before performing any work, railroad companies must coordinate all repair, maintenance, and construction work with the governing authority responsible for the road on which the crossing exists.

(10) Information about Title 49 CFR, the Manual on Uniform Traffic Control Devices, and ANSI/ISEA 107-1999 regarding the versions adopted and where to obtain them is set out in WAC 480-62-999.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-235, filed 1/30/01, effective 3/2/01.]

WAC 480-62-240 Passenger carrying vehicles—Equipment. (1) Equipment requirements for all vehicles.

(a) Vehicles must comply with all applicable equipment requirements of Title 46 RCW.

(b) Vehicles must have exhaust systems that prevent exposure of passengers to the vehicle's emissions.

(c) Vehicles must have two external rear vision mirrors, one at each side of the cab. The mirrors must be firmly attached to the motor vehicle at a point where the driver is provided a view of the highway to the rear along both sides of the vehicle. An outside mirror may be placed only on the

driver's side on vehicles in which the driver has a view to the rear by means of an interior mirror.

(d) Vehicles must be equipped with a steering system maintained to insure that lash or preplay do not exceed those values set forth in 49 CFR, Parts 570.7 and 570.60 (Vehicle in Use Inspection Standards). Information about Title 49 CFR regarding the version adopted and where to obtain it is set out in WAC 480-62-999.

(e) Vehicles must have a heating system that will maintain an ambient temperature of at least fifty-five degrees in passenger areas.

(f) Vehicles must have at least three red-burning fuses, three red portable emergency reflectors, or at least two red cloth flags suitable for warning the motoring public in an emergency. The driver must ensure that such equipment is in the vehicle and is maintained in good condition. Any devices that may create a spark or open flame must be carried in a separate compartment or a closed metal container provided for that purpose.

(g) Vehicles must have a two and one-half pound dry chemical fire extinguisher or its equivalent, properly filled and located where it is readily accessible for use. The extinguisher must allow visual determination of the state of its charge at all times. The extinguishing agent must be nontoxic and preferably noncorrosive. The fire extinguisher must be suitable for attachment to the motor vehicle, bear the label of approval by the Underwriters Laboratories, Inc., and be kept in good working condition at all times.

(h) Vehicles must have a first-aid kit located where it is readily accessible. The kit must contain all of the items specified in WAC 296-24-06145 and 296-24-06160, Appendix 2, adopted by the department of labor and industries. Additionally, the kit must contain gloves capable of preventing exposure to bloodborne pathogens. Items used from first-aid kits must be replaced before the next shift, and kits must be checked for compliance with this rule if the seal on the kit is broken. Information about chapter 296-24 WAC regarding the version adopted and where to obtain it is set out in WAC 480-62-999.

(2) Equipment requirements for specified vehicles.

(a) Coupling devices used on a vehicle equipped with retractable flange wheels for operation on railroad tracks must be substantial and made of metal. The devices must be equipped with safety chains or straps of sufficient strength to prevent separation in the event of accidental uncoupling.

(b) A passenger compartment separate from the cab of the vehicle must be made of metal and be fastened directly to the frame of the vehicle. The compartment must have an interior lining sufficient to absorb condensation, and padded seats and backrests firmly secured in place. The floor of the compartment must be constructed to bear the weight of all cargo and passengers. The floor must not have unnecessary openings, and it must be constructed to prevent the entry of noxious fumes or permeation with flammable materials. The compartment must have a curtain of nonpermeable material of sufficient weight and size to close off the rear opening and a tailgate which must be closed whenever the vehicle is in motion. If the bottom of the entrance to the passenger compartment is more than three feet six inches above ground

level, the vehicle must have permanent or temporary steps designed for the safe boarding and discharge of passengers.

(c) Communication between a cab and a separated passenger compartment must be provided by means of a light or audible device mounted in the cab of the vehicle that may be activated by a passenger in the rear compartment.

(d) On vehicles designed to transport nine or more passengers, an emergency exit must be placed at the end of the vehicle opposite the regular entrance. The exit must be at least six and one-half square feet in area, and the smallest dimension must be at least eighteen inches. The route to and from the emergency exit must be unobstructed at all times.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-240, filed 1/30/01, effective 3/2/01.]

WAC 480-62-245 Passenger carrying vehicles—

Operation. (1) **General.** All passenger carrying motor vehicles must be operated in compliance with state law no matter where the vehicle is operated. Drivers must operate vehicles in a careful and prudent manner and at reasonable and proper speeds, with due regard to circumstances and to the use of highways by others.

(2) **Minimum age, skill, and physical condition of drivers.** Drivers of passenger carrying vehicles must be at least eighteen years old. Before being allowed to drive or operate a passenger carrying vehicle, drivers must have demonstrated the physical capability of handling the controls of the vehicle with ease. Before driving a vehicle, drivers or operators must obtain either a valid Washington state driver's license or a valid license from the state of the driver's residence. The driver must carry the license at all times while operating a vehicle. If the passenger carrying vehicle is a type for which the state of Washington requires an extraordinary license or endorsement, the driver must have such license or endorsement.

(3) **Driver's daily hours of service.** No driver of any passenger carrying vehicle may drive for more than ten hours without resting afterward for a minimum of eight consecutive hours.

(4) **Refueling.** No driver or any employee of a railroad company operating within the state may:

(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 must bring vehicles to a complete stop not less than fifteen feet from the nearest rail of any at-grade crossing before crossing the track except:

- Where traffic is controlled by a police officer or a duly authorized flagger;
- Where traffic is regulated by a traffic control signal;
- Where traffic is controlled by crossing gate arms or an alternately flashing light signal intended to give warning of the approach of a train;
- Where an official traffic control device as designated by the commission pursuant to RCW 81.53.060 (i.e., an "EXEMPT" sign, specified as R15-3 by the Manual on Uniform Traffic Control Devices) gives notice that the stopping requirement imposed by this section does not apply. Information about the Manual on Uniform Traffic Control Devices regarding the version adopted and where to obtain it is set out in WAC 480-62-999.

(b) Drivers must not change gears while crossing any railroad tracks.

(c) No driver may 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.

(d) No driver may proceed down a grade with the gears in neutral or the clutch disengaged.

(e) At the beginning of his or her use of a vehicle, the driver must perform a brake test immediately before, and immediately after, the vehicle begins moving to ensure that the brakes are functioning properly.

(6) Loading and carrying of passengers. Drivers are in charge of the vehicle and must require passengers to observe vehicle rules. Passengers may not enter or exit from the vehicle while it is in motion, or 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 must be stored in enclosed racks or boxes that are secured to the vehicle in a manner that prevents employees from being struck in the event of sudden starts, stops, or turns. The driver must 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 may not be carried in or on any 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 must be carried in a separate compartment or container provided for that purpose. Gasoline, or other hazardous materials, must not be carried in either the cab or in the passenger compartment; however, oxygen or acetylene cylinders may be carried if gauges and regulators have been removed with caps in place before loading. Passenger carrying vehicles may be used to carry flammable materials when they are located outside of and isolated from the passenger carrying area, and are stored in containers approved by the Underwriters Laboratories, Inc. Containers for fuel must be vented in a manner that prevents the hazardous concentration of fumes. All tools and equipment, including cylinders, containers, or drums, must be properly secured where they will not interfere with the use of any exit. A passenger carrying vehicle containing hazardous materials must not be parked within three hundred feet of an open fire.

Smoking is prohibited within fifty feet of a vehicle carrying explosive or flammable materials.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-245, filed 1/30/01, effective 3/2/01.]

WAC 480-62-250 On-track equipment. (1) When approaching and passing over a railroad-highway grade crossing, operators of motor track cars, speeders, or other on track equipment must remain in complete control of the equipment, be prepared to stop for vehicular or pedestrian traffic on the highway, stop if necessary to avoid an accident, and provide effective warning for vehicular or pedestrian traffic at the crossing.

(2) Railroad companies that allow persons other than railroad personnel on official railroad business to operate motor track cars, speeders, or other on track equipment on their track must ensure that the operators comply with subsection (1) of this section.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-250, filed 1/30/01, effective 3/2/01.]

WAC 480-62-300 Annual reports. (1) The surface transportation board annual report form R1 must be used by Class I railroad companies as the annual report form for submission to the commission. Class II and Class III railroad companies must use report forms periodically published by the commission.

(2) Each year every railroad company is responsible for obtaining the proper report form from the commission. Reports must be completed for the preceding calendar year's operations. One copy of the completed annual report must be submitted to the commission no later than May 1 of the succeeding year.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-300, filed 1/30/01, effective 3/2/01.]

WAC 480-62-305 Railroad community notice requirements. This rule is not intended to cover immediate safety hazards or emergencies.

(1) At least ten days prior to taking any planned action that may have a significant impact on a community, railroad companies must notify, in writing, the governing authority of the community and the commission of the planned action.

Note: Maintenance practices, such as replacing broken planks if the opportunity to do so is unexpectedly presented, are not considered to be planned actions and would likely prevent safety hazards. In such situations, advance notice would not be required.

(2) Examples of actions that may have significant impact on a community include disrupting the use of a crossing for track inspection, reconstruction, maintenance, or blocking a crossing.

(3) The notice must contain a heading with the words "important notice" in prominent type and contain, at a minimum, the following:

- (a) Date the notice is issued;
- (b) A clear explanation of the type of planned event;
- (c) Specific location of the event;
- (d) An estimation of the start and completion date of the event;
- (e) Any additional information that will assist the community to plan for the event;
- (f) Railroad company contact person and phone number; and

(g) A statement substantially as follows: "If you have questions about the regulatory process, you may contact the Washington Utilities and Transportation Commission at: WUTC, 1300 S. Evergreen Park Dr. S.W., P.O. Box 47250, Olympia, WA 98504-7250; 1-800-562-6150 (toll-free). Also, you may contact the Federal Railroad Administration at 1-800-724-5998 (toll-free)."

(4) Whenever a highway authority plans to perform maintenance that will affect a crossing, it must notify the railroad company and local jurisdiction at least ten days before performing the maintenance.

(5) Whenever a railroad company plans to perform maintenance that involves changing the type of material used as a grade crossing surface, it must also notify the commission at least ten days prior to performing the replacement.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-305, filed 1/30/01, effective 3/2/01.]

WAC 480-62-310 Accident reports. (1) A railroad company must make a telephone report to the commission's designee, the Washington state emergency operations center's twenty-four-hour duty officer (duty officer) at 1-800-258-5990 of any event connected to the operation of the railroad company that results in the:

- (a) Release of any hazardous material (i.e., materials that are corrosive, flammable, explosive, reactive with other materials, or toxic);
- (b) Death of any person;
- (c) Injury to any person involved in a railroad-highway crossing accident that requires medical treatment in addition to first aid; or
- (d) Property damage, amounting to fifty thousand dollars or more to property.

(2)(a) Telephone reports of events listed in subsection (1) of this section must be made by the railroad company within thirty minutes of when it learned of the event. The report must provide detailed information of the event to the duty officer. After receiving the telephone report from the railroad company, the duty officer will identify the necessary critical response and remediation resources and agencies on an initial and continuous basis through the completion of the response to the event; and

(b) The duty officer will notify the commission, the affected county or city emergency management office and other appropriate agencies of the event report.

(c) Provisions contained in (a) and (b) of this subsection must be carried out in accordance with the state's twenty-four hour duty officer standard procedures and the Washington Emergency Management Act, chapter 38.52 RCW.

(3) Each event report made under subsection (1) of this section by a railroad company must state, to the extent known, the:

- (a) Name of the railroad(s) involved;
- (b) Name and position of the reporting individual;
- (c) Time and date of the event;
- (d) Circumstances of the event;
- (e) Number and identity of persons suffering injuries;
- (f) Number of fatalities and the identities of the deceased;
- (g) The type and amount of hazardous material spilled; and
- (h) Other details that will assist in identifying the necessary response, as prompted by the duty officer.

(4) Accidents involving joint railroad company operations must be reported by the railroad company that controls the track and directs the movement of trains where the accident has occurred.

(5) Whenever a railroad company submits an event report to the Federal Railroad Administration, it must submit a copy to the commission at the same time.

(6) Whenever a railroad submits a report to the United States Department of Transportation concerning a hazardous materials incident or accident, it must submit a copy of the report to the commission at the same time.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-310, filed 1/30/01, effective 3/2/01.]

WAC 480-62-315 Miscellaneous reporting requirements. (1) Within thirty days of a request from the commission, every railroad company must report to the commission on the sales, transfers or abandonments of all trackage which crosses a public road. The report must contain a description of the transaction, clear identification of the track involved in the transaction, the effective date of the transaction, and the name and address of the last known owner(s) or operator(s) of the section transferred.

(2) Upon request, every railroad company and railroad company official must report to the commission the information then available to it regarding the average number of day-time through trains, nighttime through trains, and switching movements over specific grade crossings in its control. Reports must identify each crossing by USDOT number and road name.

(3) Upon request, every railroad company must inform the commission in writing of the names, addresses, and telephone numbers of the persons to whom to report emergencies of any nature, and problems or defects with crossing signals, passive warning devices, and crossing surfaces. The information must be current at all times.

(4) Upon request, every railroad company must provide the commission with access to or copies of track profiles.

This requirement may be satisfied by allowing electronic access to track profiles.

(5) Upon request, every railroad company must provide the commission with access to or copies of its timetable. This requirement may be satisfied by allowing electronic access to the timetables.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-315, filed 1/30/01, effective 3/2/01.]

WAC 480-62-320 Remote controlled operations. (1)

Railroad companies, including logging and industrial railroad companies, must report their intention to use remote control devices to operate trains thirty days before operations begin. The report must include:

- (a) The name of the railroad company;
- (b) The date operations will start;
- (c) The location of the operations; and
- (d) Whether trains with locomotives operated by remote control will travel over at-grade pedestrian or vehicular crossings.

(2) If remote controlled trains will be operated over crossings, the railroad company must list the affected crossings.

(3) Each railroad company using remote control devices on the effective date of this rule must submit the report within thirty days after the effective date.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-320, filed 1/30/01, effective 3/2/01.]

WAC 480-62-325 Railroad police officers—Notice.

(1) Every railroad company that has employees who are commissioned as railroad police officers pursuant to chapter 81.60 RCW must send written notice to the commission within thirty days after the effective date of these rules.

(2) When any person is commissioned as a railroad police officer, an officer's commission is terminated, or a change occurs in the information previously reported under subsection (3) of this section, the affected railroad company must send written notice to the commission within ten days after the change occurs.

(3) The notices specified in subsections (1) and (2) of this section must contain the following information:

- (a) The name of the railroad police officer;
- (b) The badge number, identification number, code or other identifying information assigned to the railroad police officer;
- (c) The date of commission;
- (d) The state or states where the railroad police officer is commissioned; and
- (e) The address and telephone number of the officer's primary business office.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-325, filed 1/30/01, effective 3/2/01.]

WAC 480-62-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) Title 49 Code of Federal Regulations, cited as 49 CFR, is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on January 29, 2001.

(b) This publication is referenced in WAC 480-62-160, 480-62-200, 480-62-205, 480-62-210, 480-62-215, 480-62-235 and 480-62-240.

(c) Copies of Title 49 Code of Federal Regulations are available from the Seattle Office of the Government Printing Office and from various third-party vendors.

(2) **Manual on Uniform Traffic Control Devices**, cited as Manual on Uniform Traffic Control Devices, or MUTCD, is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on January 29, 2001.

(b) This publication is referenced in WAC 480-62-230, 480-62-235 and 480-62-245.

(c) Copies of the MUTCD are available from the Seattle Office of the Government Printing Office and from various third-party vendors.

(3) **Washington state department of transportation rules**, cited as chapter 468-95 WAC, are published by the statute law committee.

(a) The commission adopts the version in effect on January 29, 2001.

(b) This publication is referenced in WAC 480-62-230.

(c) Copies of the Washington state department of transportation rules are available from the department of transportation or on the internet website for the office of the code reviser (slc.leg.wa.gov).

(4) **Washington state department of labor and industries rules**, cited as chapter 296-24 WAC, are published by the statute law committee.

(a) The commission adopts the version in effect on January 29, 2001.

(b) This publication is referenced in WAC 480-62-240.

(c) Copies of the Washington state department of labor and industries rules are available from the department of labor and industries or on the internet website for the office of the code reviser (slc.leg.wa.gov).

(5) **ANSI/ISEA 107-1999 - American National Standard for High-Visibility Safety Apparel** is published by the American National Standards Institute.

(a) The commission adopts the version in effect on January 29, 2001.

(b) This publication is referenced in WAC 480-62-235.

(c) Copies of ANSI/ISEA 107-1999 - American National Standard for High-Visibility Safety Apparel are available from the American National Standards Institute, 11 West

42nd Street, NY, NY 10036 or on the internet website for the American National Standards Institute (<http://web.ansi.org/>).

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.24.010, 81.28.010, 81.28.290, 81.40.110, 81.44.010, 81.44.020, 81.44.101-81.44.105, and chapters 81.48, 81.53, 81.54, 81.60, and 81.61 RCW. 01-04-026 (Docket No. TR-981102, General Order No. R-477), § 480-62-999, filed 1/30/01, effective 3/2/01.]

Chapter 480-70 WAC

SOLID WASTE AND/OR REFUSE COLLECTION COMPANIES

WAC

480-70-001	Purpose of chapter.	480-70-201	Vehicle and driver safety requirements.
480-70-006	Application.	480-70-206	Motor vehicle identification.
480-70-010	Repealed.	480-70-210	Repealed.
480-70-011	Exempt operations.	480-70-211	Leasing vehicles.
480-70-016	Determination of authority required to transport specific commodities or provide specific services.	480-70-216	Commission compliance policy.
480-70-020	Repealed.	480-70-220	Repealed.
480-70-021	Additional requirements.	480-70-221	Sanctions for operating without a valid certificate.
480-70-026	Severability.	480-70-226	Tariffs, definitions used in.
480-70-030	Repealed.	480-70-230	Repealed.
480-70-031	Resolving disputes about the meaning of these rules.	480-70-231	Tariffs, general.
480-70-036	Rules of practice and procedure.	480-70-236	Tariffs, all companies must file tariffs and must comply with the provisions of approved tariffs.
480-70-040	Repealed.	480-70-240	Repealed.
480-70-041	Definitions, general.	480-70-241	Tariffs, content.
480-70-046	Change of address or telephone number.	480-70-245	Repealed.
480-70-050	Repealed.	480-70-246	Tariffs, posting.
480-70-051	Exemptions from rules.	480-70-250	Repealed.
480-70-055	Repealed.	480-70-251	Tariffs, rates and charges, general.
480-70-056	Mapping.	480-70-256	Tariffs, rejection.
480-70-060	Repealed.	480-70-260	Repealed.
480-70-061	Records retention.	480-70-261	Tariffs requiring one-day notice to the commission.
480-70-066	Accounting requirements.	480-70-262	Tariffs requiring seven-day notice to the commission.
480-70-070	Repealed.	480-70-266	Tariffs requiring forty-five-day notice to the commission.
480-70-071	Reporting requirements.	480-70-270	Repealed.
480-70-076	Regulatory fees.	480-70-271	Customer notice requirements.
480-70-080	Repealed.	480-70-276	Tariffs, less than statutory notice handling.
480-70-081	Certificates, general.	480-70-280	Repealed.
480-70-086	Certificates, application fees.	480-70-281	Tariffs, format and size requirements.
480-70-090	Repealed.	480-70-286	Tariffs, changes must be identified.
480-70-091	Certificates, applications.	480-70-290	Repealed.
480-70-096	Certificates, acquisition of control.	480-70-291	Tariffs, title pages.
480-70-100	Repealed.	480-70-296	Tariffs, page format.
480-70-101	Certificates, initiating service.	480-70-300	Repealed.
480-70-106	Certificates, application docket, protests, and intervention.	480-70-301	Tariffs, maps.
480-70-110	Repealed.	480-70-306	Tariffs, rules.
480-70-111	Certificates, overlapping applications.	480-70-310	Repealed.
480-70-116	Certificates, sale, lease, assignment, transfer or mortgage.	480-70-311	Tariffs, changes.
480-70-120	Repealed.	480-70-316	Tariffs, supplements.
480-70-121	Certificates, name change.	480-70-320	Repealed.
480-70-126	Certificates, refiling of application prohibited for six months.	480-70-321	Tariffs, filings after name change or change in ownership.
480-70-130	Repealed.	480-70-325	Repealed.
480-70-131	Certificates, temporary.	480-70-326	Tariffs, filing procedures.
480-70-136	Certificates, temporary, expedited application.	480-70-330	Repealed.
480-70-140	Repealed.	480-70-331	Tariffs, approval.
480-70-141	City service and cancellation of certificated authority.	480-70-335	Repealed.
480-70-146	Contracts.	480-70-336	Tariffs, free and reduced rates.
480-70-150	Repealed.	480-70-339	Tariffs, suspension by the commission.
480-70-151	Service agreements between companies.	480-70-340	Repealed.
480-70-155	Repealed.	480-70-341	Pass-through disposal fees.
480-70-156	Contracts or service agreements with third-party waste brokers.	480-70-346	Rates, general rate increases and fuel cost update.
480-70-160	Repealed.	480-70-350	Repealed.
480-70-161	Suspending certificates.	480-70-351	Rates, recycling programs, credits, or charges.
480-70-166	Cancelling certificates.	480-70-360	Repealed.
480-70-170	Repealed.	480-70-361	Availability of information.
480-70-171	Certificates, reinstatement.	480-70-366	Refusal of service.
480-70-176	Certificates, discontinuance of operations.	480-70-370	Repealed.
480-70-180	Repealed.	480-70-371	Service cancellation, customer.
480-70-181	Public liability and property damage insurance.	480-70-376	Service cancellation, company.
480-70-186	Insurance cancellation.	480-70-380	Repealed.
480-70-190	Repealed.	480-70-381	Reinstatement of service following cancellation.
480-70-191	Vehicle licensing.	480-70-386	Complaints.
480-70-196	Commercial vehicle defined.	480-70-390	Repealed.
480-70-200	Repealed.	480-70-391	Credits as compensation in consumer complaints or problems.
		480-70-396	Billing.
		480-70-400	Repealed.
		480-70-401	Payment options.
		480-70-405	Repealed.
		480-70-406	Refunds.
		480-70-410	Repealed.
		480-70-411	Establishing credit and deposits.
		480-70-416	Prepayments, temporary container and drop-box service.
		480-70-420	Repealed.
		480-70-421	Fair use of customer information.
		480-70-426	Biomedical waste, purpose.
		480-70-430	Repealed.
		480-70-431	Biomedical waste, adoption of federal regulations.
		480-70-436	Biomedical waste, operational requirements.
		480-70-440	Repealed.
		480-70-441	Biomedical waste, training requirements.
		480-70-446	Biomedical waste, cooperative agreements.

480-70-451	Biomedical waste, packaging and containment.
480-70-456	Biomedical waste, transfer to off-site treatment and disposal facilities.
480-70-461	Biomedical waste, compaction not allowed.
480-70-466	Biomedical waste, vehicle requirements.
480-70-471	Biomedical waste, shipping-paper requirements.
480-70-476	Biomedical waste, inspections.
480-70-481	Hazardous waste, purpose.
480-70-486	Hazardous waste, adoption of federal regulations.
480-70-500	Repealed.
480-70-510	Repealed.
480-70-530	Repealed.
480-70-540	Repealed.
480-70-550	Repealed.
480-70-560	Repealed.
480-70-570	Repealed.
480-70-700	Repealed.
480-70-710	Repealed.
480-70-720	Repealed.
480-70-730	Repealed.
480-70-740	Repealed.
480-70-750	Repealed.
480-70-760	Repealed.
480-70-770	Repealed.
480-70-780	Repealed.
480-70-790	Repealed.
480-70-999	Adoption by reference.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-70-010	Communications. [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.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.	480-70-070	Certificates, no operation without. [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.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.
480-70-020	Documents—When filed. [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.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.	480-70-080	Operation under trade name. [Order R-5, § 480-70-080, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.
480-70-030	Remittances. [Order R-5, § 480-70-030, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.	480-70-090	Certificates, must be filed main office. [Order R-5, § 480-70-090, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.
480-70-040	Change of address. [Order R-5, § 480-70-040, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.	480-70-100	Certificates, secured by false affidavit. [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.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.
480-70-050	Definitions. [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.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.	480-70-110	Certificate, sale, etc. [Order R-5, § 480-70-110, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.
480-70-055	Adoption by reference defined. [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.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.	480-70-120	Certificates, application for. [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.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.
480-70-060	Licenses. [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.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.	480-70-130	Temporary certificates, application for. [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.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.
		480-70-140	Certificates, description, hearing for clarification. [Order R-5, § 480-70-140, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.
		480-70-150	Certificates, applications—Notice to existing carriers. [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.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.
		480-70-155	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), § 480-70-155, filed 10/30/91, effective 11/30/91.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

	tive 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.	480-70-280	Surety bond. [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.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.
480-70-160	Certificates, qualifications for. [Order R-5, § 480-70-160, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.		
480-70-170	Certificate, must abide by. [Order R-5, § 480-70-170, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.	480-70-290	Equipment of motor vehicles. [Order R-5, § 480-70-290, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.
480-70-180	Certificate, sale, etc. [Order R-90, § 480-70-180, filed 1/19/77; Order R-5, § 480-70-180, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.	480-70-300	Motor vehicles, identification. [Order R-5, § 480-70-300, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.
480-70-190	Miscellaneous fees. [Order R-50, § 480-70-190, filed 8/8/73; Order R-5, § 480-70-190, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.	480-70-310	Motor vehicles, safety, sanitary, inspection. [Order R-5, § 480-70-310, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.
480-70-200	Certificates, duplicates. [Order R-5, § 480-70-200, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.	480-70-320	Motor vehicles, safe operation. [Order R-5, § 480-70-320, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.
480-70-210	Certificates, reinstatement. [Order R-5, § 480-70-210, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.	480-70-325	Equipment—Inspection—Ordered for repairs. [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.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.
480-70-220	Application fees forfeited-denied application, no renewal for six months. [Order R-5, § 480-70-220, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.	480-70-330	Drivers, hours of work. [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.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.
480-70-230	Dual operation. [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.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.		
480-70-240	Tariff, naming rates and charges. [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.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.	480-70-335	Out-of-service criteria. [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.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.
480-70-245	Agreements to operate certificates. [Order R-31, § 480-70-245, filed 10/18/71.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.		
480-70-250	Insurance. [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.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.	480-70-340	Annual fee. [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.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.
480-70-260	Insurance 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.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.	480-70-350	Accounts—Uniform system adopted—Reports. [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
480-70-270	Insurance termination. [Order R-5, § 480-70-270, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.		

- (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.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.
- 480-70-360 Contracts. [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.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.
- 480-70-370 Disabled motor vehicles—Substitution. [Order R-5, § 480-70-370, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.
- 480-70-380 Equipment—Order for repairs. [Order R-5, § 480-70-380, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.
- 480-70-390 Discontinuance of service, commission approval required. [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.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.
- 480-70-400 Driver qualifications, hazardous materials transportation, and equipment safety. [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.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.
- 480-70-405 Accident reporting. [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.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.
- 480-70-410 General application of rules. [Order R-5, § 480-70-410, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.
- 480-70-420 Penalty assessments. [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.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.
- 480-70-430 Rules, waiver. [Order R-5, § 480-70-430, filed 6/6/69, effective 10/9/69.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.
- 480-70-440 Solid waste collection companies statute applicable. [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.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.
- 480-70-500 Operational requirements. [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.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.
- 480-70-510 Training requirements. [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.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.
- 480-70-530 Packaging and containment. [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.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.
- 480-70-540 Transfer of biohazardous or biomedical waste to off-site treatment and disposal facilities. [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.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.
- 480-70-550 Shipping paper requirements. [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.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.
- 480-70-560 Insurance requirements. [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.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.
- 480-70-570 Reporting of accidents. [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.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.
- 480-70-700 Availability of information. [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.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.
- 480-70-710 Discontinuance of service. [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.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

- 480-70-720 Reinstatement of service following discontinuance. [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.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.
- 480-70-730 Refusal of service. [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.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.
- 480-70-740 Refusal or discontinuance of service to premises because of former occupant's unpaid account. [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.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.
- 480-70-750 Deposits. [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.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.
- 480-70-760 Refunds—Other than deposits. [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.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.
- 480-70-770 Form of bills. [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.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.
- 480-70-780 Pass through disposal fees. [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.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.
- 480-70-790 Complaints and disputes. [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.] Repealed by 01-08-012 (Docket No. TG-990161, General Order No. R-479), filed 3/23/01, effective 4/23/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040.

WAC 480-70-001 Purpose of chapter. The legislature has declared that operating as a solid waste collection company in the state of Washington is a business affected with a public interest and that such companies should be regulated. The purpose of these rules is to administer and enforce chapter 81.77 RCW by establishing standards for:

- Public safety;
- Fair practices;
- Just and reasonable charges;
- Nondiscriminatory application of rates;
- Adequate and dependable service;
- Consumer protection; and
- Compliance with statutes, rules and commission orders.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040, 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-001, filed 3/23/01, effective 4/23/01.]

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WAC 480-70-006 Application. (1) Except for those operations described in WAC 480-70-011, these rules apply to any solid waste collection company in the business of transporting solid waste for collection and/or disposal from points in the state of Washington, for compensation, over the public highways.

(2) Cases of erroneous or doubtful interpretation of these rules by a solid waste collection company or customer are subject to appeal to the commission by any interested and proper party affected.

(3) Upon proper showing of any solid waste collection company, the commission may waive or modify as to that solid waste collection company the provisions of any rule in this chapter except when such provisions are fixed by statute.

(4) No deviation from these rules will be permitted without written authorization by the commission. Violation will be subject to the penalty provisions of chapter 81.04 RCW.

(5) A company in the business of transporting solid waste for collection and/or disposal from points in the state of Washington is not exempt from commission regulation under the provisions of:

(a) The Interstate Commerce Act. Commission regulation of solid waste collection companies includes regulation of the collection and transportation of solid waste between points in the state of Washington and from points in the state of Washington to out-of-state disposal locations; or

(b) The Federal Aviation Administration Authorization Act (FAAAA) of 1994. The FAAAA preempted state regulation of rates, routes and services of property carriers, but did not affect state regulation of solid waste collection companies.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040, 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-006, filed 3/23/01, effective 4/23/01.]

WAC 480-70-010 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-011 Exempt operations. (1) The following collection and hauling operations are not regulated by the commission:

(a) The operations of a company conducted under a contract for solid waste collection service with a city or town (refer to RCW 81.77.020);

(b) The operations of a city or town that itself provides solid waste collection service (refer to RCW 81.77.020);

(c) The operations of a company conducted under a contract with any county, city or town for the collection or transportation of source-separated recyclable materials from residences (refer to RCW 81.77.130);

(d) The operations of any city or town that itself provides collection and transportation of source-separated recyclable materials from residences (refer to RCW 81.77.130);

(e) The operations of a recycling company or nonprofit entity collecting and transporting recyclable materials from a buy-back center, drop box, or from a commercial or industrial generator of recyclable materials when those recyclable materials are being transported for use other than disposal or incineration, or under agreement with a solid waste collection company (refer to RCW 81.77.140);

(f) The operations of a commercial or industrial generator of commercial recyclable materials in selling, conveying, or arranging for transportation of recyclable materials to a recycler for reuse or reclamation (refer to RCW 81.77.140);

(g) The operations of private carriers who, in their own vehicles, transport solid waste purely as an incidental adjunct to some other established private business owned or operated by them in good faith. This private-carrier exemption does not include persons transporting solid waste from residential sources, such as apartment houses or mobile home parks, in vehicles designed or used primarily for the transport of solid waste;

(h) The operations of carriers using special equipment to transport sewage or cesspool wastes as an incidental part of a septic tank or cesspool cleaning service; or

(i) The operations of carriers transporting loads either from a transfer station to a disposal site or between disposal sites (refer to RCW 36.58.050).

(2) The following collection and hauling operations are not regulated by the commission as solid waste:

(a) The operations of a carrier operating under a permit issued by the commission under chapter 81.80 RCW (motor freight) that occasionally transports to a disposal site, but whose primary business is not the collection of solid waste. This exemption does not apply if the carrier holds itself out to the public as a transporter of solid waste. Examples of this type of operation include, but are not limited to:

(i) A dump truck operator, who as a part of performing dump truck operations in conjunction with building or construction projects, hauls an occasional load to a disposal site; or

(ii) A household goods carrier who transports to a disposal site the used packing materials from a shipment of household goods that the carrier transported.

(b) A carrier collecting or transporting recyclable materials from a drop box or recycling buy-back center, or 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. This type of operation is regulated under chapter 81.80 RCW as transportation of general commodities.

(3) A carrier transporting commercially salable earth that is used as fill, road ballast, or aggregate is regulated under chapter 81.80 RCW as a transporter of general commodities.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-011, filed 3/23/01, effective 4/23/01.]

WAC 480-70-016 Determination of authority required to transport specific commodities or provide specific services. (1) Chapter 81.77 RCW is intended to cover operations of carriers whose primary business is transporting solid waste for collection and/or disposal. Persons holding permits issued by the commission under the provisions of chapter 81.80 RCW, whose primary business is not the collection of solid waste, normally will also need to obtain a certificate of public convenience and necessity if they transport solid waste to a disposal site on more than an occasional basis, or if they hold themselves out to the public as providing solid waste collection service.

(2) In some instances carriers may be engaged extensively in both motor freight and solid waste collection operations. In cases where such operations are separable, carriers may be required to hold both a solid waste certificate under the provisions of chapter 81.77 RCW and a motor carrier permit under the provisions of chapter 81.80 RCW in order to provide both services. In each case it is within the discretion of the commission to determine whether a carrier is required to hold both a motor carrier permit and a solid waste certificate.

(3) In some instances, transportation of a specific commodity may be subject to commission regulation under the provisions of chapter 81.80 RCW, or as solid waste under the provisions of chapter 81.77 RCW, depending on the circumstances involved in the transportation of that commodity. For example, if soil is transported to a landfill to become part of the cover of the landfill, the transportation is subject to regulation as a motor carrier under the provisions of chapter 81.80 RCW. However, if the soil is being transported to a landfill merely for disposal, the transporter is subject to regulation as a solid waste collection company under the provisions of chapter 81.77 RCW.

(4) In determining whether operations require a solid waste certificate or a motor carrier permit, the commission will consider factors including, but not limited to:

- (a) The intent of the shipper;
- (b) The intended destination of the shipment;
- (c) The actual destination of the shipment;
- (d) Special handling or conditions placed on the shipment by the shipper and/or receiver;
- (e) The value of the commodity being transported;
- (f) Whether the carrier is primarily engaged in the business of providing solid waste collection or is primarily engaged in the business of providing a service other than the collection of solid waste; and
- (g) Whether the carrier holds itself out to the public as a transporter of solid waste.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-016, filed 3/23/01, effective 4/23/01.]

WAC 480-70-020 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-021 Additional requirements. (1) These rules do not relieve any solid waste collection company from any of its duties and obligations under the laws of the state of Washington.

(2) The commission retains the authority to impose additional or different requirements on any solid waste collection company in appropriate circumstances, consistent with the requirements of law.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-021, filed 3/23/01, effective 4/23/01.]

WAC 480-70-026 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application

of the provision to other persons or circumstances is not affected.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-026, filed 3/23/01, effective 4/23/01.]

WAC 480-70-030 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-031 Resolving disputes about the meaning of these rules. If the interpretation of any rule in this chapter is questioned by a company, a customer, or an applicant, a request for clarification may be filed with the commission.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-031, filed 3/23/01, effective 4/23/01.]

WAC 480-70-036 Rules of practice and procedure. Commission rules governing administrative practices and procedures are in chapter 480-09 WAC. If a rule in this chapter conflicts with a rule in chapter 480-09 WAC, the rule in this chapter applies. Copies of chapter 480-09 WAC are available on request to the commission records center.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-036, filed 3/23/01, effective 4/23/01.]

WAC 480-70-040 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-041 Definitions, general. (See WAC 480-70-226 for definition of terms used primarily in tariff filings.) Unless the language or context indicates that a different meaning is intended, the following words, terms and phrases mean:

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

"Biomedical waste" means the following types of waste:

"Animal waste" means waste animal carcasses, body parts, and bedding of animals that are known to be infected with, or that have been inoculated with, human pathogenic microorganisms infectious to humans.

"Biosafety level 4 disease waste" means waste contaminated with blood, excretions, exudates, or secretions from humans or animals who are isolated to protect others from highly communicable infectious diseases that are identified as pathogenic organisms assigned to biosafety level 4 by the Centers for Disease Control, National Institute of Health, *Biosafety in Microbiological and Biomedical Laboratories*, current edition.

"Cultures and stocks" means wastes infectious to humans and includes specimen cultures, cultures and stocks of etiologic agents, wastes from production of biologicals and serums, discarded live and attenuated vaccines, and laboratory waste that has come into contact with cultures and stocks of etiologic agents or blood specimens. Such waste includes,

but is not limited to, culture dishes, blood specimen tubes, and devices used to transfer, inoculate, and mix cultures.

"Human blood and blood products" means discarded waste human blood and blood components, and materials containing free-flowing blood and blood products.

"Pathological waste" means waste human source biopsy materials, tissues, and anatomical parts that emanate from surgery, obstetrical procedures, and autopsy. "Pathological waste" does not include teeth, human corpses, remains, and anatomical parts that are intended for interment or cremation.

"Sharps waste" means all hypodermic needles, syringes with needles attached, IV tubing with needles attached, scalpel blades, and lancets that have been removed from the original sterile package.

Note: Certificates issued prior to the effective date of these rules may contain the terms "biohazardous waste" or "infectious waste" in describing services authorized. From the effective date of these rules, those permits shall be understood to allow the transportation of "biomedical waste."

"Biohazardous or biomedical waste generator" means any person, by site, whose act or process produces infectious waste, or whose act first caused 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 purposes of these rules.

"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.

"Biosolids" means municipal sewage sludge that is a primarily organic, semisolid product resulting from the wastewater treatment process.

"Business of transporting solid waste for collection and/or disposal for compensation" means those carriers who are primarily in the specialized business of solid waste for collection and/or disposal.

"Cancellation" means an act by the commission to terminate a solid waste collection company certificate; or an act by a carrier to discontinue the application of a tariff, a tariff supplement, or a tariff item.

"Certificate" means the certificate of public convenience and necessity issued by the Washington utilities and transportation commission under the provisions of chapter 81.77 RCW for the operation of solid waste collection companies.

"Certificated authority" means the territory and services granted by the commission and described in a company's certificate of public convenience and necessity.

"City regulation" means regulation of the operations of a solid waste collection company by a city through issuance of a contract.

"Classes of companies":

"Class A company" means a traditional solid waste collection company with an annual gross operating revenue from regulated, intrastate operations of five million dollars or more.

"Class B company" means a traditional solid waste collection company with an annual gross operating revenue

from regulated, intrastate operations of less than five million dollars.

"Class C company" means a solid waste collection company that does not provide traditional residential or commercial solid waste operations. This class includes specialized carriers generally hauling specific waste products for specific customers or providing only on-call or nonscheduled service.

"Classes of service" means either commercial, specialized, drop box, or residential service.

"Company" means a solid waste collection company.

"Commercial authority" means authority to provide solid waste collection service to business, institutional, or industrial generators.

"Commercial recycling service" means transportation of recyclable commodities from a buy-back center, drop box, or from a commercial or industrial generator of recyclable materials when those recyclable materials are being transported for use other than landfill disposal or incineration. Commercial recycling is regulated under chapter 81.80 RCW.

"Commercial service" means solid waste collection service provided to a business, institutional, or industrial generator.

"Commission" means the Washington utilities and transportation commission.

"Common carrier" means any person who transports solid waste by motor vehicle for compensation.

"Construction debris" or **"construction waste"** means solid waste resulting from the building or renovation of buildings, roads and other man-made structures. Construction debris includes, but is not limited to, materials such as plasterboard, cement, dirt, wood, and brush.

"Contract carrier" means a person holding a certificate issued by the commission authorizing transportation of solid waste for collection and/or disposal under special and individual contracts or agreements.

"Demolition waste" or **"demolition debris"** means solid waste resulting from the demolition or razing of buildings, roads and other man-made structures. Demolition waste includes, but is not limited to, concrete, brick, bituminous concrete, wood and masonry, composition roofing and roofing paper, steel, and minor amounts of other metals like copper.

"Disinfect" means to cleanse by destroying harmful microorganisms.

"Disposal site" means the location where any final treatment, utilization, processing, or deposit of solid waste occurs. This term includes, but is not limited to, landfills, transfer stations, and incinerators.

"Dump truck operator" means a carrier holding a permit under chapter 81.80 RCW engaged in the operation of dump trucks and similar vehicles used in the transportation of sand, gravel, dirt, debris, and other similar commodities except solid waste. Dump truck operations are usually conducted during the daytime; are local in character; are somewhat seasonal, especially in connection with building or construction projects; and the value of the commodity transported is usually low.

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

"Garbage" means those materials of solid waste that are putrescible.

"Garbage and refuse." Whenever the phrase "garbage and refuse" is used as a qualifying phrase, it means either garbage or refuse, or both garbage and refuse.

"Hazardous waste" means any material that is subject to the Hazardous Waste Manifest Requirements of the U.S. Environmental Protection Agency specified in 40 CFR Part 262.

"Incineration" means to reduce the volume of solid waste by use of an enclosed device using controlled flame combustion.

"Incinerator" means a site where solid waste is reduced in volume by use of an enclosed device using controlled flame combustion.

"Landfill" means a disposal facility or part of a facility at which solid waste is placed in or on land and which is not a land-treatment facility.

"Land-treatment facility" means the site on which the practice of applying dangerous waste onto or incorporating dangerous waste into the soil surface so that it will degrade or decompose takes place. The term does not include applying waste onto or into the soil surface for the purpose of soil sweetening or soil amendment.

"Leachate" means water or other liquid that has been contaminated by dissolved or suspended materials due to contact with solid waste or gases.

"Motor vehicle" means any truck, trailer, semi-trailer, tractor or any self-propelled or motor-driven vehicle used on any public highway of this state for the purpose of transporting solid waste for collection and/or disposal.

"Multiple-family residence" or **"multifamily residence"** means any structure housing two or more dwelling units.

"Multifamily service" means residential service provided to multifamily structures or locations including, but not limited to, duplexes, apartments, mobile home courts, and condominiums.

"Nonputrescible" means not capable of being readily decomposed by microorganisms.

"Occasional" means occurring at irregular and infrequent intervals. The term is qualitative, not quantitative, in that the term applies to services that are only performed from time-to-time, not that the solid waste hauling is only a small part of services offered.

"Packer" means a device or vehicle specially designed to compress loose materials.

"Person" means an individual, firm, corporation, association, partnership, lessee, receiver, trustee, consortium, joint venture, or commercial entity.

"Private carrier" means a person who transports solid waste in the person's own vehicle purely as an incidental adjunct to some other established private business owned or operated by that person in good faith.

EXCEPTION: A person who transports solid waste from residential sources in a vehicle designed or used primarily for the transport of solid waste is not a private carrier.

"Private motor vehicle" means a vehicle owned or operated by a private carrier.

"Private road" means a road not normally available for use by the public.

"Public highway" means every street, road, or highway in this state normally available for use by the public.

"Putrescible" means capable of being readily decomposed by microorganisms.

"Recyclable materials" means materials that are transported for recycling, reprocessing, reclamation, or for any process that extracts or modifies the commodity for reuse or another commercially valuable purpose.

"Recycling" means transforming or remanufacturing materials into usable or marketable materials for use other than landfill disposal or incineration.

"Refuse" means those materials of solid waste that are not putrescible.

"Residence" means the regular dwelling place of an individual or individuals.

"Residential authority" means authority to provide solid waste collection from residences.

"Residential recycling service" means collection of those solid wastes that are separated for recycling or reuse, such as paper, plastic, metals, and glass, that are identified as recyclable materials pursuant to a local comprehensive solid waste plan.

"Residential service" means solid waste collection from residences.

"Sewer sludge" means a semisolid substance consisting of settled sewage solids combined with varying amounts of water and dissolved materials, generated from a wastewater treatment system, that does not meet the requirements of chapter 70.95J RCW, and is transported to a site for disposal.

"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 480-70-401.

"Small business" means any company that has fifty or fewer employees.

"Solid waste" or "solid wastes" means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to:

- Garbage;
- Rubbish;
- Refuse;
- Swill;
- Ashes;
- Industrial wastes;
- Sewage sludge;
- Demolition and construction wastes;
- Abandoned vehicles or parts of abandoned vehicles;

and

- Source-separated recyclable materials collected from single and multifamily residences.

"Solid waste collection" means collecting solid waste from residential or commercial customers and transporting

the solid waste, using a motor vehicle, for collection and/or disposal over the highways of the state of Washington for compensation.

"Solid waste collection company" means every common carrier, including a contract carrier, who provides solid waste collection service.

"Source separation" means the separation of different kinds of solid waste at the place where the waste originates.

"Specialized solid waste collection company" means a company providing other than traditional solid waste collection service. Specialized companies generally haul specific waste products for specific customers, provide only on-call or nonscheduled service, or provide accessorial services not normally provided by traditional solid waste collection companies.

"State" means the state of Washington.

"Suspension" means an act by the commission to temporarily withhold a solid waste collection company's certificated authority; or an act by the commission to withhold approval of a company's tariff filing.

"Tariff" means a document issued by a company, and approved by the commission, containing the services provided, the rates and charges the company bills its customers for those services, and the rules describing how the rates and charges apply.

"Tariff service territory" means a company-defined geographic division of its certificated authority in which a specific tariff applies.

"Third-party waste broker" means a person or company acting on behalf of a generator of solid waste, usually an industrial or commercial generator, to arrange for collection and/or disposal of solid waste.

"Traditional solid waste collection company" means a company engaged in collecting and removing solid waste and recyclable materials from private homes, and/or removing solid waste from commercial establishments, industrial facilities, and other sites. Solid waste is normally picked up on a daily, weekly, or other regular basis. Drivers are usually assigned designated routes to collect curbside residential solid waste or transport cans or containers for commercial businesses. Unless the company's certificate is restricted against doing so, a traditional solid waste collection company may also perform specialized solid waste collection service.

"Transfer station" means a staffed, fixed supplemental facility used by persons and route collection vehicles to deposit solid wastes into transfer trailers for transportation to a disposal site. The definition does not usually include detachable containers. However, in counties with a population of less than seventy thousand, and in any county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand that is located east of the crest of the Cascade mountain range, if detachable containers are securely fenced, staffed by an attendant during all hours when the detachable container is open to the public, and tipping fees that cover the cost of providing the containers and the use of the facility are charged, then such detachable containers constitute a transfer station. (Refer to RCW 36.58.030).

"Treatment" means incineration, sterilization, or other method, technique, or process that changes the character or composition of a biomedical waste so as to minimize the risk of transmitting an infectious disease by making it noninfectious. Any waste, except sharps, that has been treated is not considered biohazardous or biomedical waste, and may be considered to be solid waste for purposes and handling.

"Vehicle" means every device capable of transporting solid waste on a public highway. The term "vehicle" does not include devices moved by human or animal power or used exclusively on stationary rails or tracks.

"Yard waste" or **"yard debris"** means plant material commonly created in the course of maintaining yards and gardens and through horticulture, gardening, landscaping, or similar activities. Yard waste includes, but is not limited to, grass clippings, leaves, branches, brush, weeds, flowers, roots, windfall fruit, and vegetable garden debris.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-041, filed 3/23/01, effective 4/23/01.]

WAC 480-70-046 Change of address or telephone number. A company must notify the commission in writing of any change in physical business address, business mailing address or business telephone number. This notice must be filed at least ten days before the effective date of the change by letter, telefacsimile, or e-mail.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-046, filed 3/23/01, effective 4/23/01.]

WAC 480-70-050 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-051 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, giving a full explanation of the reason for requesting the exemption.

(3) The commission will assign the request a docket number, if it does not arise in an existing docket, and will 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 of the hearing or open meeting when the commission will consider the request.

(4) In determining whether to grant the request, the commission may consider whether application of the rule would impose undue hardship on the petitioner, of a degree or a kind different from hardships imposed on other similarly situated persons, and whether the effect of applying the rule would be contrary to the purpose of the rule.

(5) 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, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-051, filed 3/23/01, effective 4/23/01.]

WAC 480-70-055 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-056 Mapping. (1) **Software and scale compatibility.** The commission uses geographic information system (GIS) software to track certificated authorities. When required by this chapter to file a map, a company must file that map in one of the methods described in (a) and (b) of this section.

(a) **Electronic maps.** A company may file an electronic map that is compatible with the commission's hardware and software. Before filing its map electronically, a company must contact the commission to determine whether its mapping software is compatible with that used by the commission.

(b) **Paper maps.** A company may file a paper map using United States Geological Survey (USGS) maps at a scale of 1:250,000 to show certificate boundaries. The commission may require maps at a scale of 1:24,000 to clearly resolve any inconsistencies. USGS maps are available through the Washington state department of natural resources and various private vendors.

(2) **Map detail.** Any map submitted to the commission must:

(a) Clearly show townships, ranges, streets, county lines, and any other feature described in the certificate;

(b) Be clearly labeled to identify the features described in the certificate;

(c) Have a north arrow;

(d) Have a map legend briefly describing the features on the map;

(e) Have a scale bar showing the distance on the map equal to a defined number of feet, miles or other unit; and

(f) Have a title box that includes the company's name as shown on the company's certificate, the company's registered trade name, the identification number of the company tariff to which the map applies, and a contact name and phone number.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-056, filed 3/23/01, effective 4/23/01.]

WAC 480-70-060 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-061 Records retention. (1) **General provisions.** A company must keep all business records and reports for at least three years following the date those documents are created unless otherwise specified in these rules or unless a longer retention period is required by another governmental body.

(2) **Retention schedule table.** The following schedule shows periods that companies must preserve various records.

Type of Record:	Retention Period:
1. Corporate and General Records:	
A. Incorporation and reorganization records including:	
(a) Charter or certificate of incorporation and amendments;	
(b) Legal documents related to mergers, consolidations, reorganization, receiverships and similar actions that affect the identity or organization of the company. . . .	Refer to Note 1
B. Minutes of directors, executive committees, stockholders and other corporate meetings. . . .	Refer to Note 1
2. Original certificate. . . .	Until cancellation
3. Contracts and agreements:	
(a) Service contracts (management, accounting, financial or legal services)	Until expiration or termination plus three years
(b) Contracts with employees and employee groups. . . .	Until termination plus one year
(c) General contracts, leases and agreements. . . .	Until termination plus one year
4. Capital stock records. . . .	Refer to Note 1
5. Long-term debt records:	
(a) Bond indentures, underwritings, mortgages, and other long-term credit agreements. . .	Until redemption plus three years
(b) Registered bonds and debenture ledgers. . . .	Refer to Note 1
(c) Stubs or similar records of bonds or other long-term debt issued. . . .	Refer to Note 1
6. Ledgers:	
(a) General and subsidiary ledgers and indexes. . . .	Until discontinuance of use plus three years
(b) Balance sheets and trial balance sheets of general and subsidiary ledgers	Three years
7. Journals:	
(a) General journals. . . .	Until discontinuance of use plus three years
(b) Subsidiary journals and any supporting data necessary to explain journal entries . .	Three years
8. Cash books:	
(a) General cash books. . . .	Until discontinuance of use plus three years
(b) Subsidiary cash books	Three years

Note 1: Records referring to this note should be maintained as determined by the designated company records supervisory official. In determining the length of time to retain these records, companies should consider the record retention requirements of the Internal

Revenue Service, Securities and Exchange Commission, state and local jurisdictions, and other regulatory agencies.

(3) **Customer service records.** A company must maintain complete and accurate customer service records for all customers served.

(a) Customer service records must be kept on file in the general office of the company for at least three years.

(b) Customer service records must be kept in alphabetical, service address, or service route order.

(c) Customer service records must show at least the following information:

(i) The name and service address of the customer;

(ii) The billing address of the customer, if different than the service address;

(iii) Categories and quantity of service provided, including extra services as they are provided;

(iv) Information required to provide, on customer request, a detailed description of the amount billed the customer;

(v) Amounts billed;

(vi) Amounts collected; and

(vii) Balance due.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-061, filed 3/23/01, effective 4/23/01.]

WAC 480-70-066 Accounting requirements. (1) The commission publishes a uniform system of accounts (USOA) for solid waste collection companies. The commission supplies copies of the USOA on request.

(a) The USOA defines accounting, financial, and other procedures the commission uses to determine if rates are fair, just, reasonable, and sufficient.

(b) The USOA contains accounting definitions, listings, and explanations of balance sheet and income statement accounts.

(2) The commission recommends companies maintain their financial and accounting records in concurrence with the USOA. Regardless of what accounting system a company uses, the company must maintain its books and records in a manner sufficient to complete the commission-issued annual report form, using figures that reconcile with the USOA.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-066, filed 3/23/01, effective 4/23/01.]

WAC 480-70-070 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-071 Reporting requirements. (1) **Annual reports.** An annual report is an end-of-the-year summary of financial and operational activity that each regulated company is required to file with the commission.

(a) Each year the commission provides an annual report form and instructions to each company at its address of record. Failure to receive the form does not relieve a company of its obligation to complete and file its annual report. A company that does not receive an annual report form must contact the commission to request a copy of the form.

(b) A company must file a complete, accurate annual report showing all requested information by May 1 of the succeeding year. Information provided on the annual report must agree with source documents maintained at company offices.

(c) The commission may grant an extension of time allowing the company to file its annual report after the May 1 due date if the commission receives a request for extension before May 1.

(d) The commission may issue penalty assessments or take action to suspend or cancel a certificate if a company fails to file its required annual report.

(e) A company selling, canceling, transferring, or in some other manner discontinuing operations must submit an annual report for that portion of the year in which the company operated.

(2) **Other reports.** The commission may require a company to file periodic or other special reports.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-071, filed 3/23/01, effective 4/23/01.]

WAC 480-70-076 Regulatory fees. A regulatory fee is an annual assessment paid by each company to cover the costs of regulating the solid waste industry.

(1) The maximum regulatory fee is set by statute at one percent of gross intrastate operating revenue. Each year, the commission may set the regulatory fee at an amount less than the statutory maximum. The minimum fee can be no less than one dollar.

(2) A company must pay its regulatory fee by April 1 of each year.

(3) The commission does not grant extensions for payment of regulatory fees.

(4) If a company does not pay its regulatory fee by April 1, the commission will assess an automatic late fee of two percent of the amount due, plus one percent interest for each month the fee remains unpaid.

(5) The commission may issue penalty assessments, or take action to suspend or cancel a certificate, if a company fails to pay its regulatory fee.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-076, filed 3/23/01, effective 4/23/01.]

WAC 480-70-080 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-081 Certificates, general. (1) Certificate required. A person must have a certificate of public convenience and necessity from the commission before operating as a solid waste collection company in the state of Washington.

(2) **Company name.** The company name is the name of the certificate holder.

(a) A company electing to conduct operations under a trade name must first register the trade name with the commission.

(b) A company must conduct all operations under the company name or a registered trade name. The term "opera-

tions" includes, but is not limited to: Collection, billing, advertising, and identifying vehicles.

(3) **Display.** A company must keep the original of its certificate on file at its main office subject to inspection by any customer, law enforcement officer, commission compliance officer, or other authorized commission representative who asks to see it.

(4) **Replacement.** The commission will replace a lost or destroyed original certificate at no charge.

(5) **Description of certificated authority.** When a company's certificated authority is described using boundaries such as streets, avenues, roads, highways, townships, ranges or other descriptions, those descriptions or boundaries are established in the certificate as they existed at the time the commission granted the authority.

(6) **Operating within certificated authority.**

(a) A company must operate strictly within the authority described in its certificate.

(b) The commission may institute administrative sanctions against a company operating outside its certificated authority. Refer to WAC 480-70-216 for information regarding administrative sanctions.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-081, filed 3/23/01, effective 4/23/01.]

WAC 480-70-086 Certificates, application fees. (1) The purpose of application filing fees is to partially cover handling and processing expenses.

(2) The commission establishes the following fees for application filings:

Certificate applications , including applications for new authority, extension of existing authority, transfer of authority, lease of authority, and reinstatement of canceled authority	\$ 200
Temporary certificate applications , including applications for new temporary authority, temporary authority to operate pending a commission decision on a concurrently filed certificate application, and applications for expedited temporary	\$ 25
Name change applications , including applications for change of corporate name, change of trade name, additional or new trade name, and change of surname of an individual owner or partner	\$ 35
Mortgage applications , including requests for permission to mortgage or otherwise encumber a certificate	\$ 35

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-086, filed 3/23/01, effective 4/23/01.]

WAC 480-70-090 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-091 Certificates, applications. (1) A company must submit its application for certificated authority on forms provided by the commission.

(2) Applications must include all requested information, attachments, signed statements, and filing fees.

(a) The commission may reject or defer consideration of an application until the applicant provides all required information;

(b) The commission may reject or defer consideration of an application until the applicant pays any outstanding fees or penalties; or

(c) The commission may reject or dismiss an application if it includes false, misleading, or incomplete information.

(3) A certificate application must include, but is not limited to:

(a) A complete description of the proposed service and the line, route, or service territory using boundaries such as streets, avenues, roads, highways, townships, ranges, city limits, county boundaries, or other geographic descriptions;

(b) A map of the proposed line, route, or service territory that meets the standards described in WAC 480-70-056;

(c) If contract carrier authority is requested, a copy of each contract under which service will be performed;

(d) A statement of the applicant's assets and liabilities;

(e) A proposed tariff;

(f) A statement of conditions that justify the proposed service;

(g) An equipment list; and

(h) A statement of the applicant's transportation or solid waste industry experience, including knowledge of motor carrier driver and equipment safety requirements.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-091, filed 3/23/01, effective 4/23/01.]

WAC 480-70-096 Certificates, acquisition of control.

(1) **Notice required.** Any person acquiring control of a solid waste collection company through acquisition of the stock of that company must notify the commission in writing within thirty days of the acquisition.

(2) **Content of notice.** Notice may be accomplished by filing a letter with the commission. The letter must include at least the following information:

(a) The name, registered trade names, and certificate number of the acquired company.

(b) The date of acquisition.

(c) The names of the majority stockholders and the percent of stock each holds.

(d) The name, address, telephone number, telefacsimile number, and e-mail address of a contact person within the company to whom questions may be directed.

(e) The location (mailing address and physical address) where books and records of the acquired company will be retained.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-096, filed 3/23/01, effective 4/23/01.]

WAC 480-70-100 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-101 Certificates, initiating service. Filing an application for certificated authority does not authorize

the applicant to start solid waste collection operations in the territory, or of the commodity, described in the application. The commission must grant authority and issue a certificate before a company may begin service in that territory.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-101, filed 3/23/01, effective 4/23/01.]

WAC 480-70-106 Certificates, application docket, protests, and intervention. (1) **Application docket.** The application docket is a notice of pending certificate applications published by the commission. The application docket is mailed to each existing certificate holder and to any other interested person. It includes notice of certificate applications for:

(a) New authority;

(b) Extension of existing authority;

(c) Transfer of authority;

(d) Lease of authority; and

(e) Reinstatement of authority when a city discontinues self-hauling or contracting for solid waste collection.

(2) **Protests.** A certificate holder may file a protest to an application on the docket. A solid waste collection organization, association, or conference may file a protest on behalf of existing certificate holders, specifying the names of the persons or companies in whose interest the protest is filed.

(a) **Form of protests.** Protests must:

(i) Be filed within thirty days of the date the commission mailed the application docket notice;

(ii) Be filed according to the provisions of WAC 480-09-420;

(iii) Specify the reasons for protest; and

(iv) Specify the protestant's interest in the proceeding.

(b) **Failure to file protest on time.** A person who is eligible to file a protest but fails to do so within the thirty-day protest period may not in any way participate further in the proceeding, unless that person can show that the commission did not provide proper notice of the pending application.

(3) **Intervention.** Any person, other than the applicant and protestants to an application, who desires to appear and participate, and who does not desire to broaden the issues of the proceeding, may petition in writing to be an intervenor. Refer to chapter 480-09 WAC for information on intervention.

(4) **Applications not subject to the docket and protest provisions of this rule.** This rule does not apply to:

(a) Applications to reinstate a certificate canceled for cause under the provisions of WAC 480-70-166, when those applications are filed within thirty days of the cancellation date;

(b) Applications for expedited temporary authority;

(c) Applications for temporary certificated authority;

(d) Applications for name change; or

(e) Applications to mortgage a certificate.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-106, filed 3/23/01, effective 4/23/01.]

WAC 480-70-110 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-111 Certificates, overlapping applications. (1) The commission may consolidate applications for certificated authority for joint consideration if:

(a) The authority requested in the applications overlaps in whole or in part; and

(b) The subsequent application was filed within thirty days of the mailing date of the application docket notice of the original application.

(2) Applications for overlapping authority not filed within thirty days after the initial application docket notice will be decided after the conclusion of proceedings resolving the initial application and any other application qualifying for joint consideration.

(3) When applications consolidated by the commission for joint consideration also contain requests for territory or services not overlapping that requested in the other application, and the nonoverlapping services or territory may be appropriately severed, the commission may decide the nonoverlapping portions of the application separately from the portions that do overlap.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-111, filed 3/23/01, effective 4/23/01.]

WAC 480-70-116 Certificates, sale, lease, assignment, transfer or mortgage. (1) A company must obtain commission approval before it may sell, assign, lease, transfer, or mortgage its certificate, or any portion of the operating authority described in its certificate.

(2) To obtain commission approval for sale, assignment, lease, transfer or mortgage, all parties to the transaction must file a joint application with the commission.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-116, filed 3/23/01, effective 4/23/01.]

WAC 480-70-120 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-121 Certificates, name change. (1) A company must file a name change application to:

(a) Change its corporate name;

(b) Change its trade name;

(c) Add a trade name to a certificate; or

(d) Change the surname of an individual owner or partner to reflect a change resulting from marriage or other legal action.

(2) When filing a name change application, the applicant must include:

(a) The application fee required by WAC 480-70-086;

(b) Copies of any corporate minutes authorizing the name change; and

(c) Proof that the new name is properly registered with the department of licensing, office of the secretary of state, or other agencies, as may be required.

(3) If a name change results from a change in ownership, including addition or deletion of a partner, the company must

file an application to transfer the certificate pursuant to the provisions of WAC 480-70-116.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-121, filed 3/23/01, effective 4/23/01.]

WAC 480-70-126 Certificates, refiling of application prohibited for six months. (1) A person whose application has been denied after hearing may not refile the application for a period of six months from the date of the final order denying the application.

(2) A person whose application has been dismissed for failure to appear at a hearing, or who has been found to be in default, may not refile the application for a period of six months from the date of the final order dismissing the application.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-126, filed 3/23/01, effective 4/23/01.]

WAC 480-70-130 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-131 Certificates, temporary. (1) **Requirements.** Temporary certificate applications must meet the requirements of WAC 480-70-091.

(2) **Public interest.** The commission may grant a temporary certificate after determining that granting the requested authority is consistent with the public interest. In determining if the requested temporary authority is consistent with the public interest, the commission will consider factors including, but not limited to:

(a) The fitness of the applicant.

(b) The immediate or urgent need for the requested service due to circumstances such as, but not limited to:

(i) An emergency rendering it impossible for the existing company to provide service;

(ii) Commission action suspending or canceling the authority of the existing company; or

(iii) Lack of service.

(c) Whether the requested service is currently available from an existing company serving the territory; and

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

(3) **Shipper support statements required.** Applicants for temporary certificates must include signed and sworn support statements from one or more potential customers identifying all pertinent facts relating to need for the proposed service.

(4) **Commission investigation of applications.** Before granting or denying an application for temporary authority, the commission will conduct an investigation to examine the facts relating to the need for the proposed service.

(5) **Special terms, conditions, and limitations.** The commission may impose special terms, conditions, and limitations in connection with the grant of any temporary certificate. For example, the commission may limit temporary authority to provide service to only those commercial cus-

tomers whose support statements are submitted with an application.

(6) **Length of service allowed under temporary certificate.** The commission may issue a temporary certificate effective for a period:

(a) Of up to one hundred eighty days when the area or service territory is not contained in another company's certificate;

(b) Of up to one hundred twenty days when the area or service territory is contained in another company's certificate; or

(c) That continues until the commission grants, denies, or dismisses a parallel certificate application for permanent authority, or until the temporary certificate is otherwise canceled, whichever happens first. The permanent certificate application must be filed within thirty days of the temporary certificate application or within thirty days of the order granting the temporary certificate.

(7) **Docketing.** The commission will publish the following on its application docket:

(a) Temporary certificates granted, including any terms and conditions attached to the grant of such authorities; and

(b) A list of all applications for temporary certificated authority that the commission considered and denied.

(8) **Protests.** An existing company may file a protest opposing a temporary certificate, if the area or service territory granted is contained in the existing company's certificate. A solid waste collection organization, association, or conference may file a protest on behalf of existing companies, specifying the names of the individuals or companies in whose interests the protest is filed. Protests must:

(a) Be filed with the commission in writing within twenty days after the date the commission mails the application docket;

(b) Contain a statement of the specific grounds on which the protest is made;

(c) Contain a statement of the protestant's interest in the proceeding;

(d) Be served on the applicant; and

(e) Be served on the applicant's representative, if one is stated in the notice.

(9) **Disposition of protests.** The commission may grant or deny a protest without hearing.

(10) **Brief adjudicative proceedings.** The commission may order a brief adjudicative proceeding on its own motion or at the request of a party.

(11) **Intervention.** Any person, other than the applicant and protestants to an application, who desires to appear and participate, and who does not desire to broaden the issues of the proceeding, may petition in writing to be an intervenor. Refer to chapter 480-09 WAC for information on intervention.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-131, filed 3/23/01, effective 4/23/01.]

WAC 480-70-136 Certificates, temporary, expedited application. The commission may grant temporary authority using an expedited application process to meet an immediate

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or urgent need for service if it determines that doing so would be consistent with the public interest. Authority granted under these provisions is known as "expedited temporary authority" or an "ETA."

(1) **Determining public interest.** The commission will consider the following factors in determining whether granting expedited temporary authority is consistent with the public interest:

(a) A showing of an immediate or urgent need for the requested service due to circumstances such as, but not limited to:

(i) An emergency rendering it impossible for the existing company to provide service;

(ii) Commission action suspending or canceling the authority of the existing company; or

(iii) Lack of service.

(b) The presence or lack of available service capable of meeting the need; and

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

(2) **Restrictions and limitations on expedited temporary authority.**

(a) The commission may grant expedited temporary authority for periods of not more than thirty days.

(b) The commission may limit expedited temporary authority to providing service to the specific customer or customers supporting the application.

(c) The commission may further limit expedited temporary authority to service within a specific county, a specific city, a specific geographical area, a specific route, or a specific site.

(3) **Application for expedited temporary authority.** A company applying for expedited temporary authority must submit at least the following:

(a) An application on a form provided by the commission.

(b) Sworn statements from a customer or customers setting forth all pertinent facts relating to the need for service.

(c) Proof that the applicant holds insurance coverage in the amounts, and meeting the provisions, of WAC 480-70-181. Proof may consist of an insurance policy or a certificate of insurance.

(d) An application fee of twenty-five dollars.

(e) A statement that the company will comply with all applicable safety regulations including, but not limited to, those regulations relating to driver qualifications, hours of service, equipment safety, and drug and alcohol testing.

(4) **Commission investigation of applications.** Before granting or denying an application for temporary authority, the commission will conduct an investigation to examine the facts relating to the need for the proposed service.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-136, filed 3/23/01, effective 4/23/01.]

WAC 480-70-140 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-141 City service and cancellation of certificated authority. (1) **City service.** To the extent solid waste collection service is provided within the limits of a city or town, it must be provided by:

(a) A solid waste collection company regulated by the commission operating under a commission-issued certificate authorizing such service; or

(b) A city or town that self-hauls or contracts for service, exempt from commission regulation under the exemption for cities in RCW 81.77.020.

(2) **City service—Cancellation of certificated authority and termination of commission regulation.**

(a) The commission will cancel the affected certificated authority and cease regulation in the affected area on the date that a city or town commences service as specified in its notice to the commission unless (b) of this subsection applies.

(b) If a city or town commences service before notifying the commission in writing, the commission will not cancel the affected certificated authority and cease regulation in the affected area until the date of receipt of the city's or town's written notice.

(3) **Company responsibilities.** When entering into a contract with a city or town to provide solid waste collection services, a regulated company must advise the commission within thirty days of the date of the agreement if the area to be served is contained in the company's certificated authority. Notice must include a cover letter, a copy of the executed agreement, and a map of the affected area. The map submitted must meet the standards defined in WAC 480-70-056.

(4) **Compensation for canceled certificated authority.** A company must notify the commission in writing within thirty days of a city or town purchasing or condemning all or a portion of its certificated authority. Notice must include a cover letter and a copy of the relevant document such as an ordinance, resolution, franchise, or contract.

(5) **City service discontinued.** When a city notifies the commission of its decision to discontinue providing solid waste collection service to the extent solid waste collection service is provided within the limits of a city or town:

(a) Except to the extent set forth in subsection (4) of this section, the previously canceled certificated authority will be reinstated, and a new or revised certificate will be issued to the previous certificate holder or its successor if the previous certificate holder, or its successor, petitions for reinstatement and:

(i) Prior certificated authority was canceled by city annexation or incorporation; or

(ii) Prior certificated authority was canceled by commencement of city service under RCW 80.77.020.

(b) The commission will consider all applications for new certificated authority if the previous certificated authority was purchased or condemned.

(c) The commission will consider applications for new certificated authority if no previous certificate holder exists.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-141, filed 3/23/01, effective 4/23/01.]

WAC 480-70-146 Contracts. Contracts accompanying applications for contract certificated authority must be origi-

nal or duplicate original contracts. They must be mutually binding on both the shipper and company, entered into in good faith, and include:

(1) The starting and ending dates of the agreement;

(2) The route or area in which service will be provided;

(3) The kind and minimum quantity of the commodities to be transported (the minimum quantity must be an amount sufficient to allow operation of the company's equipment at a profit);

(4) The rates agreed on by the parties;

(5) A description of the process for terminating the contract before the stated expiration date, that specifies that at least five days' notice must be given to the commission and to both parties before the termination process may be implemented; and

(6) A provision stating that the contract is subject to the authority of the commission to fix or amend just, fair, and reasonable classifications, rules, and minimum rates and charges for solid waste collection service.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-146, filed 3/23/01, effective 4/23/01.]

WAC 480-70-150 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-151 Service agreements between companies. (1) A company may enter into an agreement to allow another company to operate in its territory when the first company:

(a) Holds exclusive traditional authority for solid waste collection service in the territory to be served; and

(b) Lacks suitable equipment to adequately serve its customers, or is unable to provide service on a temporary basis due to situations such as, but not limited to, road closures, temporary weight limitations, or other temporary restrictions imposed by local jurisdictions.

(2) The commission must approve the agreement before any service is provided. To apply for commission approval, the companies must jointly file a copy of the written agreement at least fifteen days before the proposed effective date of the agreement. Companies may request the fifteen-day approval period be waived in the case of an emergency.

(3) The agreement filed with the commission must clearly state:

(a) The first company will bill customers for service provided by the second company at rates and charges contained in the first company's filed tariff.

(b) The first company will pay the second company for providing service in compliance with terms stated in the agreement.

(c) The beginning and ending dates of the agreement.

(d) A provision for early termination of the agreement that includes at least five days' notice to the commission and to each party.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-151, filed 3/23/01, effective 4/23/01.]

WAC 480-70-155 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-156 Contracts or service agreements with third-party waste brokers. A company providing solid waste service under a contract or agreement with a third-party waste broker must comply with the laws of the state of Washington, commission rules and policies relating to solid waste collection and/or disposal, and the provisions contained in the company's filed, approved tariffs.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-156, filed 3/23/01, effective 4/23/01.]

WAC 480-70-160 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-161 Suspending certificates. (1) Cause for suspension. The commission may suspend a certificate for cause. Cause includes, but is not limited to:

- (a) Failure to maintain evidence of required liability insurance coverage for all areas of a company's operations;
- (b) Failure to file an annual report or pay required regulatory fees;
- (c) Failure to comply with the rates and rules contained in the company's filed tariff;
- (d) Failure or refusal to comply with operating standards that protect the public health, safety or welfare;
- (e) Allowing others to operate under a company's certificated authority without having first obtained commission approval; or
- (f) Operating in a manner that violates the rights of customers and/or constitutes an unfair or deceptive business practice.

(2) **Notice of suspension.** The commission will issue an order notifying the company of the commission's action to suspend a certificate. Suspension is effective on the date the commission mails the suspension order (service date).

(3) **Contest of suspension.** A company may contest the suspension of its certificate by requesting a hearing or brief adjudicative proceeding.

(4) **Suspension without opportunity for prior hearing.** The commission may suspend a certificate without providing an opportunity for prior hearing if there is imminent danger to the public health, safety, or welfare, and there is insufficient time to conduct a hearing. If the commission invokes this suspension clause, the commission will, as soon as is practical, schedule a hearing or brief adjudicative proceeding to determine if the suspension should continue in force and effect.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-161, filed 3/23/01, effective 4/23/01.]

WAC 480-70-166 Canceling certificates. (1) Cause for cancellation of a certificate. The commission may cancel a certificate for cause. Cause includes, but is not limited to:

- (a) Operating without proper insurance;

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

(c) Failure to correct within the time specified in a suspension order all conditions listed in the suspension order that led to the certificate's suspension;

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

(e) Repeated failure or refusal to comply with applicable laws and rules pertaining to operations of solid waste collection companies;

(f) Failure to supply requested information needed by the commission in the performance of its regulatory functions;

(g) Submission of false, misleading or inaccurate information; or

(h) Allowing others to operate under a company's certificated authority without having first obtained commission approval.

(2) Cancellation hearing.

(a) The commission will normally hold a hearing prior to canceling a certificate, or will offer the company an opportunity for a hearing.

(b) No hearing will be held if an order of suspension issued by the commission stated a date by which a company must correct the causes that led to the suspension, and the company failed to take corrective action within the time frame shown in that order.

(3) **Notice of cancellation.** The commission will issue an order notifying the company of the commission's action to cancel a certificate. The cancellation is effective on the date the commission mails the cancellation order (service date).

(4) **Contest of cancellation.** A company may contest the cancellation of its certificate by requesting a hearing or brief adjudicative proceeding.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-166, filed 3/23/01, effective 4/23/01.]

WAC 480-70-170 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-171 Certificates, reinstatement. (1) The commission may reinstate a certificate canceled for cause under provisions of WAC 480-70-166 if the company:

(a) Corrects all conditions leading to the cancellation; and

(b) Files a certificate application to reinstate authority with proper application fee within thirty days of the cancellation service date.

(2) The commission may reinstate a certificate, or any portion of the operating authority contained in a certificate, canceled by city annexation or incorporation under the conditions specified in WAC 480-70-141.

(3) The commission may reinstate a certificate suspended under the provisions of WAC 480-70-161 if the company satisfies the terms of the suspension and all conditions leading to the suspension are corrected.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-171, filed 3/23/01, effective 4/23/01.]

WAC 480-70-176 Certificates, discontinuance of operations. (1) A company must not discontinue operations authorized under its certificate without prior approval from the commission.

(2) A company requesting commission approval to discontinue operations must give at least ten days' written notice to its customers, officials of cities and counties where affected customers reside, and the commission.

(3) A request for approval to discontinue operations must contain at least the following:

(a) The name, telephone number, mailing address, telefacsimile number (if any) and e-mail address (if any) of a contact person;

(b) An explanation of the company's reasons for requesting approval to discontinue operations;

(c) A statement of the number of customers, by class of service provided, who will lose service if the commission grants the requested approval to discontinue operations; and

(d) An explanation of options available to the customers who will lose service. For example: Names of landfills and/or transfer stations to which the customer may self-haul or the names of companies with overlapping certificates.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-176, filed 3/23/01, effective 4/23/01.]

WAC 480-70-180 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-181 Public liability and property damage insurance. (1) **Insurance coverage.** A company must have public liability and property damage insurance covering each motor vehicle it operates in the state of Washington.

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

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

(c) If a company operates without the required insurance coverage, the commission may take immediate compliance action as described in WAC 480-70-161 and 480-70-166.

(2) **Insurance limits.** The minimum limits of required public liability and property damage insurance for motor vehicles operated by companies are:

Vehicles that:	Must have bodily injury and property damage insurance or bond with the following minimum limits:
Have Gross Vehicle Weight Rating (GVWR) less than 10,000 pounds	\$300,000 combined single limit coverage
Have GVWR 10,000 pounds or more	\$750,000 combined single limit coverage

Vehicles that:	Must have bodily injury and property damage insurance or bond with the following minimum limits:
Transport quantities of bio-medical waste not subject to federal regulation	\$1,000,000 combined single limit coverage
Transport quantities of hazardous or biomedical waste that are subject to federal regulation	The federal minimum combined single limit coverage

(3) **Insurance filings.** A company must file and maintain a Uniform Motor Carrier Bodily Injury Property Damage Certificate of Insurance (Form E) as a condition of being issued and maintaining a certificate.

(a) The Form E is a standard motor carrier insurance form recognized by the insurance industry and is normally filed with the commission by an insurance company rather than an insurance agent.

(b) The Form E must be issued in the company name exactly as it appears on the company's certificate or application for certificate.

(c) The Form E filing must remain in effect until canceled by a Notice of Cancellation (Form K). The Form K must be filed with the commission by the insurance company not less than thirty days before the cancellation effective date.

(d) A company may file a Uniform Motor Carrier Bodily Injury and Property Damage Liability Surety Bond (Form G) instead of the Form E.

(4) **Insurance binders.** The commission will accept an insurance certificate or binder for up to sixty days.

(a) An insurance certificate or binder may be canceled by written notice filed with the commission at least ten days before the cancellation effective date.

(b) An insurance certificate or binder must be replaced by a Form E within sixty days of filing, or before the expiration date, whichever occurs first.

(c) Insurance certificates or binders must show:

(i) The commission as the named insurance certificate holder;

(ii) The company name, exactly as it appears on the company's certificate or application for a certificate, as the insured;

(iii) The insurance company name;

(iv) The insurance policy number;

(v) The insurance policy effective and expiration dates; and

(vi) The insurance limits of coverage.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-181, filed 3/23/01, effective 4/23/01.]

WAC 480-70-186 Insurance cancellation. If a company's insurance filing is canceled, and a new filing that provides continuous coverage is not filed before the cancellation effective date, the commission may:

(1) Dismiss a company's application for a certificate;

(2) Suspend a company's certificate under the provisions of WAC 480-70-161;

(3) Cancel a company's certificate under the provisions of WAC 480-70-166.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-186, filed 3/23/01, effective 4/23/01.]

WAC 480-70-190 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-191 Vehicle licensing. A company must ensure that each vehicle it operates is in compliance with all appropriate state vehicle licensing laws, commission rules, and commission orders.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-191, filed 3/23/01, effective 4/23/01.]

WAC 480-70-196 Commercial vehicle defined. For the purposes of the rules in Part 5—Equipment and Drivers, "commercial motor vehicle" means any self-propelled or towed motor vehicle used on a highway when the vehicle:

(1) Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of ten thousand and one pounds or more, whichever is greater; or

(2) Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary under 49 CFR, subtitle B, chapter I, subchapter C.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-196, filed 3/23/01, effective 4/23/01.]

WAC 480-70-200 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-201 Vehicle and driver safety requirements. (1) Companies must comply with all state and local laws and rules governing vehicle and driver safety. Companies must also comply with the parts of Title 49, Code of Federal Regulations (49 CFR) shown in the following chart, that are adopted by reference. Information about 49 CFR regarding the version adopted and where to obtain copies is set out in WAC 480-70-999.

49 CFR Part Adopted:	Portions Not Adopted:
Part 382 - Controlled Substance and Alcohol Use and Testing	n/a
Part 383 - Commercial Driver's License Standards; Requirements and Penalties	n/a

49 CFR Part Adopted:	Portions Not Adopted:
Part 390 - Safety Regulations, General	(1) The terms "motor vehicle," "commercial motor vehicle," and "private vehicle" are not adopted. Instead, where those terms are used in Title 49 CFR, they shall have the meanings assigned to them in WAC 480-70-041 (private vehicle) and WAC 480-70-196 (commercial motor vehicle). (2) Whenever the term "director" is used in Title 49 CFR, it shall mean the commission.
Part 391 - Qualification of Drivers	(1) A driver who operates exclusively within the state of Washington is not subject to the provisions of Part 391.49 (waiver of certain physical defects), if that driver has obtained from the Washington department of licensing a driver's license with endorsements and restrictions allowing operation of the motor vehicle being driven. (2) A driver who operates exclusively within the state of Washington is not subject to the provisions of Part 391.11(b)(1) (general qualifications - age). A driver operating exclusively within the state of Washington may drive a motor vehicle if he or she is at least eighteen years of age.
Part 392 - Driving of Motor Vehicles	n/a
Part 393 - Parts and Accessories Necessary for Safe Operation	n/a
Part 395 - Hours of Service of Drivers	n/a
Part 396 - Inspection, Repair, and Maintenance	n/a
Part 397 - Transportation of Hazardous Materials, Driving and Parking Rules	n/a

(2) Companies must:

- (a) Maintain all motor vehicles in a safe and sanitary condition;
- (b) Ensure that vehicles are free of defects likely to result in an accident or breakdown; and
- (c) Make vehicles available for inspection by commission representatives.

(3) The commission will place out-of-service any motor vehicle having safety defects identified in the *North American Uniform Out-Of-Service Criteria*. Information about the *North American Uniform Out-Of-Service Criteria* regarding the version adopted and where to obtain copies is set out in WAC 480-70-999. A company must not operate any vehicle

placed out-of-service until after proper repairs have been completed.

(4) The commission will place out-of-service any driver meeting criteria identified in the *North American Uniform Out-Of-Service Criteria*. A company must not allow a driver who has been placed out-of-service to operate a motor vehicle until such time as the conditions causing the driver to be placed out-of-service have been corrected.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-201, filed 3/23/01, effective 4/23/01.]

WAC 480-70-206 Motor vehicle identification. A company must ensure that all motor vehicles operated, including leased, substitute or emergency vehicles, display the certificate holder's name (or registered trade name) and certificate number on each side of the vehicle. All identifications must be clearly legible. All identifications, except those displayed on leased or substitute vehicles, must be permanent.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-206, filed 3/23/01, effective 4/23/01.]

WAC 480-70-210 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-211 Leasing vehicles. (1) A company operating a leased vehicle must have a written lease agreement with the owner of the vehicle.

(2) It is the company's responsibility to ensure that:

(a) A copy of the lease is carried in each leased vehicle;

(b) A copy of the lease is kept in the company's files during the effective period of the lease and for at least one year after the lease expires;

(c) A copy of the lease is provided to the owner of the leased vehicle;

(d) The company has complete possession, control, and use of the motor vehicle during the period of the lease;

(e) The leased motor vehicle is properly insured as specified in WAC 480-70-181;

(f) The leased vehicle is properly identified as specified in WAC 480-70-206;

(g) The leased vehicle is operated in compliance with all safety laws and rules, including those regarding vehicle inspection, records, and maintenance; and

(h) The terms of the lease are followed.

(3) If a company leases a vehicle with a driver, the company must also ensure that:

(a) The driver of the leased motor vehicle is on the company's payroll during the lease period;

(b) The driver operates in compliance with all driver qualification, safety and hours of service laws and rules;

(c) The driver is subject to the company's alcohol and controlled substance policies; and

(d) The company maintains appropriate files and paperwork on the driver for a period of at least one year following the expiration of the lease.

(4) The company and the owner of the leased vehicle must specify in the lease who is responsible for all expenses relating to the leased motor vehicle. The lease must contain all information shown in the following sample lease form. If a company uses an alternate form, the company must ensure the alternate form contains all information requested on the sample.

Illustration of motor vehicle lease form:

EQUIPMENT LEASE					
A copy of this lease must be carried in the leased vehicle. Copies must also be maintained in the files of both parties for the length of the lease plus one year following the expiration of the lease.					
Name and address of company leasing vehicle (lessee):				G certificate number:	
Name and address of party from whom the vehicle is being leased (lessor):				G certificate number, if any:	
Vehicle make and year:		Vehicle Serial Number:		Vehicle License Number:	
The lease will become effective at (time) on (date), and will continue until (date) unless canceled in writing before that date.					
Compensation that will be paid to owner of vehicle (lessor): \$. per					
If lease also includes driver, compensation for driver: \$. per					
Lessee/Lessor Expense Agreement					
Place an "x" or a checkmark next to each item indicating whether the lessee or lessor is responsible for the listed expense.					
Item	Lessee	Lessor	Item	Lessee	Lessor
Vehicle Licensing Fees			Equipment Rental Taxes		
Toll and Ferry Charges			Fuel and Oil		
Vehicle Loan Payments			Vehicle Maintenance		
Parts & Tires			Major Vehicle Repairs		
Insurance, Comprehensive			Minor Vehicle Repairs		
Insurance, Theft			Other (explain):		
Insurance, Fire			Other (explain):		
Under the terms of this lease, the lessee must:					

<ul style="list-style-type: none"> • Have complete possession, control and use of the vehicle during the lease period; • Be in complete control of all operations; • Provide liability and property damage insurance; • Ensure that the driver of the leased vehicle is an employee of the lessee; 	<ul style="list-style-type: none"> • Ensure that the vehicle is properly identified; • Comply with all safety regulations; and • Bill and collect proper tariff rates and charges.
<p>The parties signing this lease certify that the information shown above is true and correct, that the provisions of the lease will be enforced by both parties, and that all operations conducted with the leased equipment will be conducted in compliance with applicable laws and rules.</p>	
<p>Lessee Signature/Title. date signed.</p>	
<p>Lessor Signature/Title. date signed.</p>	

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-211, filed 3/23/01, effective 4/23/01.]

WAC 480-70-220 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-216 Commission compliance policy. (1)

The commission is authorized to administer and enforce laws and rules relating to solid waste collection companies. The commission delegates authority to the commission staff to inspect equipment, drivers, records, files, accounts, books, and documents. The commission also delegates to its staff authority to arrest without warrant or to issue citations to any person found violating this chapter in the presence of its staff.

(2) The commission encourages voluntary compliance with statutes, rules, and commission orders.

(3) The commission will enforce statutes, rules, and commission orders through:

(a) A program emphasizing education and technical assistance.

(b) A compliance program including:

- (i) Investigation and resolution of complaints;
- (ii) Safety compliance reviews of drivers and equipment;
- (iii) Economic compliance audits including, but not limited to, rates, charges, and billing practices;
- (iv) Coordinated roadside enforcement; and
- (v) Cooperative agreements with other agencies to enable effective enforcement and appropriate use of resources.

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

(a) Administrative actions that the commission believes will best ensure future compliance by the violating company, including, but not limited to, warnings, sanctions, or penalty assessments under the provisions of chapter 81.04 RCW;

(b) Suspension or cancellation of a company's certificate:

(i) When the commission believes education and penalties have not been, or will not be, effective to secure compliance;

(ii) For willful violations of legal requirements; or

(iii) For serious actions including, but not limited to, misrepresentation;

(c) Enforcement action against violators based on information collected by commission staff; or

(d) Proceedings in district and superior court.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-216, filed 3/23/01, effective 4/23/01.]

WAC 480-70-221 Sanctions for operating without a valid certificate. (1) **Operations without a certificate.**

(a) A company that operates as a solid waste collection company without a certificate from the commission is subject to citation if observed or contacted by a representative of the commission or other law enforcement agency.

(b) If the commission receives information that a solid waste collection company is operating without a certificate, and a commission representative or other law enforcement agency has not observed those operations, the commission may:

(i) Issue a citation through the court; or

(ii) Contact the solid waste collection company and provide education and technical assistance concerning applicable regulations. This includes supplying the company with a copy of the applicable laws, rules, and certificate application forms.

(c) If the solid waste collection company continues to operate without a certificate after commission education and technical assistance is offered, the commission may institute an administrative proceeding to classify the company pursuant to RCW 81.04.510. If, as a result of that proceeding, the commission formally classifies the company as a solid waste collection company operating without the required certificate, the commission will issue a cease and desist order pursuant to RCW 81.04.510.

(d) If a company operates in violation of a commission order, the commission may impose penalties and/or take legal action in court.

(2) **Operating while certificate is suspended.** A company that operates after the commission suspends the company's certificate is subject to:

(a) Misdemeanor or gross misdemeanor citations, for which the company must appear in district court;

(b) Monetary penalty assessments or other commission administrative actions; or

(c) Commission proceedings to cancel the company's certificate.

(3) **Operating after certificate is canceled.** A company that continues to operate after the commission cancels the company's certificate is subject to:

(a) Misdemeanor or gross misdemeanor citations, for which the company must appear in district court; and

(b) Enforcement proceedings in superior court.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-221, filed 3/23/01, effective 4/23/01.]

WAC 480-70-226 Tariffs, definitions used in. (See WAC 480-70-041 for definition of general solid waste terms.) Unless the language or context indicates that a different meaning is intended, the following words, terms and phrases have the following meanings:

"Bale" means material compressed by machine and securely tarped or banded.

"Bulky materials" means empty carriers, cartons, boxes, crates, etc., or materials offered for disposal, all of which may be readily handled without shoveling.

"Commercial billing" means solid waste collection service:

Billed to a commercial customer; or

Billed to, and paid for, by a property manager or owner rather than a residential tenant.

"Compacted material" means material which has been compressed by any mechanical device either before or after it is placed in the receptacle handled by the collector.

"Loose material" means material not set out in bags or receptacles, including materials which must be shoveled.

"Pass-through fee" means a fee collected by a solid waste collection company on behalf of a third party when the fee is billed directly to the customer without markup or mark-down.

"Permanent service" means container and drop-box service provided at the customer's request for a period of more than ninety days.

"Rate" means a price per unit or per service. A rate is multiplied times the number of units transported or the number of times a service is performed to determine a charge.

"Rate design" and **"rate structure"** mean the relationship between rates charged for different solid waste service options offered to customers within the same class (residential, commercial or drop box). Neither of the terms includes setting specific rates for specific services.

"Residential billing" means solid waste collection service billed to and paid for by the resident.

"Solid waste receptacle" includes the following items, with the following meanings:

• **"Automated cart"** means a cart designed to be picked up and emptied by mechanical means. The specific type and size are to be defined in rate items.

• **"Can"** means a receptacle made of durable, corrosion-resistant, nonabsorbent material that is watertight, and has a close-fitting cover and two handles. A can holds more than twenty gallons, but not more than thirty-two gallons or four cubic feet. The maximum weight of an empty and filled can will be established in each company's tariff.

• **"Cart"** means a wheeled plastic container. A cart may also be referred to as a toter. If supplied by a customer, a cart must be compatible with the collector's equipment. The size and type of cart that is compatible will be established in each company's tariff.

• **"Container"** means a detachable receptacle (normally designed to hold at least a cubic yard of solid waste) from which materials are collected by mechanically lifting the receptacle and emptying the contents into the company's vehicle.

• **"Drop box"** means a detachable receptacle used to provide solid waste collection service by the receptacle being placed on the collector's vehicle by mechanical means and transported to a disposal site.

• **"Drum"** means a metal or plastic container of approximately fifty-gallon capacity, generally used for oils or solvents. The maximum weight allowed in a drum will be established in each company's tariff.

• **"Litter receptacle"** means a container not over sixty-gallon capacity, generally placed in shopping centers and along streets or highways for litter. The maximum weight allowed in a litter receptacle will be established in each company's tariff.

• **"Micro-mini can"** means a can made of durable, corrosion-resistant, nonabsorbent material that is watertight and has a close-fitting cover. A micro-mini can may not hold more than ten gallons. The maximum weight allowed in a micro-mini can will be established in each company's tariff.

• **"Mini can"** means a can made of durable, corrosion resistant, nonabsorbent material that is watertight and has a close-fitting cover. A mini can may not hold more than twenty gallons. The maximum weight allowed in a mini can will be established in each company's tariff.

• **"Recycling bin or container"** means a bin or container designed or designated for the collection of recyclables. The size and type of recycling bin or container will be established in each company's tariff.

• **"Toter"** means a wheeled plastic container. A toter may also be referred to as a cart. If supplied by customer, a toter must be compatible with the collector's equipment. The size and type of toter that is compatible will be established in each company's tariff.

• **"Unit"** means a receptacle made of durable, corrosion-resistant, nonabsorbent material, that is watertight, and has a close-fitting cover and two handles. A unit holds more than twenty gallons, but not more than thirty-two gallons or four cubic feet. The maximum weight of an empty and filled unit will be established in each company's tariff.

Where agreed on between the company and the customer, and where allowable under local ordinance, a box, carton, cardboard barrel or other suitable container may be substituted for a solid waste can, for a single pick-up that includes removal of the container, if it meets the size and weight limits established in the carrier's tariff.

• **"Yardwaste bin or container"** means a bin or container specifically designed or designated for the collection of yardwaste. Each carrier's tariff will refer to a specific type of yardwaste bin or container to be used by customers in a service area. The type, size, weight, etc., of this type of bin or container will often be set by local government plans or ordinances.

"Special pick-up" means a pick-up requested by the customer at a time other than the regularly scheduled pick-up time, but which does not involve the special dispatch of a

truck. If a special dispatch is required, the company will assess time rates established in the company's tariff.

"Temporary service" means providing container or drop-box service at the customer's request, for a period of ninety days or less.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-226, filed 3/23/01, effective 4/23/01.]

WAC 480-70-230 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-231 Tariffs, general. (1) **Solid waste tariffs no longer subject to chapter 480-149 WAC.** As of the effective date of these rules, solid waste collection companies are not subject to the provisions of the commission's Tariff Circular No. 6 (chapter 480-149 WAC). They are instead subject to the requirements of this chapter.

(2) **Additional regulatory requirements.** Companies are also subject to additional rules regarding rate filings contained in chapter 480-09 WAC, including, but not limited to:

(a) WAC 480-09-015 - Submission of "confidential" information;

(b) WAC 480-09-101 - When communications are received;

(c) WAC 480-09-120 - Filing and service by telefacsimile; and

(d) WAC 480-09-300 through 480-09-335 - Filing requirements.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-231, filed 3/23/01, effective 4/23/01.]

WAC 480-70-236 Tariffs, all companies must file tariffs and must comply with the provisions of approved tariffs. (1) No company may provide solid waste collection service until it files, and the commission approves, a tariff.

(2) No company may assess rates and charges for solid waste collection service that are higher, lower, or different from those contained in its approved tariff.

(3) No company may accept a payment for service provided that is higher, lower, or different from the rates and charges contained in its approved tariff.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-236, filed 3/23/01, effective 4/23/01.]

WAC 480-70-240 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-241 Tariffs, content. A company must file with the commission a tariff showing all rates and charges it will charge its customers, together with rules that govern how rates and charges will be assessed. The tariff must contain, but is not limited to:

- (1) A title page;
- (2) A rules section;
- (3) A rates section; and
- (4) A map.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-241, filed 3/23/01, effective 4/23/01.]

WAC 480-70-245 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-246 Tariffs, posting. (1) A company must maintain a copy of its current approved tariff in its offices.

(2) The tariff maintained in company offices must be available for inspection on request by customers.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-246, filed 3/23/01, effective 4/23/01.]

WAC 480-70-250 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-251 Tariffs, rates and charges, general. (1) Rates and charges must cover a complete service, including disposal, unless a separate charge for disposal is specifically named in the tariff.

(2) Rates and charges must be stated by unit and billing method. For example: Dollars and cents per can, per trip, per hour, per service, per week, per month, or other.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-251, filed 3/23/01, effective 4/23/01.]

WAC 480-70-256 Tariffs, rejection. The commission will reject tariffs that:

(1) Do not contain all required information, including, but not limited to, that required by WAC 480-09-300 through 480-09-335;

(2) Do not comply with format rules;

(3) Are not accompanied by required maps;

(4) Reflect retroactive rate treatment;

(5) Are not filed in accordance with the notice requirements shown in WAC 480-70-261 through 480-70-276; or

(6) Contain provisions that conflict with state statutes or commission rules.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-256, filed 3/23/01, effective 4/23/01.]

WAC 480-70-260 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-261 Tariffs requiring one-day notice to the commission. The commission may approve on one-day notice:

(1) Initial tariff filings that accompany applications for certificated authority;

(2) Tariff adoptions filed under the provisions of WAC 480-70-321; and

(3) Tariff filings whose only purpose is to add a new service option or a service level which has not been previously included in the company's tariff, if that service option or service level is requested by a customer.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-261, filed 3/23/01, effective 4/23/01.]

WAC 480-70-262 Tariffs requiring seven-day notice to the commission. A company must provide at least seven calendar-days' notice to the commission on filings whose only purpose is:

- (1) To implement decreases in rates or charges; or
- (2) To add a new service option or service level that has not been previously included in the company's tariff.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-262, filed 3/23/01, effective 4/23/01.]

WAC 480-70-266 Tariffs requiring forty-five-day notice to the commission. A company must provide at least forty-five calendar-days' notice to the commission on any filing that will result in an increase in rates or charges to customers.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-266, filed 3/23/01, effective 4/23/01.]

WAC 480-70-270 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-271 Customer notice requirements. A company must provide notice to its customers at least once, either before (see subsection (1) of this section) or after (see subsection (2) of this section) final commission action, depending on the type of filing.

(1) Customer notice before commission action.

(a) **Thirty days' customer notice requirement.** A company must provide each affected customer a notice at least thirty days before the requested effective date when a company proposes to (see exceptions in subsection (2) of this section):

- (i) Increase recurring monthly rates;
- (ii) File a general rate case;
- (iii) Institute a charge for a service that was formerly provided without charge; or
- (iv) Restrict access to services (e.g., discontinue a service or limit access to service by imposing a new usage level on existing services).

(b) **Who must receive a notice.** A company must provide a customer notice to:

- (i) Each customer that will be affected by the company's proposal;
- (ii) County commissioners or council members in all counties where affected customers reside;
- (iii) The senior officials of affected cities (e.g., mayor or city manager) where affected customers reside; and
- (iv) The commission's designee for public affairs.

(c) **Content of notice.** The customer notice must contain, at a minimum:

- (i) The date the notice is issued;
- (ii) The company's name and address;
- (iii) A clear explanation of the reason(s) the company has requested the rate change (e.g., increase in labor costs,

recovery of new plant investment, or increased office expenses, such as, postage, and customer billing);

(iv) For services the company proposes to change, a comparison of current and proposed rates that, at a minimum, must include:

(A) The minimum volume of service offered (e.g., mini can service);

(B) The four most used services, or if fewer than four services are offered in the customer class, all services (e.g., one-can, two-can, etc.);

(C) How often the rates will be billed (for example, monthly, bimonthly or quarterly);

(D) Separately stated rates for recycling service, yard-waste service, and solid waste service, if applicable;

(E) If a service is not listed in the notice, but the rates are affected, the company must list a range of percentage increases (e.g., five to ten percent increase), and explain how a customer can get more information, if needed, by listing a toll-free telephone number;

(v) The requested effective date and, if different, the implementation date;

(vi) An explanation that the commission has authority to set final rates that may vary from the company's request, depending on the results of the commission's investigation;

(vii) A description of how customers may contact the company toll-free if they have questions or need additional information about the proposal; and

(viii) Public involvement language. A company may choose from (A) commission-suggested language, or (B) company-developed language.

(A) Commission-suggested language:

If you would like to comment on this proposal, it is important for you to do so now. Comments may be submitted in writing or presented at the commission's open public meeting. If you have questions, or you would like to be added to the mailing list for this case, you may contact the Washington Utilities and Transportation Commission at P.O. Box 47250, Olympia, WA 98504-7250; 1-800-562-6150; comments@wutc.wa.gov; or 360-664-3604 (telefacsimile).

(B) Company-developed language must provide:

- A brief explanation of how to participate in the commission's process by attending an open meeting, writing a letter, e-mail (comments@wutc.wa.gov) or telefacsimile; and
- How to contact the commission for information about the process or notification of the scheduled open meeting date, providing the commission's mailing address, and toll-free telephone number (1-800-562-6150).

(d) Notice methods permitted.

(i) Notice may be provided by bill insert, bill message, message printed on the back of the billing envelope, separate mailing, or by can tag.

(ii) A company may use separate customer notices for its residential customers and commercial customers as long as each affected customer receives notice.

(2) Customer notice after final commission action.

(a) **Notice required.** Each affected customer must receive notice on or with the first bill after the final commission decision when a company increases rates for:

- (i) Nonrecurring charges (e.g., late payment fees, NSF fees, one-time charge, etc.);

- (ii) Local taxes;
- (iii) Disposal fee increases;
- (iv) Fuel surcharges;
- (v) Credits or refunds; and
- (vi) Commodity credits and charges.

(b) **Who must receive notice.** In addition to each affected customer, a company must provide notice to:

- (i) County commissioners or council members in all counties where affected customers reside;
- (ii) The senior officials of affected cities (e.g., mayor or city manager) where affected customers reside; and
- (iii) The commission's designee for public affairs.

(c) **Content of the notice.** At a minimum, the notice provided after final commission action must include:

- (i) The effective date;
- (ii) A clear description of changes to rates and services; and
- (iii) A toll-free company contact number where customers may seek additional information.

(d) **Methods of notice permitted.** Notice may be provided by bill insert, bill message, message printed on the back of the billing envelope, separate mailing, or by can tag.

(3) **Commission assistance on the customer notice.** The commission's public affairs section is available to:

- (a) Assist companies with customer notice questions;
- (b) Review draft customer notice language; and
- (c) Offer suggestions on draft customer notice language.

If a company would like assistance, the company must submit the notice for review at least two working days before the planned notice printing date.

(4) **Other customer notice.** The commission may require additional notification to customers other than described in this rule when the commission is holding a public hearing in a contested case, or when the effect of a company's proposal may have a significant impact on:

- (a) Customer rates;
- (b) Access to services; or
- (c) When the commission determines that additional customer education is needed.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-271, filed 3/23/01, effective 4/23/01.]

WAC 480-70-276 Tariffs, less than statutory notice handling. The commission may allow tariff filings to become effective with less notice than is shown in WAC 480-70-262 and 480-70-271 when there is an emergency or when merit is shown. This process is known as "less than statutory notice" (LSN) handling. A company filing for LSN handling may use an LSN form supplied by the commission, or a letter containing at least the following information:

- (1) Company identification information:
 - (a) Name and registered trade name;
 - (b) Certificate number;
 - (c) Address;
 - (d) Telephone number, e-mail address, and telefacsimile number; and
 - (e) Name and telephone number of a person to contact regarding the filing;
- (2) Tariff identification information:

- (a) Number of the tariff being amended;
- (b) Identifying number and title of the tariff item(s) being amended; and
- (c) Number of the tariff page being amended;
- (3) Concise description of the provisions being proposed;
- (4) Reason(s) for requesting LSN handling; and
- (5) Effective date requested.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-276, filed 3/23/01, effective 4/23/01.]

WAC 480-70-280 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-281 Tariffs, format and size requirements. A company must file tariffs meeting the following criteria:

(1) Tariffs must be on forms available from the commission or on comparable forms approved by the commission.

(a) Tariffs submitted on forms other than those obtained from the commission must conform to the commission-prescribed item numbering format. For example:

Subject the item addresses	Must be in tariff item number:
Definition of terms	Item 20
Residential rates	Item 100
Disposal site rates	Item 230

(b) A complete list of item numbers is shown in the commission's tariff form.

(2) Tariffs must be filed in loose-leaf format.

(3) Tariffs must be typed or mechanically printed (not handwritten) using at least ten-point type.

(4) Tariffs must be printed on eight and one-half inch by eleven inch paper, with margins of at least one-half inch on each side.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-281, filed 3/23/01, effective 4/23/01.]

WAC 480-70-286 Tariffs, changes must be identified. Each change in rates, charges, or rules must be clearly identified by using one of the following methods:

(1) By printing the appropriate code symbol immediately to the left of the material being changed. Approved symbols are:

Code Symbol	used to indicate:
(R)	reductions in rates or charges
(A)	increases in rates or charges
(C)	changes resulting in neither increases nor decreases
(N)	new rates, services or rules

(2) By printing a notice in distinctive type at the location defined in the following table:

If the changes affect:	The notation must state:	The notation must be printed:
All rates and charges on a tariff page or on a tariff supplement page.	All rates and charges on this page are (Company would state in the blank the nature of the changes, using one of following terms: •Increases •Decreases; or •Wording changes resulting in neither increases nor decreases.)	In the top margin of the page.
All rates and charges in a tariff.	All rates and charges on this page are (Company would state in the blank the nature of the changes, using one of following terms: •Increases •Decreases; or •Wording changes resulting in neither increases nor decreases.)	In the top margin of each page.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-286, filed 3/23/01, effective 4/23/01.]

WAC 480-70-290 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-291 Tariffs, title pages. The title page of every tariff must show at least the following:

- (1) The certificate name of the company, its certificate number, and all trade names filed with the commission that the tariff applies to;
- (2) An identifying tariff number;
- (3) The number of any tariff being canceled by the tariff to which the title page applies (canceling a tariff also cancels all supplements applying to that tariff);
- (4) The types of services covered by the tariff;
- (5) A clear description of the territory in which the tariff applies;
- (6) The date the tariff is issued and date it becomes effective;
- (7) The name, title, telephone number, telefacsimile number (if any), and mailing address of the person who files the tariff; and
- (8) A box that is at least three-fourths of an inch in height, spans from margin to margin and is labeled "for official use only."

Illustration of tariff title page:

Original Title Page
<p>Tariff No. 2</p> <p>Cancels</p> <p>Tariff No. 1</p> <p>of</p> <p>John Doe's Sanitation Company, Inc. d/b/a John's Garbage and Recycle</p> <p>Certificate No. 1999</p> <p>Naming rates for the transportation and disposal of solid waste and, if noted, recycling and yardwaste collection.</p> <p>In the following described territory:</p> <p>Any County</p> <p>Issued by:</p> <p>John Jones, President 1234 East Easy Street</p>
For official use only

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-291, filed 3/23/01, effective 4/23/01.]

WAC 480-70-296 Tariffs, page format. All pages in a tariff, except the title page, must include the following:

- (1) A page header that includes:
 - (a) The identifying number of the tariff;
 - (b) A page number;
 - (c) A revision number;

Illustration of tariff page:

Tariff No. 2 Company Name: John Doe's Sanitation Co., Inc. d/b/a John's Garbage and Recycle	2nd Revised Page 18
<div style="display: flex; justify-content: space-between;"> <div> Issued by: John Jones, President Issue Date: </div> <div> Effective Date: </div> </div> <div style="text-align: center; margin-top: 10px;"> (For Official Use Only) </div>	

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-296, filed 3/23/01, effective 4/23/01.]

WAC 480-70-300 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-301 Tariffs, maps. A company must file a map with its tariff that clearly identifies the company's entire certificated authority area. If a company divides its authorized certificate area into tariff service territories, then the company must also file a map showing each of the tariff service territory divisions. The maps must meet the specifications in WAC 480-70-056.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-301, filed 3/23/01, effective 4/23/01.]

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- (d) The name of the company filing the tariff; and
- (e) Any applicable registered trade name.

(2) A page footer that includes:

- (a) The name of the person filing the tariff;
- (b) The date the page is issued;
- (c) The date the page becomes effective; and

(d) A box that is at least three-fourths of an inch in height, spans from margin to margin and is labeled "for official use only."

WAC 480-70-306 Tariffs, rules. (1) Tariff rules must be stated in clear language.

(2) A rule that applies to only a specific rate or charge must be included in the same tariff item as the applicable rate or charge.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-306, filed 3/23/01, effective 4/23/01.]

WAC 480-70-310 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-311 Tariffs, changes. Companies may change filed tariffs by one of two methods:

(1) Issuing revised pages to the tariff. A revised page must have the same page number as the page it cancels. For example: "1st revised page 1" cancels "Original page 1."

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-311, filed 3/23/01, effective 4/23/01.]

(4) Supplements to a tariff must be numbered consecutively. If a newly filed supplement cancels a previous supplement(s), that information must be clearly shown on the new supplement. For example: "Supplement 6 cancels Supplements 4 and 5."

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-316, filed 3/23/01, effective 4/23/01.]

Tariff No.

(Insert here name of prior company)

before the date of its (new company) acquired possession of that (prior) company.

ISSUED BY:

(Printed name and title of person filing adoption notice)

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-321, filed 3/23/01, effective 4/23/01.]

WAC 480-70-325 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-326 Tariffs, filing procedures. (1) Method of filing. A company may submit tariff filings to the

(5) To adopt existing filed tariffs, the company must file with the commission an adoption-of-tariff form, that must read as follows:

commission in person, by mail, or by telefacsimile. If a company files by telefacsimile, a hard copy must be mailed on the same day as the telefacsimile transmission.

(2) **Transmittal letter.** A company must file two copies of a transmittal letter with each tariff filing submitted to the commission. The commission will stamp one copy of the letter and return it to the company as acknowledgment that the filing was received.

(a) The transmittal letter must include at least the following:

- (i) The name, certificate number, and trade names of the company;
 - (ii) A description of each proposed change and a brief statement of the reason for each change;
 - (iii) The dollar and percentage amounts that revenue will change if the filing is approved by the commission;
 - (iv) The percentage amount that rates will change if approved by the commission;
 - (v) A contact person's name, mailing address, telephone number, telefacsimile number (if any), and e-mail address (if any); and
 - (vi) A statement that the company mailed a copy of the transmittal letter to the chair of the county commission or county council of each county affected by the filing.
- (b) The transmittal letter accompanying a filing that increases rates or charges must also include the date customer notice was, or will be, mailed or delivered to all affected customers.

(3) Additional documents required.

(a) **Filing due to governmental, or other entity, action.** If the tariff filing results from action of another entity or governmental body, the company must file documentation of that action. For example: Ordinances, resolutions, and disposal site fee increase or decrease notices.

(b) **Tariff filed by agent.** If the tariff filing is made by a person other than an owner, partner, or corporate officer, the company must include with its tariff filing a statement granting authority for that person to file on behalf of the company. The statement must be signed by an owner, partner, or corporate officer, and may be incorporated into the transmittal letter accompanying the filing.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-326, filed 3/23/01, effective 4/23/01.]

WAC 480-70-330 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-331 Tariffs, approval. Receipt by the commission of a tariff filing does not mean that the provisions of the filing are approved. Companies may not implement provisions contained in tariff filings until the commission approves the filing or until the provisions become effective by operation of law.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-331, filed 3/23/01, effective 4/23/01.]

WAC 480-70-335 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-336 Tariffs, free and reduced rates. (1) A company wishing to provide service at free and reduced rates under the provisions of RCW 81.28.080, must first publish those rates in its filed tariff.

(2) A company may publish free and reduced rates for collection services provided:

(a) To the United States, state, county, and municipal governments or municipal corporations;

(b) For charitable purposes; or

(c) To specific customer classes, as approved by the commission.

(3) If a company chooses to provide service at free or reduced rates, the company must publish in its tariff:

(a) The name of the customer or a detailed description of a customer class;

(b) The service provided; and

(c) The applicable rate(s), amount of reduction (such as, twenty percent), or if free, "\$0.00" or "no charge."

(4) The company's owners or stockholders are responsible for the revenue not collected by providing service at free or reduced rates. Ratepayers will not subsidize the revenue a company donates by providing service at free and reduced rates.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-336, filed 3/23/01, effective 4/23/01.]

WAC 480-70-339 Tariffs, suspension by the commission. (1) The commission may, on receiving a complaint or protest, or on its own motion, suspend tariff rates, tariff charges, or tariff rules as provided in RCW 81.04.130.

(2) The commission will not take action to suspend a tariff, or any part of a tariff, based on a complaint or protest unless the complaint or protest is filed in compliance with the commission's rules of practice and procedure as set out in chapter 480-09 WAC.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-339, filed 3/23/01, effective 4/23/01.]

WAC 480-70-340 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-341 Pass-through disposal fees. (1) A company must charge its customers the disposal fees contained in the company's lawfully filed tariffs applicable to the disposal site actually used for disposal, and not those of any other site.

(2) A company must not charge its drop-box customers disposal fees that exceed the actual cost to the company.

(3) A company must track fees charged at any disposal sites used and change its filed tariff as necessary to accurately reflect those fees.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-341, filed 3/23/01, effective 4/23/01.]

WAC 480-70-346 Rates, general rate increases and fuel cost update. A company filing a rate change based on changes in general operating expenses must update the test period fuel costs using actual fuel costs for the most recent twelve-month period.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-346, filed 3/23/01, effective 4/23/01.]

WAC 480-70-350 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-351 Rates, recycling programs, credits, or charges. (1) **Programs to encourage recycling.** The commission encourages solid waste collection companies to develop programs intended to increase recycling. The commission will, among other things, consider whether a proposed program:

- (a) Provides an incentive to the party who controls the actions or behaviors that the program intends to change;
- (b) Defines measurable outcomes reasonably attributable to the proposed program; and
- (c) May have any unintended results or consequences.

(2) **Recycling credits or charges.** Companies that estimate the revenue from the sale of recyclable materials collected in residential curbside programs as part of a deferred accounting program to return recycling revenues or charges to customers must use the most recent twelve-month historical period to estimate the revenue for the next twelve months.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-351, filed 3/23/01, effective 4/23/01.]

WAC 480-70-360 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-361 Availability of information. (1) **Company information.** A company that provides traditional solid waste service must maintain a business office and must, at least once a year, notify its customers of its:

- (a) Regular business hours. Regular business hours must include at least four hours each day between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays;
- (b) Toll-free business telephone number; and
- (c) Mailing address.

(2) **Messaging.** A company must have voice mail, an answering machine, or answering service to receive calls when company personnel are unavailable.

(3) **Responding to customer inquiries.**

(a) A company must respond to urgent messages within twenty-four hours and to all others within forty-eight hours, excluding weekends and holidays.

(b) A company must acknowledge and respond to a customer's written inquiry within two weeks of receipt.

(4) **Notice of change in address or phone number.** A company must advise current customers of any change in its address or telephone number at least ten days before the effective date.

(5) **Notice of change in pick-up date.** When a company changes the pick-up date for its certificate area, or a portion of its certificate area, the company must notify all customers in the affected area of that change. Notice may be made via mail, personal contact, or by a notice being affixed to the customer's solid waste can at least seven days before implementation of the new pick-up schedule.

(6) **Consumer brochure.** A company must provide a copy of the commission's consumer brochure to each new applicant for service, and must once a year notify its current

customers of the availability of the brochure and how to obtain a copy. A company may copy the commission's brochure and may add appropriate company-specific information.

(7) **Program information.**

The commission requires that each new applicant for service, and, at least once a year the company's current customers, must receive a list, brochure, newsletter or similar document that describes available solid waste and recycling services:

(a) **Material requirements defined.** Materials may be provided by local government solid waste divisions or solid waste coordinators directly to the public, or to the solid waste companies for delivery. This information may include reference to available local commercial recycling service options, service levels, and to methods for reducing solid waste. If such materials are not available, or if they do not include the information described in (a)(i) and (ii) of this subsection, companies must provide materials. Materials prepared by a company must describe:

(i) All service options and service levels available to the customer through the company; and

(ii) Company methods and programs available to recycle and reduce solid waste. This information may contain reference to nonregulated commercial recycling services also provided by the certificated company.

(b) **Delivery options defined.**

(i) If local government solid waste divisions or solid waste coordinators provide materials to the company, the company must distribute those materials to the company's customers.

(ii) If local government solid waste divisions or solid waste coordinators do not provide information to the company, the company's obligations under the provisions of (a) of this subsection may be satisfied if the local government solid waste divisions or solid waste coordinators distribute the information as part of the local government's solid waste, recycling, and waste reduction educational activities.

(iii) If required materials are not distributed by solid waste divisions or solid waste coordinators as part of educational activities or the solid waste divisions or solid waste coordinators do not provide the information to the companies for distribution, the company must provide the materials described in (a) of this subsection.

(8) **Information that must be available for review in company office.** A company must make the following items available to customers for review at all times the company's business office is open. The company must notify its customers, either in its consumer brochure, a newsletter, or similar document that the items are available for customer review and state the location at which they are available for that review.

(a) The commission's solid waste rules, chapter 480-70 WAC;

(b) The company's current rates and regulations (tariff);

(c) The company's current certificate;

(d) The commission's consumer brochure; and

(e) A map of the company's service territory.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-361, filed 3/23/01, effective 4/23/01.]

WAC 480-70-366 Refusal of service. (1) A company must not refuse service to an applicant or cancel service to a customer when there are unpaid bills from a prior customer at the same premises unless the company has objective evidence that the applicant is acting on behalf of the prior customer with the intent to avoid payment.

(2) A company may refuse service to an applicant or cancel service to a customer when:

(a) The customer has not complied with state, county, or municipal regulations concerning the service.

(b) In the company's judgment, providing the service would be hazardous, unsafe, or dangerous to persons or property.

(c) In the company's judgment, driveways or roads are improperly constructed or maintained, do not have adequate turn arounds, or have other unsafe conditions.

(d) The customer has an overdue bill from the company for the same class of service at the same or a different location, and satisfactory arrangements for payment of the overdue unpaid bill have not been made. For purposes of this rule, class of service means residential service or commercial service.

(e) The customer requests service at a location where there currently resides a former customer who has an overdue bill from the company for the same class of service at the same location, and satisfactory arrangements for payment of the overdue bill have not been made.

(f) The customer has obtained or retained service from the company by dishonest or fraudulent means, for the purpose of avoiding debts, including, but not limited to:

- (i) False statement of credit references or employment;
- (ii) False statement of present or prior premises address;
- (iii) Use of an alias or false name; or
- (iv) Rotation of service among roommates or persons living together.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-366, filed 3/23/01, effective 4/23/01.]

WAC 480-70-370 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-371 Service cancellation, customer. A company may require that its customers give advance notice to cancel service, but may not require more than three business days' notice. A company may continue to bill for service at approved tariff rates until the company receives notice or until the company realizes that the customer has vacated the property.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-371, filed 3/23/01, effective 4/23/01.]

WAC 480-70-376 Service cancellation, company. (1) **Reasons.** If a company has properly notified a customer as

provided in subsection (2) of this section, the company may cancel a customer's service when:

(a) The customer:

(i) Has a delinquent bill (as defined in WAC 480-70-396);

(ii) Fails to keep any agreed-upon payment arrangement;

(iii) Abandons the premises;

(iv) Violates rules, service agreements or approved tariffs; or

(v) Fails to comply with state, county, or municipal regulations concerning the service;

(b) The company:

(i) Believes it would be hazardous, unsafe or dangerous to persons or property to provide service;

(ii) Believes that driveways or roads are improperly constructed or maintained, do not have adequate turn arounds, or have other unsafe conditions; or

(iii) Has evidence that the customer, for the purpose of avoiding debts, obtained service by dishonest or fraudulent means.

(2) **Notice required.** A company is not required to notify a customer before cancellation if the cancellation is due to danger to life or property, dishonest or fraudulent use, or violation of a law requiring immediate cancellation. In all other instances, a company shall not cancel service until it meets the following notice requirements.

(a) Before a company cancels service it must provide two cancellation notices to the customer. The notices must meet the criteria shown in the following table:

The first notice:	The second notice:
1. Must be mailed to the billing address.	1. Must be made at least twenty-four hours before the cancellation date and time specified in the first required notice.
2. Must contain at least the following:	2. Must allow the customer until 5:00 p.m. of the following business day to comply.
<ul style="list-style-type: none"> • A cancellation date and time. The date and time must be not less than eight business days after the date the notice is mailed if mailed in the state of Washington. The date and time must be not less than 11 business days if mailed from outside the state of Washington. • All pertinent information about the reason for the cancellation. • All pertinent information about how to correct the reason for cancellation. 	3. Must be made by one of the following: By telephone. A company must call the customer. If the company representative is unable to speak with the customer on the first attempt, at least one additional attempt must be made. If a customer has provided the company with a business or message telephone number, the second attempt may be made to that number. By personal delivery. A company providing notice by personal delivery must make at least one attempt to contact the customer. The company may personally deliver notice by placing a written notice or tag on the customer's solid waste can, container or drop box or on the primary residence door.
	4. Must contain at least the following:
	<ul style="list-style-type: none"> • A cancellation date and time.

The first notice:	The second notice:
<ul style="list-style-type: none"> The company's name, address and toll-free telephone number by which to contact the company to discuss the pending cancellation. <p>3. The company must maintain a written record of all cancellation notices issued.</p>	<ul style="list-style-type: none"> All pertinent information about the reason for the cancellation. All pertinent information about how to correct the reason for cancellation. The company's name, address and toll-free telephone number to contact the company to discuss the pending cancellation. <p>5. The company must maintain a record of attempts made to contact the customer. The record must show:</p> <ul style="list-style-type: none"> The telephone number called; The date and time the call was made; and The result of the call. For example: Left a message, no answer, line busy, etc.

(3) Notice expiration.

(a) **No mutually agreed-upon arrangements.** Cancellation notices expire ten business days after the first day that the company may discontinue service. If the company does not cancel service within ten business days, the notice process must start over.

(b) **Mutually agreed-upon arrangements made.** Cancellation notices do not expire if mutually agreed-upon arrangements have been made and confirmed in writing by the company. A company may cancel service without further notice if the customer fails to keep the agreed-upon arrangements.

(4) **No cancellation while customer is pursuing a dispute.** If the customer pays all undisputed amounts when due, and corrects any conditions posing a danger to health, safety or property, a company must not cancel service while:

(a) The customer is pursuing any remedy or appeal provided by these rules;

(b) The customer is attempting to resolve a complaint with the company's representatives; or

(c) The customer is attempting to resolve a complaint with the commission's consumer affairs section staff.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-376, filed 3/23/01, effective 4/23/01.]

WAC 480-70-380 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-381 Reinstatement of service following cancellation. A company must reinstate service on the next scheduled pick-up date, unless asked not to do so by the customer, when:

(1) The responsible party corrects the causes of cancellation;

(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 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-381, filed 3/23/01, effective 4/23/01.]

WAC 480-70-386 Complaints. (1) Company responsibility.

(a) **Complaints from customer.** When a company receives a complaint from a customer or an applicant for service, it must:

(i) Acknowledge the complaint;

(ii) Investigate promptly;

(iii) Report the results of the investigation to the complainant;

(iv) Take corrective action, if warranted, as soon as appropriate under the circumstances;

(v) Inform the complainant that the decision may be appealed to a higher level representative of the company, if any;

(vi) Inform the complainant, if still dissatisfied after speaking with the higher level representative, of the commission's availability for review of the complaint; and

(vii) Provide the complainant with the commission's address and toll-free telephone number.

(b) **Complaint referred by commission.** When commission consumer affairs staff refer an informal complaint to the company, the company must:

(i) Investigate and report the results to the commission consumer affairs staff within two business days (the commission consumer affairs staff may grant an extension of time for responding to the complaint if requested and warranted);

(ii) Keep the commission consumer affairs staff informed of progress toward the solution; and

(iii) Inform the commission consumer affairs staff of the final result.

(c) **Complaint record.** A company must keep a record of all complaints concerning service or rates for at least one year. The record of complaints and rates must be made readily available for commission review. The record must contain:

(i) The complainant's name and address;

(ii) Date and nature of the complaint;

(iii) Action taken; and

(iv) Final result.

(2) **Complaints to commission.** Applicants, customers, or their representatives may file with the commission either:

(a) An informal complaint against the company under the provisions of WAC 480-09-150; or

(b) A formal complaint against the company under the provisions of WAC 480-09-500.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-386, filed 3/23/01, effective 4/23/01.]

WAC 480-70-390 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-391 Credits as compensation in consumer complaints or problems. Companies may offer customers a credit on the customers' bills for:

(1) A missed collection, regardless of the reason the collection was missed; or

(2) As compensation for service quality problems, billing problems, or other problems experienced by the customer.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-391, filed 3/23/01, effective 4/23/01.]

WAC 480-70-396 Billing. (1) **Billing period.** A company may bill its customers for one, two, or three months of service.

(2) **Advance billing and payment delinquency dates.** The following chart defines the maximum period allowed for advance billing and the date when a bill may be considered delinquent:

Billing period	Maximum advance billing period allowed	Delinquency date
One month's service (monthly)	No advance billing allowed	May not be less than twenty-one days after the date the bill is mailed
Two months' service	One month advanced billing allowed	May not be until the last day of the second month
Three months' service	Two months' advance billing allowed	May not be until the last day of the third month

(3) Bills issued to customers must clearly show the company's name and applicable registered trade name, business address, and toll-free telephone number where a customer may contact the company. Bills must also show:

(a) Account information, including:

(i) The customer's name, service address, and billing address;

(ii) Company customer identification number, if any;

(iii) The billing period;

(iv) The date the bill was mailed;

(v) The date payment is due; and

(vi) The date the bill becomes delinquent;

(b) Rate information, including:

(i) The percentage amount or minimum charge for late payments (may not exceed one percent of the unpaid balance or one dollar, whichever is greater);

(ii) All rates or charges billed to the customer, shown as separate line items on the bill (for example: Service and size of container; yardwaste service and size of container; recycling service and recycling commodity adjustment);

(iii) Other tariffed services (for example: Drive-in charges, carry-out charges, and occasional extras); and

(iv) The percentage rate and dollar amount of any government tax or fee imposed on the company and passed on directly to customers;

(c) Other information as may be directed by the commission.

(4) If a customer initiates or terminates solid waste service within a month, monthly rates and charges must be prorated based on the number of pick-ups actually provided.

(5) The commission may allow consolidated billing for regulated and nonregulated activities.

(a) A consolidated billing must:

(i) Disclose nonregulated activity as a separate line item; and

(ii) Include a telephone number where the customer may contact the company providing the nonregulated activity.

(b) If a customer makes partial payment, a company must apply the payment to the regulated solid waste charges first.

(c) A company may not discontinue solid waste service if the customer does not pay for nonregulated services, but has paid in full for regulated solid waste service.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-396, filed 3/23/01, effective 4/23/01.]

WAC 480-70-400 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-401 Payment options. A company may accept payment by cash, money order, personal check, certified check, debit card, or credit card.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-401, filed 3/23/01, effective 4/23/01.]

WAC 480-70-405 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-406 Refunds. (1) When there has been a transaction that results in a credit being due the customer, the following apply:

(a) If the amount due is five dollars or less, an adjustment must be shown on the next regular bill.

(b) If the amount due is more than five dollars, the customer may accept an adjustment to the account or request a refund. If the customer elects to have an adjustment made, it must show on the next regular billing. If the customer chooses to receive a refund, the company must issue a check within thirty days of the request.

(2) **Overcharges.** Once a company becomes aware that it has overcharged a customer, it must provide a refund or bill adjustment credit to the customer. The customer must be given a choice as to which option is preferred. The refund or credit must be the amount overcharged in the three years before the date of discovery.

(3) **Prepayments.** If a customer has paid service fees in advance, service is discontinued during the prebilled period, and the customer is due a refund, the following apply:

(a) A company must honor all requests for refunds of the unused portion of prepayments.

(b) If the customer provides a forwarding address to the company or one can be obtained from the U.S. Post Office, the company must issue a refund check no more than thirty days following the customer's request.

(c) If the customer cannot be located or did not provide a forwarding address and the U.S. Post Office cannot furnish a forwarding address, the amount may be presumed to be abandoned.

done and is subject to the Uniform Unclaimed Property Act after one year.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-406, filed 3/23/01, effective 4/23/01.]

WAC 480-70-410 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-411 Establishing credit and deposits. Prepayments made to secure temporary drop-box service are not subject to the provisions of this rule. Refer to WAC 480-70-416 for provisions related to prepayments.

(1) **Establishing credit - residential service.** A company must not collect a security deposit if an applicant for residential service can establish satisfactory credit by any one of the following:

(a) The applicant had prior service with the company or another solid waste collection company for at least six of the twelve months before the application date and:

- Service was not canceled for nonpayment;
- The customer received no more than one delinquency notice; and

• References with the other company may be quickly and easily checked. A company may request that the references from the previous company be in writing.

(b) The applicant had consecutive employment during the prior twelve months with no more than two employers and is currently employed or has a regular source of income.

(c) The applicant owns or has a legal interest in the premises being served.

(d) The applicant can furnish a satisfactory guarantor who will be responsible for payment of solid waste bills in the event of cancellation or default by the customer, in a specified amount, not to exceed the amount of the required cash deposit required.

(e) The applicant personally produces at the company's business office two major credit cards, or other credit references that the company may quickly and easily check, that demonstrate a satisfactory payment history.

(2) **Establishing 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 company may require a deposit when:

• The applicant has failed to establish a satisfactory credit history as outlined in subsections (1) and (2) of this section;

• The applicant's service from another solid waste company was canceled for failure to pay amounts owing when due during the twelve months before the application date;

• The applicant has an unpaid, overdue balance owing for similar service from the solid waste company to which application is being made or from any other solid waste company;

• Two or more delinquency notices have been served on the applicant by any solid waste company during the prior twelve months; and

• The application is to begin or continue service to a residence where a prior customer still lives and owes a past due bill to the solid waste company.

(4) **Amount of deposit.** Deposits required for a customer or location must not exceed:

Company billing period:	Maximum deposit amount allowed:
Monthly	Two-twelfths of the estimated annual billing
Bimonthly	Three-twelfths of the estimated annual billing
Trimonthly (quarterly)	Four-twelfths of the estimated annual billing.

(5) **Transfer of deposit.** When a customer moves to a new address in the company's service territory, the deposit, less any outstanding past-due balance owing from the old address, must be transferred.

(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 annually mail a notice to solid waste collection companies advising them of the specific rate.

(b) Earn the calculated interest rate during January 1 through December 31 of the subsequent year.

(c) Be computed from the time of deposit and 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 starting or continuing service, the company must allow the applicant or customer to pay on the following schedule:

- Fifty percent of the deposit must be paid before service;
- Twenty-five percent must be paid in each of the next two months.

(8) **Receipt for deposit.** A company must furnish a receipt to each applicant or customer for the amount deposited.

(9) **Refund of deposits required.** A company must refund deposits plus accrued interest when there has been satisfactory payment as defined in (a) of this subsection, or service is terminated.

(a) **"Satisfactory payment"** means a customer has paid for service for twelve consecutive months in a prompt and satisfactory manner as evidenced by the following:

• The company has not started a cancellation process against the customer; and

• The company has issued no more than two notices of delinquency to the customer.

(b) **Termination of service.** When service is canceled, the company must return to the customer the amount then on deposit plus accrued interest, less any amounts due to the company.

(10) **Refund of deposits, manner.** A company must refund any deposit, plus accrued interest, in the manner chosen by the customer at the time of deposit, or as modified on

a later date. The customer must choose one of the following methods:

(a) 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) A credit applied to the customer's account for service beginning in the thirteenth month.

(11) **Additional deposit.** Nothing in this rule prevents the requiring of a larger deposit or a new deposit when conditions warrant. A company requiring a new or larger deposit must specify the reasons in writing to the customer. Any requirement for a new or larger deposit must comply with the standards in this rule.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-411, filed 3/23/01, effective 4/23/01.]

WAC 480-70-416 Prepayments, temporary container and drop-box service. A company may require its temporary commercial service customers to prepay either:

(1) An amount not exceeding the estimated total due for delivery of the container or drop box, plus rent for the first month, plus pick-up charges and disposal fees for one month; or

(2) Fifty percent of the estimated total that will apply over the length of the service agreement.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-416, filed 3/23/01, effective 4/23/01.]

WAC 480-70-420 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-421 Fair use of customer information.

(1) Customer information includes the customer's name, address, telephone number, service level, credit and deposit information, and billing history.

(2) Companies must use customer information only for:

(a) Providing and billing for services the customer requests;

(b) Marketing new services or options to its customers; or

(c) Providing information to its customers.

(3) Any sale or release of customer information without the written permission of the customer is prohibited. The only exceptions to this rule are:

(a) Release of information to the commission to investigate or resolve complaints filed with the commission by a customer;

(b) Sharing nonpayment information with agencies the company engages to act as the company's agent in pursuing collection of past due accounts; and

(c) Release of information of a former customer for purposes of WAC 480-70-411 (1)(a).

(4) Companies are allowed to collect and release customer information in aggregate form if the aggregated information does not allow any specific customer to be identified.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-421, filed 3/23/01, effective 4/23/01.]

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WAC 480-70-426 Biomedical waste, purpose. It is a matter of statewide concern that biomedical waste be handled in a manner that protects the health, safety, and welfare of the public, the environment, and the workers who handle the waste.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-426, filed 3/23/01, effective 4/23/01.]

WAC 480-70-430 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-431 Biomedical waste, adoption of federal regulations. (1) Companies transporting biomedical waste must comply with all federal, state and local laws and rules governing such transportation. Companies must also comply with Parts 170 through 189 of Title 49, Code of Federal Regulations (49 CFR), that are adopted by reference. Information about 49 CFR regarding the version adopted and where to obtain copies is set out in WAC 480-70-999.

(2) Any company transporting waste, that meets either federal or state criteria as biomedical waste, must handle and transport that waste according to the appropriate requirements of the federal hazardous materials regulations and the additional requirements in these rules.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-431 (Docket No. TG-990161, General Order No. R-479), § 480-70-431, filed 3/23/01, effective 4/23/01.]

WAC 480-70-436 Biomedical waste, operational requirements. (1) A company collecting, transporting and disposing of biomedical waste as defined in WAC 480-70-041 must prepare and maintain a biomedical waste operating plan.

(2) A company must keep the biomedical waste operating plan:

(a) On file in the company's main office; and

(b) A copy must be carried in each motor vehicle used in transportation of biomedical waste.

(3) The biomedical waste operating plan must include provisions ensuring that:

(a) Biomedical waste is kept separate from any other solid waste until treatment or disposal;

(b) Only authorized and properly trained persons collect, transport, and dispose of biomedical waste;

(c) Unauthorized persons are prevented from having access to, or contact with, biomedical waste;

(d) Any motor vehicle used to collect, transport or dispose of biomedical waste is properly decontaminated;

(e) Employees are provided and required to use clean gloves and uniforms, and any other necessary protective clothing when collecting, transporting, and disposing of biomedical waste; and

(f) Appropriate methods are available to decontaminate any person exposed to biomedical waste during collection, transportation, and disposal.

(4) The biomedical waste operating plan must also include alternative storage, treatment and disposal sites in case of an accident or unavailability of the primary storage, treatment, or disposal site.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-436, filed 3/23/01, effective 4/23/01.]

WAC 480-70-440 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-441 Biomedical waste, training requirements. (1) Any person involved in collection, transportation, and disposal of biomedical waste must be adequately trained. A company involved in collection, transportation, and disposal of biomedical waste must:

- (a) Develop, publish and maintain an employee training plan;
- (b) Ensure that company employees are properly trained; and
- (c) Certify that company employees are properly trained.

(2) The employee training plan must be kept on file in the company's main office, available for inspection by the commission, its authorized representatives, and customers.

(3) The employee training plan must include the following training elements:

- (a) Safe operation of motor vehicles and motor vehicle equipment inspection procedures;
- (b) Safe collection, transport and disposal of biomedical waste;
- (c) Information on health risks associated with the collection, transport and disposal of biomedical waste;
- (d) Emergency procedures for spills of biomedical waste, rupture of containers, and equipment failure;
- (e) Notification procedures following a biomedical waste spill or repackaging of biomedical waste;
- (f) Packaging and labeling requirements;
- (g) Personal hygiene practices;
- (h) Use of protective clothing and equipment;
- (i) Contamination control procedures for vehicles and equipment; and
- (j) Shipping-paper requirements.

(4) A company must maintain a file of certificates on each person trained. A suggested sample form for the certificate of employee training is:

CERTIFICATE OF EMPLOYEE TRAINING

Name of Carrier:

Driver's Name:

Operator's Driver's CDL/License No.:

Dates of Training:

Signature of driver acknowledging completion of training program:

Driver:

Date:

I certify under penalty of perjury under the laws of the state of Washington that the employee named above received training in proper collection, transportation, and disposal of biomedical waste:

Signature/Title:

Date:

County where signed:

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-441, filed 3/23/01, effective 4/23/01.]

WAC 480-70-446 Biomedical waste, cooperative agreements. The commission may enter into cooperative agreements with other state or local agencies, such as the department of labor and industries or the department of health, to review biomedical waste operating or training plans for compliance.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-446, filed 3/23/01, effective 4/23/01.]

WAC 480-70-451 Biomedical waste, packaging and containment. (1) Biomedical waste, except for sharps waste (refer to subsection (2) of this section), must be contained in bags or lined containers that are impervious to moisture and that will not rip, tear, leak, or burst under normal conditions of transportation. If bags are used, they must be properly secured to prevent leakage during handling and transportation.

(2) Containers used for sharps waste (refer to WAC 480-70-041) must:

- (a) Be impervious to moisture;
- (b) Not rip, tear, leak, or burst under normal conditions of transportation;
- (c) Be rigid and puncture-resistant; and
- (d) Be labeled in accordance with applicable federal standards.

(3) A company transporting biomedical waste contained in bags or disposable containers must place the bags or disposable containers inside tightly covered pails, cartons, drums, or portable bins. The containment system, that may be any color, must be:

- (a) Leak-resistant;
- (b) In good repair; and
- (c) Labeled in accordance with applicable federal standards.

(4) Reusable containers for biomedical waste must be thoroughly washed and decontaminated each time they are emptied.

(5) Packaging and containers marked or labeled as containing biomedical waste may not be used to ship or transport waste that does not meet the definition of biomedical waste.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-451, filed 3/23/01, effective 4/23/01.]

WAC 480-70-456 Biomedical waste, transfer to off-site treatment and disposal facilities. A company must transport biomedical waste to a facility that meets all local, state, and federal environmental regulations for treatment, storage, and disposal.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-456, filed 3/23/01, effective 4/23/01.]

WAC 480-70-461 Biomedical waste, compaction not allowed. A company must not compact biomedical waste or

any material in a container labeled as containing biomedical waste.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-461, filed 3/23/01, effective 4/23/01.]

WAC 480-70-466 Biomedical waste, vehicle requirements. (1) A company that transports biomedical waste must ensure that all motor vehicles used to transport biomedical waste are equipped with cargo compartments that:

- (a) Can be secured to limit access at all times, except by company personnel during loading and unloading;
- (b) Are fully enclosed;
- (c) Are leak-proof;
- (d) Are made of nonporous material impervious to biomedical waste; and
- (e) Are physically separated from the driver's compartment.

(2) A company may substitute a motor vehicle with a detachable cargo box that meets all the requirements of subsection (1) of this section.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-466, filed 3/23/01, effective 4/23/01.]

WAC 480-70-471 Biomedical waste, shipping-paper requirements. (1) A company collecting or transporting biomedical waste must issue a shipping paper for each shipment transported. The shipping paper must comply with the requirements of 49 CFR Part 172. The shipping paper must contain at least the following information:

- (a) Name and address of the generator of the biomedical waste;
- (b) Name of the person representing the generator from whom delivery is accepted;
- (c) Name of the company transporting the biomedical waste;
- (d) Date and time of collection;
- (e) Destination, naming final treatment, storage and disposal destination;
- (f) The general type and quantity of biomedical waste collected by the company;
- (g) A signature by a representative of the generator of biomedical waste, acknowledging delivery and compliance with all applicable federal, state and local rules regarding packaging and containment; and
- (h) A signature by a representative of the company transporting the biomedical waste, acknowledging receipt.

(2) A legible copy of the shipping paper must accompany the shipment. At the destination, the shipping paper must be signed by a representative of the facility accepting the biomedical waste for treatment, storage or disposal, acknowledging acceptance.

(3) A copy of the shipping paper of each shipment must be kept on file by the company at its main office for three years. The shipping paper must be available for inspection by the commission or its authorized representatives.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-471, filed 3/23/01, effective 4/23/01.]

WAC 480-70-476 Biomedical waste, inspections. (1) Any shipment of waste meeting the criteria for biomedical waste is subject to inspection by commission staff and by those state, county, and local government personnel charged with the enforcement of laws and ordinances relating to the transport of biomedical waste.

(2) All companies that transport biomedical waste must give authorized persons, as defined in subsection (1) of this section, a reasonable opportunity to inspect containers and motor vehicles, to review shipping papers, and to inspect other places incidental to the transportation of biomedical waste.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-476, filed 3/23/01, effective 4/23/01.]

WAC 480-70-481 Hazardous waste, purpose. It is a matter of statewide concern that hazardous waste be handled in a manner that protects the health, safety, and welfare of the public, the environment, and the workers who handle the waste.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-481, filed 3/23/01, effective 4/23/01.]

WAC 480-70-486 Hazardous waste, adoption of federal regulations. (1) Companies transporting hazardous waste must comply with all federal, state and local laws and rules governing such transportation. Companies must also comply with Parts 170 through 189 of Title 49, Code of Federal Regulations (49 CFR) that are adopted by reference. Information about 49 CFR regarding the version adopted and where to obtain copies is set out in WAC 480-70-999.

(2) Any company transporting waste that meets either federal or state criteria as hazardous waste must handle and transport that waste according to the appropriate requirements of the federal hazardous materials regulations and the additional requirements in these rules.

[Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-486, filed 3/23/01, effective 4/23/01.]

WAC 480-70-500 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-510 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-530 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-540 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-550 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-560 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-570 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-700 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-710 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-720 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-730 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-740 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-750 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-760 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-770 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-780 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-790 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-70-999 Adoption by reference. In this chapter, the commission adopts by reference all, or portions of, regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **The North American Uniform Out-of-Service Criteria** is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, 2001.

(b) This publication is referenced in WAC 480-70-201.

(c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in Bethesda, Maryland.

(2) **Title 40 Code of Federal Regulations**, cited as 40 CFR, is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on July 1, 2001.

(b) This publication is referenced in WAC 480-70-041.

(c) Copies of Title 40 Code of Federal Regulations are available from the Government Printing Office and from various third-party vendors.

(3) **Title 49 Code of Federal Regulations**, cited as 49 CFR, is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, 2000.

(b) This publication is referenced in WAC 480-70-201, 480-70-431 and 480-70-486.

(c) Copies of Title 49 Code of Federal Regulations are available from the Government Printing Office and from various third-party vendors.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-70-999, filed 9/28/01, effective 10/29/01. Statutory Authority: RCW 81.04.160, 81.77.030 and 80.01.040. 01-08-012 (Docket No. TG-990161, General Order No. R-479), § 480-70-999, filed 3/23/01, effective 4/23/01.]

Chapter 480-75 WAC

PETROLEUM PIPELINE COMPANIES

WAC

480-75-005	Compliance with federal standards.
480-75-999	Adoption by reference.

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 the date specified in WAC 480-75-999. 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."

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-75-005, filed 9/28/01, effective 10/29/01. 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 480-75-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

Title 49 Code of Federal Regulations, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(1) The commission adopts the version in effect on July 1, 2001.

(2) This publication is referenced in WAC 480-75-005.

(3) Copies of Title 49 Code of Federal Regulations are available from the Seattle office of the Government Printing Office and from various third-party vendors.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-75-999, filed 9/28/01, effective 10/29/01.]

Chapter 480-80 WAC

UTILITIES GENERAL—TARIFFS, PRICE LISTS, AND CONTRACTS

WAC

480-80-010	Application of rules.
480-80-035	Price lists.
480-80-047	Repealed.
480-80-048	Repealed.
480-80-049	Repealed.
480-80-120	Repealed.
480-80-325	Contract for service.
480-80-326	Contract for gas and electric service.
480-80-390	Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-80-047	Access charges. [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.] Repealed by 01-09-002 (Docket No. U-991301, General Order No. R-481), filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 80.04.160 and 80.01.040.
480-80-048	Collective consideration of Washington intrastate rate, tariff, or service proposals. [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.] Repealed by 01-09-002 (Docket No. U-991301, General Order No. R-481), filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 80.04.160 and 80.01.040.
480-80-049	Caller identification service. [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.] Repealed by 01-09-002 (Docket No. U-991301, General Order No. R-481), filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 80.04.160 and 80.01.040.
480-80-120	Notice to the public of tariff changes. [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.] Repealed by 01-09-002 (Docket No. U-991301, General Order No. R-481), filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 80.04.160 and 80.01.040.
480-80-390	Mandatory cost changes for telecommunications companies. [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.] Repealed by 01-09-002 (Docket No. U-991301, General Order No. R-481), filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 80.04.160 and 80.01.040.

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.

(4) Competitively classified telecommunications companies previously granted exemptions from chapter 480-80 WAC Utilities general—Tariff are not exempt from WAC 480-80-035 Price lists and WAC 480-80-325 Contract for service. Exemptions from the provisions of chapter 480-80 WAC include only the provisions in effect at the time the exemption was granted.

[Statutory Authority: RCW 80.04.160 and 80.01.040, 01-09-002 (Docket No. U-991301, General Order No. R-481), § 480-80-010, filed 4/4/01, effective 5/5/01. 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 480-80-035 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.

(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 80.04.160 and 80.01.040, 01-09-002 (Docket No. U-991301, General Order No. R-481), § 480-80-035, filed 4/4/01, effective 5/5/01.]

WAC 480-80-047 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-80-048 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-80-049 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-80-120 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-80-325 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 80.04.160 and 80.01.040, 01-09-002 (Docket No. U-991301, General Order No. R-481), § 480-80-325, filed 4/4/01, effective 5/5/01.]

WAC 480-80-326 Contract for gas and electric 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.

[Statutory Authority: RCW 80.04.160 and 80.01.040, 01-09-002 (Docket No. U-991301, General Order No. R-481), § 480-80-326, filed 4/4/01, effective 5/5/01.]

WAC 480-80-390 Repealed. See Disposition Table at beginning of this chapter.

Chapter 480-90 WAC GAS COMPANIES—OPERATIONS

WAC

480-90-001	Purpose.
480-90-003	Application of rules.
480-90-008	Exemptions from rules in chapter 480-90 WAC.
480-90-011	Repealed.
480-90-013	Additional requirements.
480-90-016	Repealed.
480-90-018	Severability.
480-90-021	Repealed.
480-90-023	Definitions.
480-90-026	Repealed.
480-90-028	Tariffs and special contracts.
480-90-031	Repealed.
480-90-032	Repealed.
480-90-033	Distribution line extension tariff.
480-90-036	Repealed.
480-90-041	Repealed.
480-90-043	Repealed.
480-90-046	Repealed.
480-90-051	Repealed.
480-90-056	Repealed.
480-90-061	Repealed.
480-90-066	Repealed.
480-90-071	Repealed.
480-90-072	Repealed.
480-90-076	Repealed.
480-90-081	Repealed.
480-90-086	Repealed.
480-90-091	Repealed.
480-90-096	Repealed.
480-90-101	Repealed.
480-90-103	Information to consumers.
480-90-106	Repealed.
480-90-108	Application for service.
480-90-113	Residential service deposit requirements.
480-90-116	Repealed.
480-90-118	Nonresidential services deposit requirements.
480-90-121	Repealed.
480-90-123	Refusal of service.
480-90-126	Repealed.

480-90-128	Disconnection of service.
480-90-131	Repealed.
480-90-133	Reconnecting service after disconnection.
480-90-136	Repealed.
480-90-138	Payment arrangements.
480-90-141	Repealed.
480-90-143	Winter low-income payment program.
480-90-146	Repealed.
480-90-148	Service responsibility.
480-90-151	Repealed.
480-90-153	Disclosure of private information.
480-90-156	Repealed.
480-90-158	Service connections.
480-90-161	Repealed.
480-90-163	Service entrance facilities.
480-90-166	Repealed.
480-90-168	Access to premises; identification.
480-90-171	Repealed.
480-90-173	Gas utility's responsibility for complaints and disputes.
480-90-176	Repealed.
480-90-178	Billing requirements and payment date.
480-90-181	Repealed.
480-90-183	Complaint meter tests.
480-90-188	Payment locations.
480-90-191	Repealed.
480-90-193	Notice to the public of tariff changes.
480-90-203	Accounting system requirements.
480-90-208	Financial reporting requirements.
480-90-211	Repealed.
480-90-213	Expenditures for political or legislative activities.
480-90-218	Securities, affiliated interests, and transfers of property.
480-90-223	Advertising.
480-90-228	Retention and preservation of records and reports.
480-90-233	Purchased gas adjustment.
480-90-238	Least cost planning.
480-90-303	Heating value of gas.
480-90-308	Meter readings.
480-90-313	Meter charges.
480-90-323	Meter set assembly location.
480-90-328	Meter identification.
480-90-333	Initial accuracy of meters.
480-90-338	Metering tolerance.
480-90-343	Statement of meter test procedures.
480-90-348	Frequency of periodic meter tests.
480-90-353	Meter history records.
480-90-999	Adoption by reference.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-90-011	Application of rules. [Order R-27, § 480-90-011, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
480-90-016	Saving clause. [Order R-27, § 480-90-016, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
480-90-021	Glossary. [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.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
480-90-026	Tariffs. [Order R-27, § 480-90-026, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
480-90-031	Accounting. [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.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

- 480-90-032 Accounting—Political information and political education activities. [Statutory Authority: RCW 80.01.040, 86-04-072 (Order R-251, Cause No. U-85-78), § 480-90-032, filed 2/5/86.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-90-036 Finance—Securities, affiliated interests, transfers of property. [Order R-27, § 480-90-036, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-90-041 Availability of information. [Order R-83, § 480-90-041, filed 6/30/76; Order R-27, § 480-90-041, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-90-043 Advertising. [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.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-90-046 Application for service. [Order R-27, § 480-90-046, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-90-051 Establishment of credit. [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.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-90-056 Refusal of service. [Order R-27, § 480-90-056, filed 7/15/71.] Repealed by 01-24-077 (General Order No. R-496, Docket No. UG-990294), filed 12/3/01, effective 1/3/02. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-90-061 Contract for service. [Order R-27, § 480-90-061, filed 7/15/71.] Repealed by 01-09-002 (Docket No. U-991301, General Order No. R-481), filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 80.04.160 and 80.01.040.
- 480-90-066 Distribution extensions. [Order R-27, § 480-90-066, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-90-071 Discontinuance of service. [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.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-90-072 Payment arrangements and responsibilities. [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.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-90-076 Service responsibilities. [Order R-27, § 480-90-076, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-90-081 Service connections. [Order R-27, § 480-90-081, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-90-086 Service entrance. [Order R-27, § 480-90-086, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-90-091 Access to premises. [Order R-27, § 480-90-091, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-90-096 Complaints and disputes. [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.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-90-101 Quality of gas. [Order R-27, § 480-90-101, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-90-106 Form of bills. [Order R-83, § 480-90-106, filed 6/30/76; Order R-27, § 480-90-106, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-90-116 Refunds for inaccurate metering. [Order R-27, § 480-90-116, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-90-121 Responsibility for delinquent accounts. [Order R-27, § 480-90-121, filed 7/15/71.] Repealed by 01-24-077 (General Order No. R-496, Docket No. UG-990294), filed 12/3/01, effective 1/3/02. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-90-126 Meter reading. [Order R-27, § 480-90-126, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-90-131 Installation of meter set assembly (MSA). [Order R-27, § 480-90-131, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-90-136 Location of meter set assembly. [Order R-27, § 480-90-136, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-90-141 Identification of meters. [Order R-27, § 480-90-141, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-90-146 Initial accuracy of meters. [Order R-27, § 480-90-146, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-90-151 Metering tolerance. [Order R-27, § 480-90-151, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-90-156 Dispute as to meter accuracy. [Order R-27, § 480-90-156, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-90-161 Complaint meter test. [Order R-27, § 480-90-161, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

- tive 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-90-166 Statement of meter test procedures. [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.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-90-171 Frequency of periodic meter tests. [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.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-90-176 Meter history records. [Order R-27, § 480-90-176, filed 7/15/71.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-90-181 Filing of records and reports and the preservation of records. [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.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-90-191 Least cost planning. [Statutory Authority: RCW 80.01.040, 87-21-031 (Order R-274, Cause No. U-86-142), § 480-90-191, filed 10/12/87.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-90-211 Business offices and payment agencies. [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.] Repealed by 01-11-003 (Docket No. UG-990294, General Order No. R-484), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

WAC 480-90-001 Purpose. The legislature has declared that operating as a gas utility in the state of Washington is a business affected with the public interest and that such utilities should be regulated. The purpose of these rules is to administer and enforce chapter 80.28 RCW by establishing rules of general applicability and requirements for:

- Consumer protection;
- Financial records and reporting;
- Gas standards and metering.

[Statutory Authority: RCW 80.01.040 and 80.04.160, 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-001, filed 5/3/01, effective 6/3/01.]

WAC 480-90-003 Application of rules. (1) The rules in this chapter apply to any gas utility that is subject to the jurisdiction of the commission under RCW 80.04.010 and chapter 80.28 RCW. These rules also include various requirements of the utility's customers and applicants.

(2) The tariff provisions filed by utilities must conform with these rules. If the commission accepts a tariff that conflicts with these rules, the acceptance does not constitute a waiver of these rules unless the commission specifically approves the variation consistent with WAC 480-90-008, Exemption from rules in chapter 480-90 WAC. Tariffs that conflict with these rules without approval are superseded by these rules.

(3) Any affected person may ask the commission to review the interpretation of these rules by a utility or cus-

tomers by posing an informal complaint under WAC 480-09-150, Informal complaints, or by filing a formal complaint under WAC 480-09-420, Pleadings and briefs—Application for authority—Protests.

(4) No deviation from these rules is permitted without written authorization by the commission. Violations will be subject to penalties as provided by law.

[Statutory Authority: RCW 80.01.040 and 80.04.160, 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-003, filed 5/3/01, effective 6/3/01.]

WAC 480-90-008 Exemptions from rules in chapter 480-90 WAC. (1) The commission may grant an exemption from the provisions 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, giving a full explanation of the reason for requesting the exemption.

(3) The commission will assign the request a docket number, if it does not arise in an existing docket, and will 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 of the hearing or open meeting when the commission will consider the request.

(4) In determining whether to grant the request, the commission may consider whether application of the rule would impose undue hardship on the petitioner, of a degree or a kind different from hardship imposed on other similarly situated persons, and whether the effect of applying the rule would be contrary to the purposes of the rule.

(5) 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 and 80.04.160, 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-008, filed 5/3/01, effective 6/3/01.]

WAC 480-90-011 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-90-013 Additional requirements. (1) These rules do not relieve any gas utility from any of its duties and obligations under the laws of the state of Washington.

(2) The commission retains the authority to impose additional or different requirements on any gas utility in appropriate circumstances, consistent with the requirements of law.

[Statutory Authority: RCW 80.10.040 and 80.04.160, 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-013, filed 5/3/01, effective 6/3/01.]

WAC 480-90-016 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-90-018 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application

of the provision to other persons or circumstances is not affected.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-018, filed 5/3/01, effective 6/3/01.]

WAC 480-90-021 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-90-023 Definitions. "Applicant" means any person, corporation, partnership, government agency, or other entity that applies for service with a gas utility or who reapplies for service at a new or existing location after service has been discontinued.

"British thermal unit" (Btu) means the quantity of heat required to raise the temperature of one pound of water at 60° Fahrenheit and standard pressure, one degree Fahrenheit.

"Business day" means Monday through Friday, 8:00 a.m. until 5:00 p.m., except for official state holidays.

"Commission" means the Washington utilities and transportation commission.

"Customer" means any person, corporation, partnership, government agency, or other entity that applied for, has been accepted for, and is currently receiving service.

"Cubic foot of gas" means a volumetric unit of measure used in sales and testing.

"Sales volume" means a cubic foot of gas for billing purposes is the amount of gas that occupies a volume of one cubic foot under the temperature and pressure conditions existing in the customer's meter. Temperature and/or pressure recording or compensating devices may be used to reflect temperature or pressure base conditions for computing the volume sold. Temperature and/or pressure compensation factors may be used to compute the volume of gas sold as provided in the utility's tariff.

"Testing volume" means a cubic foot of gas for testing purposes is the amount that occupies a volume of one cubic foot at a temperature of 60° Fahrenheit and pressure of 14.73 pounds per square inch absolute.

"Gas" means any fuel or process gas, whether liquid petroleum gas, manufactured gas, natural gas, or any mixture of these.

"Liquefied petroleum gas" means 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.

"Manufactured gas" means any gas produced artificially by any process.

"Natural gas" means a mixture of gaseous hydrocarbons (chiefly methane) and nonhydrocarbons that occur naturally in the earth.

"Therm" means a unit of heat equal to 100,000 Btus.

"Gas utility" (utility) means any business entity (e.g., corporation, company, association, joint stock association, or partnership) or person, including a lessee, trustee, or court appointed receiver, that meets the three following conditions:

Owns, controls, operates, or manages any gas plant in Washington state;

Manufactures, transmits, distributes, sells, or furnishes gas to the public for compensation; and

Is subject to the commission's jurisdiction.

Terms used in this chapter and defined in the public service laws of Washington state (i.e., principally Title 80 RCW) have the same meaning here as in the statutes. Terms not defined in these rules or the applicable statutes have the meaning generally accepted in the gas industry, or their ordinary meaning if there is no meaning generally accepted in the gas industry.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-023, filed 5/3/01, effective 6/3/01.]

WAC 480-90-026 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-90-028 Tariffs and special contracts. A gas utility must publish its rate schedules and rules and regulations governing service, and file special contracts, in accordance with chapter 480-80 WAC, Utilities general—Tariffs, price lists, and contracts.

[Statutory Authority: RCW 80.10.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-028, filed 5/3/01, effective 6/3/01.]

WAC 480-90-031 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-90-032 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-90-033 Distribution line extension tariff. Each gas utility must file, as a part of its tariff, a distribution line extension rule setting forth the conditions under which it will extend its facilities to make service available to an applicant.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-033, filed 5/3/01, effective 6/3/01.]

WAC 480-90-036 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-90-041 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-90-043 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-90-046 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-90-051 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-90-056 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-90-061 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-90-066 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-90-071 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-90-072 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-90-076 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-90-081 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-90-086 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-90-091 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-90-096 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-90-101 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-90-103 Information to consumers. (1) Each gas utility must make available at each of its listed business offices information regarding rates, rules, and regulations needed for its customers and applicants to obtain adequate and efficient service.

(2) The utility must maintain a toll-free telephone number available for its applicants and customers during business hours to receive information relating to services and rates, to accept and process orders for service, to explain charges on customer bills, to adjust charges made in error, to respond to customer inquiries and complaints, and to generally act as representatives of the utility.

(3) The utility must provide to each applicant relevant rate information and a brochure that explains the rights and responsibilities of a utility customer. The brochure must include, at a minimum, information about the utility's regular business hours, the utility's mailing address, the utility's toll-free number, the twenty-four-hour emergency number(s), and an explanation of the utility's processes to establish credit, deposits, billing, delinquent accounts, disconnection of service initiated by the utility, cancellation of service by the customer, the dispute process, and the commission's informal complaint procedures to be followed if the customer remains dissatisfied with the utility's dispute process.

(4) At least once each year, the utility must directly advise each of its customers how to obtain:

- (a) A copy of the consumer brochure described in subsection (3) of this section;
- (b) A copy of the customer's applicable rate information;
- (c) A copy of the gas rules, chapter 480-90 WAC; and
- (d) A copy of the utility's current rates and regulations.

(5) The utility must provide an applicant, upon request, the high and low bills for the requested service premises during the prior calendar year, if such data is available.

(6) The utility must provide a customer, upon request, a detailed account of the customer's actual natural gas usage at the service premises for the previous twelve-month period, if such data is available.

(7) The utility must provide customers information comparing energy usage for the current month and the same billing month of the previous year, if available, either on the customers' bills or upon request as follows:

- (a) Number of days in billing period;
- (b) Therms used; and
- (c) Average therms used per day.

(8) The utility must provide the commission with electronic or paper copies of all pamphlets, brochures, and bill inserts of regulated service information at the same time the utility delivers such material to its customers.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-103, filed 5/3/01, effective 6/3/01.]

WAC 480-90-106 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-90-108 Application for service. (1) When an applicant orders service from a gas utility, the applicant will be responsible for conforming to the rules and regulations that are in effect and on file with the commission.

(2) The utility may require the following information when an applicant applies for service:

- (a) The applicant's name, address, and telephone number, and an alternative contact telephone number, if applicable, of the responsible party at the service premises;
- (b) The date the service is requested to be effective;
- (c) The type of service requested, such as residential or commercial service, and the type of equipment to be served at the service premises;

(d) Proof of identification. The utility must allow the applicant to choose from a list, provided by the utility, of at least five sources of identification. The list must include a current driver's license or other picture identification; and

(e) Any additional information the utility may reasonably require for billing and service.

(3) The utility must offer, if available, a service-order tracking number so the customer can easily identify the service request in subsequent interactions with the utility.

(4) The utility must provide the following service dates to the applicant:

(a) For service at a location where utility service facilities exist and will not have to be modified in any way to serve the applicant, the utility must provide a service date at the time of application. If the utility becomes aware that the service date cannot be met, it must notify the applicant on or prior to the service date.

(b) For service at a location where utility service facilities do not exist or require modification, the utility will provide the following service dates:

(i) Upon request by the applicant, prior to signing a service agreement, the utility must provide a range of dates by which service can be made available;

(ii) Upon signing a service agreement with the applicant, the utility must provide a date by which service will be made available. If the utility becomes aware that the service date cannot be met, it must notify the applicant on or prior to the service date.

(5) Under no circumstances will gas be remetered or submetered by a customer for resale to another or others.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-108, filed 5/3/01, effective 6/3/01.]

WAC 480-90-113 Residential service deposit requirements. (1) **Deposit criteria for residential customers.** A gas utility may collect a deposit from its own customers for residential service only if:

(a) At any time during the prior twelve months, the utility has sent the customer three or more delinquency notices;

(b) The utility has disconnected the customer's residential service for nonpayment; or

(c) There is a prior customer living at the residence who owes a past due bill to the utility for service at that address.

(2) **Deposit criteria for residential applicants.** A utility may collect a deposit from an applicant for residential service only if:

(a) The applicant has met any of the conditions described in subsection (1) of this section as a prior customer of the utility or as a customer of another natural gas utility;

(b) The applicant is not able to demonstrate continuous employment during the prior twelve consecutive months and is neither currently employed nor has a regular source of income;

(c) The applicant does not own or is not purchasing the premises to be served;

(d) There is a prior customer living at the residence who owes a past due bill to the utility at that address; or

(e) The applicant has an unpaid, overdue balance owing to any electric or gas utility for residential service.

(3) **Deposit amount.** The utility may require a deposit not to exceed the amount of:

(a) For utilities billing monthly, two-twelfths of the service location's estimated annual usage; or

(b) For utilities billing bimonthly, three-twelfths of the service location's estimated annual usage.

(4) **Deposit payment arrangements.** The utility must allow an applicant or customer the option of paying fifty percent of the deposit prior to service, and paying the remaining balance in equal amounts over the next two months, on the dates mutually agreed upon between the applicant or customer and the utility. The utility and applicant or customer may make other mutually acceptable deposit payment arrangements.

(5) **Alternative to deposit.** The utility must allow any applicant or customer who indicates an inability to pay a deposit:

(a) To prepay any service initiation fees and reasonably estimated regular service charges or budget billings at periods corresponding to the utility's regular billing periods for

the length of time during which a deposit would ordinarily be required. The utility must then bill the applicant or customer in a normal fashion; or

(b) To furnish a satisfactory guarantor. A guarantor must be considered satisfactory if the guarantor has at least established credit with the utility as outlined in this section. A utility may, at its discretion, accept a guarantor that does not meet the requirements of this section. If the customer has been disconnected, the guarantor is responsible for the amount stated on the disconnection notice, not to exceed the amount of the deposit as defined in subsection (3) of this section unless the guarantor has agreed to guarantee an additional amount as specified in subsection (7) of this section; or

(c) To notify the utility of the inability to pay a deposit as provided in WAC 480-90-143, Winter low-income payment program; or

(d) The opportunity to provide a reference from a similar utility that can be quickly and easily checked if the conditions in subsection (1) of this section cannot be met.

(6) **Transfer of deposit.** When a customer moves to a new address within the utility's service territory, the deposit, plus accrued interest and less any outstanding balance owing from the old address, must be transferred or refunded.

(7) **Additional deposit.** If a deposit or additional deposit amount is required after the service is established, the reasons must be specified to the customer in writing. Any request for a deposit or additional deposit amount must comply with the standards outlined in subsection (1) of this section. If the original deposit was secured by a guarantor and the guarantor does not agree to be responsible for the additional deposit amount, the customer will be held responsible for paying the additional deposit.

(8) **Deposit payment date.** Any deposit or additional deposit amount required after service is established is due and payable not earlier than 5:00 p.m. of the sixth business day after notice if the deposit requirement notice is mailed from within the states of Washington, Oregon, or Idaho, or the ninth business day if mailed from outside the states of Washington, Oregon, and Idaho. If the utility delivers the notice to the customer in person, the deposit or additional deposit amount is due and payable not earlier than 5:00 p.m. of the sixth business day from the date of delivery.

(9) **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 1st of each year through November 30th of the following year. The commission will advise the utility each year of the specific rate;

(b) Earn the calculated interest rate as determined in (a) of this subsection from January 1st through December 31st of the subsequent year;

(c) Be computed from the date of deposit to the date of refund or when applied directly to the customer's account; and

(d) Be compounded or paid annually.

(10) **Refund of deposit.** Deposits plus accrued interest must be applied to the customer's account or refunded at the customer's request when there has been satisfactory payment or upon termination of service.

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

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

(ii) The utility has sent no more than two delinquency notices to the customer.

(b) **Termination of service.** Upon termination of service, the utility must return to the customer the deposit amount plus accrued interest, less any amounts due the utility by the customer.

(11) **How deposits are refunded.** Any deposit plus accrued interest must be made available to the customer not later than fifteen calendar days following completion of twelve months of satisfactory payment or the cancellation of service. Refunds must be:

(a) Applied to the customer's account for service beginning in the thirteenth month; or

(b) At the customer's request, paid in the form of a check either delivered by mail or given to the customer in person at the utility's local business office.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-113, filed 5/3/01, effective 6/3/01.]

WAC 480-90-116 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-90-118 Nonresidential services deposit requirements. (1) **Deposit criteria for nonresidential customers.** An applicant for nonresidential service may be required to demonstrate that it is a satisfactory credit risk by reasonable means appropriate under the circumstances.

(2) **Deposit amount.** The utility may require a deposit not to exceed the amount of:

(a) For utilities billing monthly, two-twelfths of the service location's estimated annual usage; or

(b) For utilities billing bimonthly, three-twelfths of the service location's estimated annual usage.

(3) **Transfer of deposit.** When a customer moves to a new address within the utility's service territory, the deposit, plus accrued interest and less any outstanding balance owing from the old address, must be transferred or refunded.

(4) **Additional deposit.** Nothing in this section will prevent the requirement of a larger deposit, a new deposit, or other alternative forms of a deposit when conditions warrant. Should a new, larger, or alternative form of deposit be required, the reason must be specified in writing to the customer.

(5) **Deposit payment date.** Any deposit or additional deposit amount required after service is established is due and payable not earlier than 5:00 p.m. of the sixth business day after notice if the deposit requirement notice is mailed from within the states of Washington, Oregon, or Idaho, or the ninth business day if mailed from outside the states of Washington, Oregon, and Idaho. If the utility delivers the notice to the customer in person, the deposit or additional

deposit amount is due and payable not earlier than 5:00 p.m. of the sixth business day from the date of delivery.

(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 1st of each year through November 30th of the following year. The commission will advise the utility each year of the specific rate;

(b) Earn the calculated interest rate as determined in (a) of this subsection during January 1st through December 31st of the subsequent year;

(c) Be computed from the date of deposit to the date of refund or when applied directly to the customer's account; and

(d) Be compounded or paid annually.

(7) **Refund of deposit.** Deposits plus accrued interest must be applied to the customer's account or refunded at the customer's request when there has been satisfactory payment or upon termination of service.

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

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

(ii) The utility has sent no more than two delinquency notices to the customer.

(b) **Termination of service.** Upon termination of service, the utility must return to the customer the deposit amount plus accrued interest, less any amounts due the utility by the customer.

[Statutory Authority: RCW 80.10.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-118, filed 5/3/01, effective 6/3/01.]

WAC 480-90-121 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-90-123 Refusal of service. (1) A gas utility may refuse to provide new or additional service if:

(a) Providing service does not comply with government regulations or accepted natural gas industry standards;

(b) In the utility's reasonable judgment, the applicant's or customer's installation of piping or gas burning equipment is considered hazardous or of such a nature that safe and satisfactory service cannot be provided;

(c) The applicant or customer does not comply with the utility's request that the applicant or customer provide and install protective devices, when the utility, in its reasonable judgment deems such protective devices are necessary to protect the utility's or other customers' properties from theft or damage;

(d) After reasonable efforts by the responsible party, all necessary rights of way, easements, approvals, and permits have not been secured; or

(e) The customer is known by the utility to have tampered with or stolen the utility's property, used service through an illegal connection, or fraudulently obtained ser-

vice and the utility has complied with WAC 480-90-128(2), disconnection of service.

(2) A gas utility may not refuse to provide new or additional service to a residential applicant or residential customer who has a prior obligation. A prior obligation is the dollar amount, excluding deposit amounts owed, the utility has billed to the customer and for which the utility has not received payment at the time the service has been disconnected for nonpayment. The utility must provide service once the customer or applicant has paid all appropriate deposit and reconnection fees. This subsection does not apply to customers that have been disconnected for failure to honor the terms of a winter low-income payment program.

(3) The utility may not refuse to provide service to an applicant or customer because there are outstanding amounts due from a prior customer at the same premises, unless the utility can determine, based on objective evidence, that a fraudulent act is being committed, such that the applicant or customer is acting in cooperation with the prior customer with the intent to avoid payment.

(4) The utility may refuse to provide new or additional service for reasons not expressed in subsection (1) of this section, upon prior approval of the commission. The commission may grant the request upon determining that the utility has no obligation to provide the requested service under RCW 80.28.110. Prior to seeking commission approval, the utility must work with the applicant or customer requesting service to seek resolution of the issues involved.

(5) Any applicant or customer who has been refused new or additional service may file with the commission an informal complaint under WAC 480-09-150, Informal complaints; or a formal complaint under WAC 480-09-420, Pleadings and briefs—Applications for authority—Protests; and 480-09-425, Pleadings—Verification, time for filing, responsive pleadings, liberal construction, amendments.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-24-077 (General Order No. R-496, Docket No. UG-990294), § 480-90-123, filed 12/3/01, effective 1/3/02.]

WAC 480-90-126 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-90-128 Disconnection of service. (1) **Customer-directed.** The utility may require customers to give at least three days' notice prior to the date service is to be discontinued. The customer is not responsible for usage after the requested date for discontinuance of service, provided the customer gave proper notice. If the customer moves from the service address and fails to request that service be discontinued, the customer will be responsible to pay for service taken at that service address until the utility can confirm either that the customer has vacated the premises and can access the meter or that a new responsible party is taking service.

(2) **Utility-directed without notice or without further notice.** The utility may discontinue service without notice or without further notice when:

(a) After conducting a thorough investigation the utility determines that the customer has tampered with or stolen the utility's property, has used service through an illegal connection, or has fraudulently obtained service. The utility has the

burden of proving that fraud occurred. For the purpose of this section, a nonsufficient funds check or dishonored electronic payment alone will not be considered fraud.

(i) First offense. The utility may disconnect service without notice when it discovers theft, tampering, or fraud, unless the customer immediately pays all of the following:

(A) The tariffed rate for service that the utility estimates was used as a result of the theft, tampering, or fraud;

(B) All utility costs resulting from such theft, tampering, or fraud; and

(C) Any required deposit.

(ii) Second offense. The utility may disconnect service without notice when it discovers further theft, tampering, or fraud. The utility may refuse to reconnect service to a customer who has been twice disconnected for theft, tampering, or fraud, subject to appeal to the commission.

(b) After conducting a thorough investigation, the utility determines that the customer has vacated the premises;

(c) The utility identifies a hazardous condition in the customer's facilities or in the utility's facilities serving the customer;

(d) A customer pays a delinquent account with a check or electronic payment the bank or other financial institution has dishonored after the utility has issued appropriate notice as described in subsection (6) of this section;

(e) The customer has not kept any agreed-upon payment arrangement for payment of a delinquent balance after the utility has issued appropriate notice as described in subsection (6) of this section; or

(f) The utility has determined a customer has used service prior to applying for service. The utility must charge the customer for service used in accordance with the utility's filed tariff. This section should not be interpreted as relieving the customer or other person of civil or criminal responsibility;

(3) **Utility-directed with notice.** After properly notifying the customer, as explained in subsection (6) of this section, the utility may discontinue service for any one of the following conditions:

(a) For delinquent charges associated with regulated gas service (or, for regulated gas and regulated electric service if the utility provides both services), including any required deposit. However, the utility cannot disconnect service when the customer has met the requirements of subsection (5) of this section for medical emergencies or has agreed to or maintains agreed-upon payment arrangements with the utility, as described in WAC 480-90-143, Winter low-income payment program;

(b) For use of gas for purposes or properties other than those specified in the customer's service application;

(c) Under flat-rate service for nonmetered load, for increased natural gas use without the utility's approval;

(d) For refusing to allow utility representatives access to the customer's premises as required in WAC 480-90-168, Access to premises; identification;

(e) For violating rules, service agreements, or filed tariff(s); or

(f) For use of equipment that detrimentally affects the utility's service to its other customers.

(4) Gas service may not be disconnected for amounts that may be owed the utility for nonregulated services.

(5) **Medical emergencies.** When the utility 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. The utility must reinstate service during the same business day if the customer contacts the utility prior to the close of the business day and requests a same-day reconnection. Otherwise, the utility must restore service by 12:00 p.m. the next business day. When service is reinstated the utility will not require payment of a reconnection charge and/or deposit prior to reinstating service but must bill all such charges on the customer's next regular bill or on a separate invoice.

(a) The utility may require that the customer, within five business days, submit written certification from a qualified medical professional stating that the disconnection of gas service would aggravate an existing medical condition 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 utility from accepting other forms of certification, but the maximum the utility can require is written certification. If the utility requires written certification, it may not require more than the following information:

- (i) Residence location;
- (ii) An explanation of how the current medical condition will be aggravated by disconnection of 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) The medical certification is valid only for the length of time the health endangerment is certified to exist but no longer than sixty days, unless renewed;

(c) A medical emergency does not excuse a customer from having to pay delinquent and ongoing charges. The utility may require the customer to do the following within a five-business-day grace period:

- (i) Pay a minimum of ten percent of the delinquent balance;
- (ii) Enter into an agreement to pay the remaining delinquent balance within one hundred twenty days; and
- (iii) Agree to pay subsequent bills when due.

Nothing in this section precludes the utility from agreeing to an alternate payment plan, but the utility may not require the customer to pay more than this subsection prescribes. The utility must send a notice to the customer confirming the payment arrangements within two business days of having reached the agreement;

(d) If the customer fails to provide an acceptable medical certificate or ten percent of the delinquent balance within the five-business-day grace period, or if the customer fails to abide by the terms of the payment agreement, the utility may not disconnect service without first mailing a written notice providing a disconnection date not earlier than 5:00 p.m. of the third business day after the date of mailing if mailed from

within the states of Washington, Oregon, or Idaho, or the sixth business day if mailed from outside the states of Washington, Oregon, and Idaho, or by personally delivering a notice providing a disconnection date of not earlier than 5:00 p.m. of the second business day following the date of delivery;

(e) A customer may claim medical emergency and be entitled to the benefits described in this subsection only twice within any one hundred twenty-day period.

(6) **Disconnection notification requirements.** The utility must notify customers before disconnecting their service, except as described in subsection (2) of this section. Notification consists of the following requirements:

(a) The utility must serve a written disconnection notice to the customer either by mail or by personal delivery to the customer's address with notice attached to the primary door. If the disconnection notice is for nonpayment during the winter months, the utility must advise the customer of the payment plan described in WAC 480-90-138, Payment arrangements, and WAC 480-90-143, Winter low-income payment program. Each disconnection notice must include:

(i) A disconnection date that is not less than eight business days after the date of personal delivery or mailing if mailed from inside the states of Washington, Oregon, or Idaho, or a disconnection date that is not less than eleven business days if mailed from outside the states of Washington, Oregon, and Idaho.

(ii) All relevant information about the disconnection action including the cause for disconnection, the amount owed for regulated natural gas service and, if applicable, regulated electric service; and how to avoid disconnection;

(iii) All relevant information about any charges that may be assessed; and

(iv) The utility's name, address, and toll-free telephone number by which a customer may contact the utility to discuss the pending disconnection of service;

(b) If the utility discovers the notice information in (a) of this subsection is inaccurate, the utility must issue another notice to the customer as described in (a) of this subsection;

(c) If the utility has not disconnected service within ten business days of the disconnection date stated in (a)(i) of this subsection, the disconnection notice will be considered void unless the customer and the utility have agreed to a payment arrangement. Upon a void notice, the utility must provide a new disconnection notice to the customer as described in (a) of this subsection;

(d) In addition to the notice required by (a) of this subsection, a second notice must be provided by one of the three options listed below:

(i) **Delivered notice.** The utility must deliver a second notice to the service premises and attach it to the customer's primary door. The notice must state a scheduled disconnection date that is not earlier than 5:00 p.m. of the second business day after the date of delivery;

(ii) **Mailed notice.** The utility must mail a second notice which must include a scheduled disconnection date that is not earlier than 5:00 p.m. of the third business day after the date of mailing if mailed from within the states of Washington, Oregon, or Idaho, or the sixth business day if mailed from outside the states of Washington, Oregon, or Idaho.

(iii) Telephone notice. The utility must attempt at least two times to contact the customer during regular business hours. A log or record of the calls must be kept for a minimum of ninety calendar days showing the telephone number called, the time of the call, and details of the results of each attempted call. If the utility is unable to reach the customer by telephone, a written notice must be mailed to the customer providing a disconnection date not earlier than 5:00 p.m. of the third business day after the date of mailing if mailed from within the states of Washington, Oregon, or Idaho, or the sixth business day if mailed from outside the states of Washington, Oregon, and Idaho, or written notice must be personally delivered providing a disconnection date of not earlier than 5:00 p.m. of the second business day following the date of delivery.

For utilities billing for electric and gas service, each type of notice listed above must provide the information contained in (a)(iii) of this subsection;

(e) If the utility discovers that the written notice information required under the options in (d) of this subsection is inaccurate, the utility must issue another notice to the customer as described in (a) of this subsection;

(f) If the utility provides a second notice within ten business days of the disconnection date stated in (a)(i) of this subsection, the disconnection date is extended an additional ten working days from the disconnection date of the second notice. If the utility does not disconnect service within the extended ten-business-day period, the notice will be considered void unless the customer and the utility have agreed upon a payment arrangement. Upon a void notice, the utility must provide an additional notice as required in (d) of this subsection.

(g) If the utility provides a second notice after the ten business days of the disconnection date required by (a)(i) of this subsection, the notice will be considered void unless the customer and the utility have agreed upon a payment arrangement. Upon a void notice, the utility must provide a new disconnection notice to the customer as described in (a) of this subsection;

(h) Utilities with combined accounts for both natural gas and electric service will have the option of choosing which service will be disconnected;

(i) When the service address is different from the billing address, the utility must determine if the customer of record and the service user are the same party. If not, the utility must notice the service user as described in (a) of this subsection prior to disconnecting service;

(j) Except in case of danger to life or property, the utility may not disconnect service on Saturdays, Sundays, legal holidays, or on any other day on which the utility cannot reestablish service on the same or following day;

(k) A utility representative dispatched to disconnect service must accept payment of a delinquent account at the service address, but will not be required to give change for cash paid in excess of the amount due and owing. The utility must credit any overpayment to the customer's account. The utility may charge a fee for the disconnection visit to the service address if provided for in the utility's tariff;

(l) 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 utility must undertake reasonable efforts to inform the 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, the utility must allow five days past the original disconnection date to permit the service users to arrange for continued service;

(m) Medical facilities. When service is known to be provided to:

(i) A hospital, medical clinic, ambulatory surgery center, renal dialysis facility, chemical dependency residential treatment facility, or other medical care facility licensed or certified by the department of health, a notice of pending disconnection must be provided to the secretary of the department of health and to the customer. The department of health secretary or designee may request to delay the disconnection for five business days past the original disconnection date to allow the department to take the necessary steps to protect the interests of the patients residing at the facility; or

(ii) A nursing home, boarding home, adult family home, group care facility, intermediate care facility for the mentally retarded (ICF/MR), intensive tenant support residential property, chemical dependency residential treatment facility, crisis residential center for children, or other group home or residential care facility licensed or certified by the department of social and health services, a notice of pending disconnection must be provided to the secretary of the department of social and health services and to the customer. The department of social and health services secretary or designee may request to delay the disconnection for five business days past the original disconnection date to allow the department to take the necessary steps to protect the interests of the patients residing at the facility;

(n) Any customer may designate a third party to receive a disconnection notice or notice of other matters affecting the customer's service. The utility must offer all customers the opportunity to make such a designation. If the utility believes that a customer is not able to understand the effect of the disconnection, the utility must consider a social agency to be a third party. In either case, the utility must delay service disconnection for five business days past the original disconnection date after issuing a disconnection notice to the third party. The utility must determine which social agencies are appropriate and willing to receive the disconnection notice, the name and/or title of the person able to deal with the disconnection, and provide that information to the customer.

(7) For purposes of this section, the date of mailing a notice will not be considered the first day of the notice period.

(8) **Payments at a payment agency.** Payment of any past-due amounts to a designated payment agency of the utility constitutes payment when the customer informs the utility of the payment and the utility has verified the payment.

(9) **Remedy and appeals.** 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 utility's representatives or with the commission. Any amounts not in dispute must be paid when due and any conditions posing a danger to health, safety, or property must be corrected. The utility will inform the customer of these provi-

sions when the customer is referred to a utility's supervisor or to the commission.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-128, filed 5/3/01, effective 6/3/01.]

WAC 480-90-131 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-90-133 Reconnecting service after disconnection. (1) A gas utility must make every reasonable effort to restore a disconnected service within twenty-four hours, or other time mutually agreeable between the customer and the utility, after the customer has paid, or at the time the utility has agreed to bill, any reconnection charge, and:

(a) The causes for disconnection not related to a delinquent account are removed and the customer pays any delinquent regulated charges, plus any required deposit; or

(b) The customer has entered into an agreed-upon payment arrangement for a delinquent account, and pays any required deposit as defined in WAC 480-90-113, Residential service deposit requirement, or WAC 480-90-118, Nonresidential service deposit requirements; or

(c) The customer has paid all regulated amounts due on the account that is not a prior obligation and the customer has paid any required deposit as defined in WAC 480-90-113, Residential service deposit requirements, or WAC 480-90-118, Nonresidential service deposit requirements.

(2) The commission may require reconnection pending resolution of a bona fide dispute between the utility and the customer over the propriety of disconnection.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-133, filed 5/3/01, effective 6/3/01.]

WAC 480-90-136 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-90-138 Payment arrangements. (1) If a gas utility is delayed in billing a residential customer, the utility must offer payment arrangements that are equal to the length of time the bill was delayed, unless the utility determines that the customer used service prior to applying for service as outlined in WAC 480-90-128 (2)(f), Disconnection of service.

(2) The utility must offer all residential customers the option of an equal-payments plan.

(a) An equal-payments plan allows the customer to pay the same amount each month based on historical usage. If historical information is not available, the utility must base the amount on projected usage;

(b) The utility may refuse to offer an equal-payments plan to customers who have been removed from the equal-payments plan for nonpayment within the past six months or have more than a two-month past-due balance on their current account. However, the utility may offer an equal-payments plan to any customer when the utility believes this would be in the best interest of all parties concerned.

(3) The utility must provide a receipt to customers for all payments made in cash.

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[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-138, filed 5/3/01, effective 6/3/01.]

WAC 480-90-141 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-90-143 Winter low-income payment program. (1) During the winter months, between November 15th and March 15th, a gas utility may not discontinue residential space heating service if the customer does all of the following:

(a) Notifies the utility of the inability to pay the bill and any required deposit. This notice should be provided within five business days of receiving a delinquency notice unless there are extenuating circumstances. If the customer does not notify the utility within five business days and service is disconnected, the customer can receive the protections of this chapter by paying reconnection charges, if any, and by otherwise fulfilling the requirements of this section;

(b) Provides self-certification of household income for the prior twelve months to a grantee of the department of community, trade, and economic development, or its successor. For the purposes of this section, the grantee is a contractor operating low-income energy assistance programs for the department of community, trade, and economic development. The grantee will determine that the household income is not higher than the maximum allowed for eligibility under the state's plan for low-income energy assistance. The grantee will, within thirty days, provide a dollar figure to the utility that is seven percent of the household income. For the purposes of this section, household income is defined as the total income of all household members as determined by the grantee. The grantee may verify information provided in the self-certification;

(c) Applies for home energy assistance from appropriate government and/or private sector organizations and certifies that any assistance received will be applied to the customer's current and future utility bills;

(d) Applies to the utility or other appropriate agencies for low-income weatherization assistance if such assistance is available for the dwelling;

(e) Agrees and abides by that agreement to:

(i) Pay by the following October 15th all amounts owed to the utility and pay for continued service; and

(ii) Pay a monthly payment during the winter period. The utility may not require payment of more than seven percent of the customer's monthly income. In addition, the customer must pay one-twelfth of any billings from the date application is made through March 15th. A customer may agree to pay a higher percentage of income during this period, but the customer's account will not be considered past-due unless payment during this period is less than seven percent of the monthly income plus one-twelfth of any past-due amounts accrued from the date application is made and thereafter. If the customer does not pay the past-due bill by the following October 15th, the customer will not be eligible for protections under this section until the past-due bill is paid;

(f) Notifies and provides documentation to the utility, if requested, that the customer has received any home heating

assistance payment from government and/or private sector organizations after being approved for the plan. When the utility receives this information it must recalculate the payments for the customer; and

(g) Pay all amounts owed even if the customer moves.

(2) The utility:

(a) Must help the customer to fulfill the requirements under this section;

(b) Must transfer an account to a new residence when a customer who has established a plan under this section moves from one residence to another within the utility's service area;

(c) May disconnect service in accordance with WAC 480-90-128, Disconnection of service, if the customer has not kept the payment arrangements as described in subsection (1) of this section. The utility must also include in the customer's disconnection notice:

(i) A description of the customer's duties outlined in subsection (1) of this section; and

(ii) An explanation that the utility will restore service if the customer contacts the utility and satisfies the other requirements of this section;

(d) May disconnect service for practices authorized by law other than for nonpayment as stated in this section;

(e) Must allow customers who qualified under subsection (1) of this section and who default on their payment plan and are disconnected in accordance with WAC 480-90-128, Disconnection of service, to reconnect and maintain the protection afforded under this chapter when the customer:

(i) Pays any reconnection charges; and

(ii) Pays all amounts that would have been due and owing on the date that service is reconnected; and

(f) Must provide a written copy of the extended payment plan to the customer.

(3) Any customer who has a past-due amount owing under this payment plan will not be eligible to reapply for a new extended payment plan unless authorized by the utility.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-143, filed 5/3/01, effective 6/3/01.]

WAC 480-90-146 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-90-148 Service responsibility. (1) **Customer responsibility.** The customer must notify the gas utility, in writing, prior to all changes to the customer's equipment or usage that will materially affect the service to be rendered. The customer must give such notice within a reasonable time so the utility can provide the necessary facilities and acquire additional gas supplies, if needed. The charge for such necessary facilities, if any, must be in accordance with the utility's filed tariff.

(2) **Gas utility responsibilities.**

(a) Each gas utility must install and maintain monitoring equipment at appropriate locations within its system in order to determine the operating characteristics of the system. The commission may require the utility to provide additional equipment in connection with performing special investigations, if economically feasible;

(b) Each gas utility must promptly notify all affected customers of any substantial change to the system that would affect the efficiency of operation or the adjustment of the customer equipment. If an adjustment to the customer's equipment is necessary, the cost may be recovered in accordance with the utility's tariff, except that, when the customer has been notified of a change in service prior to receiving service, or when the change is required by law, the customer must bear all costs in connection with making such changes;

(c) Each gas utility must adopt and maintain as constant as practical a standard pressure of gas measured at the outlet of any customer's meter, and/or regulator in cases of a high pressure system. The standard pressure adopted must be filed with the commission as part of the gas utility's schedule of rates, rules, and regulations. Pressures other than standard may be furnished to a customer upon mutual agreement between the utility and customer, and provided that such pressure can be maintained without adversely affecting the service being provided to other customers on the system; and

(d) Each gas utility must maintain its gas system in a condition that enables it to furnish safe, adequate, and efficient service.

(3) **Interruption of service.** The term "interruptions" as used in this rule refers to the temporary discontinuance of gas flow to any customer(s) due to accident, required repairs or replacement, 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. The gas utility must make all reasonable efforts to avoid interruption of service and, if an interruption occurs, must endeavor to reestablish service with the shortest possible delay. When it is necessary for a utility to make repairs or to change its facilities, the utility may, without incurring any liability, suspend service for such periods as may be reasonably necessary and in such a manner as to minimize the inconvenience to customers.

The gas utility must notify all customers affected by a scheduled interruption through newspapers, radio announcements, or by other means, at least one day in advance of the scheduled interruption.

The utility must individually notify police and fire departments affected by an interruption of service.

(4) **Record of interruptions.** Each gas utility must keep a record of all interruptions of service affecting twenty-five or more customers, including in such record the location, the date and time, the duration, and, as accurately as possible, the cause of each interruption. Utilities must submit copies of such records to the commission upon request.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-148, filed 5/3/01, effective 6/3/01.]

WAC 480-90-151 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-90-153 Disclosure of private information.

(1) A gas utility may not disclose or sell private consumer information with or to its affiliates, subsidiaries, or any other third party for the purposes of marketing services or product offerings to a customer who does not already subscribe to that

service or product, unless the utility has first obtained the customer's written permission to do so.

(2) Private consumer information includes the customer's name, address, telephone number, and any other personally identifying information, as well as information related to the quantity, technical configuration, type, destination, and amount of use of service or products subscribed to by a customer of a regulated utility that is available to the utility solely by virtue of the customer-utility relationship.

(3) This section does not prevent disclosure of the essential terms and conditions of special contracts as provided for in WAC 480-80-335, Special contracts for electric, water, and natural gas utilities.

(4) This section does not prevent the utility from inserting any marketing information into the customer's billing package.

(5) The utility may collect and release customer information in aggregate form if the aggregated information does not allow any specific customer to be identified.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-20-059 (Docket No. UG-990294, General Order No. R-488), § 480-90-153, filed 9/28/01, effective 10/29/01.]

WAC 480-90-156 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-90-158 Service connections. (1) The gas utility must furnish, install, and maintain piping and other fittings to the customer's piping up to the point of delivery. The point of delivery is at the outlet of the meter or at the connection to a customer's piping, whichever is farther downstream.

(2) The customer may be required to pay for or install any service connection such as pipes and fittings in compliance with the gas utility's standards and filed tariff(s). The service piping and fittings up to the point of delivery will become the property of the utility, which must accept all responsibility for future maintenance and operations in accordance with its filed tariffs.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-158, filed 5/3/01, effective 6/3/01.]

WAC 480-90-161 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-90-163 Service entrance facilities. A gas utility may require customers to:

(1) Provide service entrance facilities at the easiest access point to the utility's distribution system; and

(2) To comply with reasonable requirements to keep those facilities free from tampering or interference.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-163, filed 5/3/01, effective 6/3/01.]

WAC 480-90-166 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-90-168 Access to premises; identification.

(1) Authorized representatives of a gas utility have the right

to enter a customer's property during reasonable hours to perform necessary functions such as meter reading, maintenance, repairs, testing, installation, or removal of the utility's property. Utilities must provide photo identification to utility representatives who are authorized to enter customers' premises. Customers have the right to see the utility-provided identification of gas utility representatives before allowing entry to the customer's property.

(2) When performing maintenance, repairs, testing, installation, or removal of the utility's property, the utility must restore the customer's property as close as reasonably practicable to the condition prior to the utility's action, unless otherwise defined in the utility's tariff or through a separate agreement with the customer.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-168, filed 5/3/01, effective 6/3/01.]

WAC 480-90-171 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-90-173 Gas utility's responsibility for complaints and disputes. (1) When a gas utility receives a complaint from a customer or an applicant for service, the utility must acknowledge receipt of the complaint and:

(a) Upon request, identify the utility's contact to the complainant;

(b) Investigate the complaint promptly as required by the particular case;

(c) Report the results of the investigation to the complainant;

(d) Take corrective action, if warranted, as soon as possible under the circumstances;

(e) If the complainant is dissatisfied with the results or decision, inform the complainant that the decision may be appealed to a supervisor at the utility; and

(f) If the complainant is dissatisfied after speaking with the utility's supervisor, the supervisor must inform the complainant of the complainant's right to file a complaint with the commission and provide the commission's address and toll-free telephone number.

(2) Applicants, customers, or their representatives may file with the commission:

(a) An informal complaint as described in WAC 480-09-150, Informal complaints; or

(b) A formal complaint against the utility as described in WAC 480-09-420, Pleadings and briefs—Applications for authority—Protests.

(3) When the commission refers an informal complaint to the utility, the utility must:

(a) Investigate and report the results to the commission within two business days. The commission may grant an extension of time for responding to the complaint, if requested and warranted;

(b) Keep the commission informed of progress toward the solution and the final result; and

(c) Respond to the commission's request for additional informal complaint information within three business days of the request or at a date specified by the commission. The

commission may grant an extension of time for responding to the complaint, if requested and warranted.

(4) Each gas utility must keep a record of all complaints for at least three years and, upon 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;
- (d) The final result; and
- (e) All official documents regarding the complaint.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-173, filed 5/3/01, effective 6/3/01.]

WAC 480-90-176 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-90-178 Billing requirements and payment date. (1) Customer bills must:

(a) Be issued at intervals not to exceed two one-month billing cycles, unless the utility can show good cause for delaying the issuance of the bill. The utility must be able to show good cause if requested by the commission;

(b) Show the total amount due and payable;

(c) Show the date the bill becomes delinquent if not paid;

(d) Show the utility's business address, business hours, and toll-free telephone number and emergency telephone number by which a customer may contact the utility;

(e) Show the current and previous meter readings, the current read date, and the total amount of therms used;

(f) Show the amount of therms used for each billing rate, the applicable billing rates per therm, the basic charge or minimum bill;

(g) Show the amount of any municipal tax surcharges or their respective percentage rates;

(h) Clearly identify when a bill has been prorated. A prorated bill must be issued when service is provided for a fraction of the billing period. Unless otherwise specified in the utility's tariff, the charge must be prorated in the following manner:

(i) Flat-rate service must be prorated on the basis of the proportionate part of the period that service was rendered;

(ii) Metered service must be billed for the amount metered. The basic or minimum charge must be billed in full;

(i) Clearly identify when a bill is based on an estimation.

(i) A utility must detail its method(s) for estimating customer bills in its tariff;

(ii) The utility may not estimate for more than four consecutive months unless the cause of the estimation is inclement weather, terrain, or a previous arrangement with the customer; and

(j) Clearly identify determination of maximum demand. A utility providing service to any customer on a demand basis must detail in its filed tariff the method of applying charges and of ascertaining the demand.

(2) The minimum time allowed for payment after the bill's mailing date must be fifteen days, if mailed from within the states of Washington, Oregon, or Idaho, or eighteen days if mailed from outside the states of Washington, Oregon, and Idaho.

(3) The utility must allow a customer to change a designated payment-due date when the customer has a satisfactory reason for the change. A satisfactory reason may include, but is not limited to, adjustment of a designated payment-due date to parallel receipt of income. The preferred payment date must be prior to the next billing date.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-178, filed 5/3/01, effective 6/3/01.]

WAC 480-90-181 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-90-183 Complaint meter tests. (1) A gas utility must test and report to the customer the accuracy of a meter within twenty business days after receiving an initial request from a customer. The utility must allow the customer to order one meter test free of charge during a twelve-month period. The utility may appeal to the commission to waive the responsibility of performing the meter test, to request an extension to perform the meter test, or to be allowed to charge for the meter test. If the customer disputes the accuracy of the meter, the customer must allow the utility access for meter testing.

(2) The customer may, at the customer's option, either witness the meter test or designate a representative to witness the test. The customer may require the meter to be sealed upon removal in the presence of the customer or the customer's representative. The seal must not be broken until the test is made in the presence of the customer or the customer's representative, or until permission to break the seal has been granted by the commission. The utility must report the results of the meter test to the customer.

(3) A customer may request the utility to perform additional meter tests within twelve months of the last meter test, but additional meter tests will not delay disconnection of service under of WAC 480-90-128(9), Disconnection of service. The utility must immediately inform the customer of any additional meter test charges. If the customer elects to have the meter test performed, the utility must perform the test and report the test results to the customer within twenty business days. If the additional meter test results show the meter is performing accurately as defined in WAC 480-90-338, Metering tolerance, the utility may charge the customer for performing the additional meter tests. The charge of the meter test must be listed in the utility's tariff. The utility may not charge the customer for any additional meter test that shows the meter is performing outside acceptable tolerance levels as defined in WAC 480-90-338, Metering tolerance.

(4) If the customer disputes any meter test result, the utility or the customer may contact the commission to review the complaint. When the commission has notified the utility that a complaint has been received regarding the customer's meter, the utility may not change the meter in any manner unless authorized by the commission. If the utility violates this provision, the commission may consider it as supporting the customer's dispute since the change might affect the proof of the dispute. The commission may require the utility to perform an additional test and report the test results to the commission within ten business days.

(5) If a meter test reveals a meter error greater than specified as acceptable in WAC 480-90-338, Metering tolerance, the utility must repair or replace the meter at no cost to the customer. The utility must adjust the bills to the customer based on the best information available to determine the appropriate charges. The utility must offer payment arrangements in accordance with WAC 480-90-138(2), Payment arrangements.

(a) If the utility can identify the date the customer was first billed from a defective meter, the utility must refund or bill the customer for the proper usage from that date;

(b) If the utility cannot identify the date the customer was first billed from a defective meter, the utility must refund or bill the customer for the proper usage, not to exceed six months.

(6) Reports. The commission may require the utility to provide meter test results to the commission in response to a customer's complaint. These reports must contain the name or 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 the meter was tested, the reading of the meter when tested, the accuracy of the meter as found, and the accuracy of the meter after adjustment.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-183, filed 5/3/01, effective 6/3/01.]

WAC 480-90-188 Payment locations. (1) The gas utility must provide payment agencies in locally accessible locations where applicants and customers can make payments at no charge to the applicants and customers. Payment agencies must clearly post and maintain regular business hours.

(2) The utility and its payment agencies must provide receipts for any cash payments made by the applicants or customers.

(3) The utility must provide written or electronic notice to the commission's consumer affairs section 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 or electronic notification is required as soon as the utility 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; and

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

(4) The utility must include on its regularly scheduled bills a statement referring its customers to a toll-free number for updated payment agency locations.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-188, filed 5/3/01, effective 6/3/01.]

WAC 480-90-191 Repealed. See Disposition Table at beginning of this chapter.

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WAC 480-90-193 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 80.04.160 and 80.01.040. 01-09-002 (Docket No. U-991301, General Order No. R-481), § 480-90-193, filed 4/4/01, effective 5/5/01.]

WAC 480-90-203 Accounting system requirements.

(1) Gas utilities in the state of Washington must use the uniform system of accounts applicable to major and nonmajor gas utilities as published by the Federal Energy Regulatory Commission (FERC) in the Code of Federal Regulations. Information about the Code of Federal Regulations regarding the version adopted and where to obtain it is set out in WAC 480-90-999, Adoption by reference.

(2) Gas utilities having multistate operations must maintain records in such detail that the costs of property located and business done in Washington can be readily ascertained in accordance with geographic boundaries.

(3) Any deviation from the uniform system of accounts, as prescribed by the FERC, will be accomplished only after due notice and order of this commission.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-203, filed 5/3/01, effective 6/3/01.]

WAC 480-90-208 Financial reporting requirements.

(1) Annual reports.

(a) Gas utilities must use the annual report form (FERC Form No. 2) promulgated by the Federal Energy Regulatory Commission for purposes of annual reporting to this commission. Data required by RCW 80.04.080, Annual reports, but not included in the FERC Form No. 2, must also be submitted with the annual report. Utilities must submit the annual report for the preceding calendar year, along with the regulatory fee, by May 1st of each year. If not presented in the prescribed FERC Form, the annual report must include the following data per customer class for the calendar year: Revenues, average customer count, and total unit sales. Information about the FERC Form No. 2 regarding the version adopted and where to obtain it is set out in WAC 480-90-999, Adoption by reference.

(b) Utilities must also submit to this commission, in essentially the same format and content as the FERC Form No. 2, a report that documents the costs incurred and the property necessary to furnish utility service to its customers and the revenues obtained in the state of Washington. The report must include the following data per customer class for the calendar year: Revenues, average customer count, and total unit sales;

(c) Combination and multistate utilities must submit with the annual report their cost allocation methods necessary to develop results of operations for the state of Washington. Approval of cost allocation schemes for rate-making purposes is accomplished only by commission order;

(d) The total utility results of operations reported by each utility in its annual report to the commission must agree with

the results of operations shown on the utility's books and records.

(2) Commission basis reports (annual).

(a) The intent of the "commission basis" report is to depict the gas operations of a utility under normal temperature and gas supply conditions during the reporting period. The commission basis report must include the following:

(i) Booked results of gas operations and rate base, and all the necessary adjustments as accepted by the commission in the utility's most recent general rate case or subsequent orders;

(ii) Actual adjusted results of operations for out-of-period, nonoperating, nonrecurring, and extraordinary items or any other item that materially distorts reporting period earnings and rate base; and

(iii) Adjusted booked revenues and gas supply expenses to reflect operations under normal temperature conditions before the achieved return on rate base is calculated;

(b) Commission basis reports should not include adjustments that annualize price, wage, or other cost changes during a reporting period, nor new theories or approaches that have not been previously addressed and resolved by the commission;

(c) Utilities must submit the basis of any cost allocations and the allocation factors necessary to develop the commission basis results of gas operations for the state of Washington;

(d) Commission basis reports are due within four months of the end of a utility's fiscal year.

(3) **Quarterly reports.** Gas utilities must file a report of actual results for Washington operations within forty-five days of the end of each quarter. The results of operations report must contain each of the three monthly balances and the latest twelve months' ending balance for all accounts of the uniform system of accounts. The report must include the average customer count and total unit sales per customer class for each reported period.

(4) **Additional reports.** This section does not supersede any reporting requirement specified in a commission order or limit the commission's ability to request additional information.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-208, filed 5/3/01, effective 6/3/01.]

WAC 480-90-211 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-90-213 Expenditures for political or legislative activities. (1) The commission will not allow either direct or indirect expenditures for political or legislative activities for rate-making purposes.

(2) For purposes of this rule, political or legislative activities include, but are not limited to:

(a) Encouraging support or opposition to ballot measures, legislation, candidates for a public office, or current public office holders;

(b) Soliciting support for or contributing to political action committees;

(c) Gathering data for mailing lists that are generated for the purposes of encouraging support for or opposition to ballot measures, legislation, candidates for public office, or current office holders, or encouraging support for or contributions to political action committees;

(d) Soliciting contributions or recruiting volunteers to assist in the activities set forth in (a) through (c) of this subsection.

(3) Political or legislative activities do not include activities directly related to appearances before regulatory or local governmental bodies necessary for the utility's operations.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-213, filed 5/3/01, effective 6/3/01.]

WAC 480-90-218 Securities, affiliated interests, and transfers of property. (1) Before a gas utility issues stock, securities, or other evidence of indebtedness, the utility must comply with the requirements of chapters 80.08 RCW and 480-146 WAC.

(2) Before a gas utility enters into a contract or arrangement with an affiliated interest, the utility must file a copy or summary of the contract or arrangement with the commission in accordance with chapters 80.16 RCW and 480-146 WAC.

(3) Before selling, leasing, or assigning any of its property or facilities, or before acquiring property or facilities of another public utility, a gas utility must obtain an authorizing order from the commission in accordance with chapters 80.12 RCW and 480-143 WAC.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-218, filed 5/3/01, effective 6/3/01.]

WAC 480-90-223 Advertising. (1) The commission will not allow expenses for promotional or political advertising for rate-making purposes. The term "promotional advertising" means advertising to encourage any person or business to select or use the service or additional services of a gas utility, to select or install any appliance or equipment designed to use the gas utility's service, or to influence consumers' opinions of the gas utility.

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.

(2) As used in this section the terms "promotional advertising" and "political advertising" do not include:

(a) Advertising which informs customers how to conserve energy or how to 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 the gas utility;

(e) Advertising which promotes the use of energy efficient appliances, equipment, or services;

(f) Announcements or explanations of existing or proposed tariffs or rate schedules; and

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(g) Notices of meetings or commission hearings concerning gas utility rates and tariffs.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-223, filed 5/3/01, effective 6/3/01.]

WAC 480-90-228 Retention and preservation of records and reports. (1) Each gas utility must retain all records and reports for three years unless otherwise specified by the publication referenced in subsection (2) of this section. No records may be destroyed prior to the expiration of the time specified by the publication referenced in subsection (2) of this section.

(2) The commission adopts the publication, *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies*, published by the National Association of Regulatory Utility Commissioners as the standards for utility records retention. Information about the *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* regarding the version adopted and where to obtain it is set out in WAC 480-90-999, Adoption by reference.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-228, filed 5/3/01, effective 6/3/01.]

WAC 480-90-233 Purchased gas adjustment. (1) A purchased gas adjustment (PGA) clause is an accounting and rate adjustment procedure that gas utilities use to recover actual gas costs. Gas utilities must file with the commission for recovery of expected gas cost changes and amortization of accumulated book balances.

(2) A gas utility must include its PGA procedures in its tariff.

(3) A gas utility must make a PGA filing within a maximum of fifteen months since the effective date of the utility's last PGA. If the utility believes that a PGA filing is unnecessary within this time frame, then it must file supporting documents within thirteen months after the effective date of its last PGA demonstrating why a rate change is not necessary.

(4) A gas utility must accrue interest, compounded monthly, on deferred gas cost balances which accrue subsequent to the effective date of this rule at the previous quarter's average prime interest rate calculated as follows: The arithmetic mean of the prime rate values published in the Federal Reserve Bulletin for the fourth, third, and second months preceding the first month of the calendar quarter (also known as the "FERC interest rate").

(5) A gas utility must file a monthly report of the activity in account 191, Unrecovered purchased gas costs, for Washington within thirty days after the end of each month. The report must show the beginning balance, monthly entry and ending balances for each Washington subaccount included in account 191, Unrecovered purchased gas costs. PGA incentive amounts must be shown separately.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-233, filed 5/3/01, effective 6/3/01.]

WAC 480-90-238 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" must be developed by each gas utility in consultation with commission staff. Provision for involvement in the preparation of the plan by the public is 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 must be outlined in a work plan developed by the utility 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 must submit to the commission on a biennial basis a least cost plan that must 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; and

(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 must 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 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-238, filed 5/3/01, effective 6/3/01.]

WAC 480-90-303 Heating value of gas. (1) A gas utility must state in its tariff the minimum heating value of gas delivered to customers. The minimum heating value of the gas must be sufficient to operate an appliance uniformly.

(2) **Testing equipment.** If a gas utility provides and maintains its own gas calorimeter, the calorimeter and accessories must be installed in a suitable area. The calorimeter and its location and accuracy must be approved by the commission.

(3) If a gas utility does not maintain its own gas calorimeter, the utility's supplier must provide the calorimetric results to the commission on request.

(4) A gas utility may use a caloroptic indicator to determine the heat value when a mixture of liquified petroleum gas and air is used.

(5) **Testing requirements.** Each gas utility must take at least one daily heat value test of the gas supplied to its customers.

(6) The total heating value must be stated in British thermal units per cubic foot.

(7) The average daily heating values must be determined by taking the average of all daily heating values measured throughout the day. The average monthly heating value must be the average of all daily average values for the calendar month.

(8) For billing purposes, the gas utility may apply the average heating value for a given month to the following month provided the procedure is written in the utility's tariff.

(9) **Testing records.** Each gas utility must keep complete records of each heat value test. These records must be accessible to the commission and its authorized representatives.

(10) The utility must adopt standard forms that record the heating value, gas analysis, and specific gravity results. The forms are subject to commission approval. Each form must be retained as a record for at least two years at the station where the tests were made.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-303, filed 5/3/01, effective 6/3/01.]

WAC 480-90-308 Meter readings. A meter is required to record or indicate the volume of gas taken, measured in units of cubic feet or other volumetric unit. The gas utility, upon request, must supply the customer with all variables and formulas to enable the customer to compute billable units, typically therms.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-308, filed 5/3/01, effective 6/3/01.]

WAC 480-90-313 Meter charges. (1) A gas utility will make no charge for furnishing and installing a meter required to determine the customer's usage for billing of gas service in accordance with the utility's filed tariff. The utility may charge for additional meters or metering equipment requested by the customer or required by the utility's tariff for services beyond determining the customer's bill.

(2) A meter will not be required on flat-rate service.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-313, filed 5/3/01, effective 6/3/01.]

WAC 480-90-323 Meter set assembly location. (1)

The customer must furnish a convenient and unobstructed location to install the meter set assembly that is acceptable to the gas utility.

(2) A meter set assembly may include a meter, regulator, valve, and adjacent components. The meter set assembly must be accessible to the utility to read, inspect, repair, test, and make changes.

(3) Residential and commercial meter set assemblies should be installed outside at the building wall. All meter set assemblies should be placed, whenever possible, away from doors, windows, building overhangs, intake ducts, and other outside areas where gas can accumulate and migrate into buildings. When it becomes necessary to locate meters away from the building wall or inside buildings, the gas utility must keep a record of these meter set assemblies, including in such record the location, installation date, and leak history. Utilities must submit copies of such records to the commission upon request.

(4) The meter set assembly must be protected with a protective barrier whenever damage by vehicles or marine traffic is likely to occur.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-323, filed 5/3/01, effective 6/3/01.]

WAC 480-90-328 Meter identification. Gas utilities must identify each meter by a unique series of serial numbers, letters, or combination of both, placed in a conspicuous position on the meter, along with the utility's name or initials. Utilities must update the name or initials on its meters within three years of a name change.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-328, filed 5/3/01, effective 6/3/01.]

WAC 480-90-333 Initial accuracy of meters. (1) Each meter must be in good mechanical shape and adjusted to read as accurately as practical before being placed in service. Meters are required to be free of leaks and deliver gas without noticeable fluctuation due to mechanical operation of the meter.

(2) The gas utility must seal all meters in service or use a sealing method acceptable to the commission.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-333, filed 5/3/01, effective 6/3/01.]

WAC 480-90-338 Metering tolerance. A meter must not deviate more than two percent fast or slow at each test rate.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-338, filed 5/3/01, effective 6/3/01.]

WAC 480-90-343 Statement of meter test procedures. (1) The gas utility must include a statement in its tariff describing its practice under these rules covering:

(a) The description of test methods used and frequency of tests for determining the meter accuracy. The description must include, but is not limited to:

- (i) Test group detail and selection procedures;
- (ii) Performance standard details for meters that exceed the maximum allowable tolerance for slow as well as fast meters;
- (iii) The corrective action and time period that will be implemented; and
- (iv) Reference to an industry standard such as ANSI C12.1 or ANSI/[isrt]ASQC-Z1.9 that will establish acceptable criteria for numerical analysis.

(b) The description of meter testing equipment and accuracy determination methods.

(c) The name of the testing laboratory making meter tests if gas companies do not maintain meter testing equipment.

(d) The testing and adjustment program of meters prior to installation and periodic tests after installation.

(2) If a gas utility changes any portion of the meter test procedure, a revised tariff must be submitted.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-343, filed 5/3/01, effective 6/3/01.]

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

WAC 480-90-348 Frequency of periodic meter tests. (1) The minimum periodic test interval for gas meters, other than orifice meters, is as follows:

- (a) Meters with capacity up to three thousand cubic feet per hour - every ten years;
- (b) Meters with capacity three thousand cubic feet per hour and over - every five years.

(2) The minimum periodic test interval for orifice meters is as follows:

- (a) Differential gauges - at least once each three months;
- (b) Orifice plate - 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 480-90-343, Statement of meter test procedures.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-348, filed 5/3/01, effective 6/3/01.]

WAC 480-90-353 Meter history records. (1) Gas utilities must establish records showing the history of each meter purchased and installed. Each record must be maintained for the life of the meter, plus three months. The forms of such records are subject to commission approval and must contain the following information, at a minimum:

- (a) The date of purchase;
- (b) Gas utility's identification number;
- (c) Type, model, or series of meter; and
- (d) Current meter location.

(2) The utility must maintain the meter history from the meter's last shop maintenance and "out proof test" through

service, removal and "in proof test," plus six months. The records are subject to approval of the commission and must contain, at a minimum, the following information:

- (a) Date and nature of repairs;
 - (b) Date and results of the "out proof test";
 - (c) Date and results of the "in proof test";
 - (d) Date, location, and index reading when placed in service;
 - (e) Date, location, and index reading when removed from service; and
 - (f) Date, complainant's name and address, and results of any complaint test(s) made while the meter was in service.
- (3) Overhauled meters that meet new meter standards may be retired and reenter the system as new meters.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-353, filed 5/3/01, effective 6/3/01.]

WAC 480-90-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective date, references within this chapter, and availability of the resources are as follows:

(1) Title 18 Code of Federal Regulations, cited as 18 CFR, is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on April 1, 2000.

(b) This publication is referenced in WAC 480-90-203, Accounting system requirements, and WAC 480-90-208, Financial reporting requirements.

(c) Copies of 18 CFR are available from the U.S. Government Printing Office in Pittsburgh, Pennsylvania.

(2) *The Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* is published by the National Association of Regulatory Utility Commissioners (NARUC).

(a) The commission adopts the version in effect in 1985.

(b) This publication is referenced in WAC 480-90-228, Retention and preservation of records and reports.

(c) *The Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* is a copyrighted document. Copies are available from NARUC, in Washington, D.C.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-999, filed 5/3/01, effective 6/3/01.]

Chapter 480-93 WAC

GAS COMPANIES—SAFETY

WAC

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480-93-220
480-93-999

Rule of precedence.
Adoption by reference.

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, man-holes, etc.

(5) **Follow-up inspection** - an inspection performed after a repair has been completed in order to determine the effectiveness of the repair.

(6) **Gas** - natural gas, flammable gas, or gas which is toxic or corrosive.

(7) **Gas associated substructures** - those devices or facilities utilized by a gas company which are not intended for storing, transporting, or distributing gas, such as valve boxes, vaults, test boxes, and vented casing pipe.

(8) **Gas company** - the term "gas company" shall mean:

(a) Every gas company otherwise subject to the jurisdiction of the commission under Title 80 RCW as to rates and service; and

(b) Every person, corporation, city, or town which owns or operates a pipeline transporting gas in this state, even though such person, corporation, city, or town is not a public service company under chapter 80.28 RCW, and even though such person, corporation, city, or town does not deliver, sell, or furnish gas to any person or corporation within this state.

(9) **Gathering line** - a gas pipeline which transports gas from the outlet of a well and any associated compressor to the connection with a second gathering line or with a transmission line.

(10) **Indication** - a response indicated by a gas detection instrument that has not been verified as a reading.

(11) **L.E.L.** - the lower explosive limit of the gas being transported.

(12) **Main** - a gas pipeline, not a gathering or transmission line:

(a) Which serves as a common source of gas for more than one service line;

(b) Which crosses a public right of way; or

(c) Which crosses property not owned by the customer or the gas company.

(13) **Master meter system** - a pipeline system for distributing gas to more than one building within, but not limited to, a definable area, such as a mobile home park, housing project, or apartment complex, where the operator purchases metered gas from an outside source for distribution to ultimate consumers other than the system operator's immediate family through a gas distribution pipeline system.

(14) **Maximum operating pressure** - a maximum pressure selected by a gas company for operation of a pipeline or segment of a pipeline, which is equal to or less than the maximum allowable operating pressure derived pursuant to 49 CFR, Part 192 on the date specified in WAC 480-93-999.

(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 on the date specified in WAC 480-93-999.

(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 on the date specified in WAC 480-93-999.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-93-005, filed 9/28/01, effective 10/29/01. 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 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 the date specified in WAC 480-93-999. The provisions of this chapter shall govern to the extent that the standards in the state regulations are compatible with the federal standards.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-93-010, filed 9/28/01, effective 10/29/01. 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 in effect on the date specified in WAC 480-93-999, unless waiver is approved in advance of such transportation, in writing, by the commission.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-93-015, filed 9/28/01, effective 10/29/01. 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 480-93-110 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 in effect on the date specified in WAC 480-93-999, 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, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-93-110, filed 9/28/01, effective 10/29/01. 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 480-93-124 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). Information about 49 CFR regarding the version currently in effect and where to obtain it is set out in WAC 480-93-999.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-93-124, filed 9/28/01, effective 10/29/01. 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 480-93-155 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 in effect on the date specified in WAC 480-93-999.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-93-155, filed 9/28/01, effective 10/29/01. 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 480-93-180 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 in effect on the date specified in WAC 480-93-999, every gas company shall develop appropriate operating, maintenance, safety, and inspection plans and procedures and an emergency policy. Such plans and procedures, and all subsequent changes and amendments, initiated by the gas company or pursuant to changes in state and federal rules and regulations, shall be promptly filed with the commission, for review and determination as to their adequacy, when properly executed, to achieve an acceptable level of safety. The commission may, after notice and opportunity for hearing, require such plans and procedures to be revised. The plans and procedures required by the commission shall be practicable and designed to meet the needs of safety. In determining the adequacy of such plans and procedures to achieve an acceptable level of safety, the commission shall consider:

- (1) Relevant available pipeline safety data;
- (2) Whether the plans and procedures are appropriate for the particular type of pipeline operations being performed by the gas company, taking into consideration company size, geographical area of operation, and the public interest;
- (3) The reasonableness of the plans and procedures; and
- (4) The extent to which the plans and procedures, if properly executed, will contribute to an acceptable level of public safety being achieved by the company.

Furthermore, every gas company shall be responsible for establishing and maintaining such records, making such reports, and providing such information as the commission

may reasonably require to enable it to determine whether the gas company has acted and is acting in compliance with these rules and regulations and the standards established thereunder. Every gas company shall, upon request of the commission and its authorized representatives, permit the commission and its authorized representatives to inspect books, papers, records, and documents relevant to determining whether the gas company and its agents have acted and are acting in compliance with these rules and regulations and the standards established thereunder. Such commission inspections shall be conducted at reasonable times, within reasonable limits, and in a reasonable manner, and each inspection shall be commenced and completed with reasonable promptness.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-93-180, filed 9/28/01, effective 10/29/01. 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 480-93-220 Rule of precedence. Where there is any conflict between the provisions of CFR 49, Part 192 (Minimum Federal Natural Gas Pipeline Safety Standards) in effect on the date specified in WAC 480-93-999 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.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-93-220, filed 9/28/01, effective 10/29/01; Order R-28, § 480-93-220, filed 7/15/71.]

WAC 480-93-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

Title 49 Code of Federal Regulations, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(1) The commission adopts the version in effect on July 1, 2001.

(2) This publication is referenced in WAC 480-93-005, 480-93-010, 480-93-015, 480-93-110, 480-93-124, 480-93-155, 480-93-180 and 480-93-220.

(3) Copies of Title 49 Code of Federal Regulations are available from the Seattle office of the Government Printing Office and from various third-party vendors.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-93-999, filed 9/28/01, effective 10/29/01.]

**Chapter 480-100 WAC
ELECTRIC COMPANIES**

WAC

480-100-001	Purpose.
480-100-003	Application of rules.
480-100-008	Exemptions from rules in chapter 480-100 WAC.
480-100-011	Repealed.
480-100-013	Additional requirements.
480-100-016	Repealed.
480-100-018	Severability.
480-100-021	Repealed.
480-100-023	Definitions.
480-100-026	Repealed.
480-100-028	Tariffs and special contracts.
480-100-031	Repealed.
480-100-032	Repealed.
480-100-033	Distribution line extension tariff.
480-100-036	Repealed.
480-100-041	Repealed.
480-100-043	Repealed.
480-100-046	Repealed.
480-100-051	Repealed.
480-100-056	Repealed.
480-100-061	Repealed.
480-100-066	Repealed.
480-100-071	Repealed.
480-100-072	Repealed.
480-100-076	Repealed.
480-100-081	Repealed.
480-100-086	Repealed.
480-100-091	Repealed.
480-100-096	Repealed.
480-100-101	Repealed.
480-100-103	Information to consumers.
480-100-108	Application for service.
480-100-111	Repealed.
480-100-113	Residential services deposit requirements.
480-100-116	Repealed.
480-100-118	Nonresidential service deposit requirements.
480-100-121	Repealed.
480-100-123	Refusal of service.
480-100-126	Repealed.
480-100-128	Disconnection of service.
480-100-131	Repealed.
480-100-133	Reconnecting service after disconnection.
480-100-136	Repealed.
480-100-138	Payment arrangements.
480-100-141	Repealed.
480-100-143	Winter low-income payment program.
480-100-146	Repealed.
480-100-148	Service responsibility.
480-100-151	Repealed.
480-100-153	Disclosure of private information.
480-100-156	Repealed.
480-100-161	Repealed.
480-100-163	Service entrance facilities.
480-100-166	Repealed.
480-100-168	Access to premises; identification.
480-100-171	Repealed.
480-100-173	Electric utility responsibility for complaints and disputes.
480-100-176	Repealed.
480-100-178	Billing requirements and payment date.
480-100-181	Repealed.
480-100-183	Complaint meter tests.
480-100-186	Repealed.
480-100-188	Payment locations.
480-100-191	Repealed.
480-100-193	Notice to the public of tariff changes.
480-100-201	Repealed.
480-100-203	Accounting system requirements.
480-100-206	Repealed.
480-100-208	Financial reporting requirements.
480-100-211	Repealed.
480-100-213	Expenditures for political or legislative activities.
480-100-218	Securities, affiliated interests, and transfers of property.
480-100-223	Advertising.
480-100-228	Retention and preservation of records and reports.
480-100-238	Least cost planning.
480-100-251	Repealed.
480-100-308	Meter location.
480-100-311	Repealed.

480-100-313	Meter charges.
480-100-318	Meter readings, multipliers, and test constants.
480-100-328	Meter identification.
480-100-333	Initial accuracy of electric meters.
480-100-338	Accuracy requirements for electric meters.
480-100-343	Statement of meter test procedures.
480-100-353	Meter history records.
480-100-358	Instrument transformers.
480-100-363	Portable indicating instruments.
480-100-368	Standard frequency.
480-100-373	Standard voltage and permissible variation.
480-100-378	Accuracy of test standards.
480-100-383	Reports of accidents.
480-100-388	Electric service reliability definitions.
480-100-393	Electric service reliability monitoring and reporting plan.
480-100-398	Electric service reliability reports.
480-100-999	Adoption by reference.

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

480-100-011	Application of rules. [Order R-29, § 480-100-011, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
480-100-016	Saving clause. [Order R-29, § 480-100-016, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
480-100-021	Glossary. [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.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
480-100-026	Tariffs. [Order R-29, § 480-100-026, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
480-100-031	Accounting. [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.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
480-100-032	Accounting—Political information and political education activities. [Statutory Authority: RCW 80.01.040. 86-04-072 (Order R-251, Cause No. U-85-78), § 480-100-032, filed 2/5/86.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
480-100-036	Finance—Securities, affiliated interests, transfer of property. [Order R-29, § 480-100-036, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
480-100-041	Information to consumers. [Statutory Authority: RCW 80.01.040. 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.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
480-100-043	Advertising. [Statutory Authority: RCW 80.01.040. 81-03-060 (Order R-158, Cause No. U-80-106), § 480-100-043, filed 1/20/81.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
480-100-046	Application for service. [Order R-29, § 480-100-046, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01.

- 480-100-051 tive 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-100-051 Establishment of credit. [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.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-100-056 Refusal of service. [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.] Repealed by 01-24-076 (General Order No. R-495, Docket No. UE-990473), filed 12/3/01, effective 1/3/02. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-100-061 Contract for service. [Order R-29, § 480-100-061, filed 7/15/71.] Repealed by 01-09-002 (Docket No. U-991301, General Order No. R-481), filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 80.04.160 and 80.01.040.
- 480-100-066 Distribution extensions. [Order R-29, § 480-100-066, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-100-071 Discontinuance of service. [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.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-100-072 Payment arrangements and responsibilities. [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.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-100-076 Service responsibilities. [Order R-29, § 480-100-076, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-100-081 Service entrance facilities. [Order R-29, § 480-100-081, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-100-086 Meter location. [Order R-29, § 480-100-086, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-100-091 Access to premises. [Order R-29, § 480-100-091, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-100-096 Complaints and disputes. [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.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-100-101 Form of bills. [Order R-84, § 480-100-101, filed 6/30/76; Order R-29, § 480-100-101, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-100-111 Refund for inaccurate metering. [Order R-29, § 480-100-111, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-100-116 Responsibility for delinquent accounts. [Order R-29, § 480-100-116, filed 7/15/71.] Repealed by 01-24-076 (General Order No. R-495, Docket No. UE-990473), filed 12/3/01, effective 1/3/02. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-100-121 Meter charges. [Order R-29, § 480-100-121, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-100-126 Meter readings. [Order R-29, § 480-100-126, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-100-131 Identification of meters. [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.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-100-136 Initial accuracy of meters. [Order R-29, § 480-100-136, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-100-141 Accuracy of watthour meters. [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.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-100-146 Accuracy of demand meters. [Order R-29, § 480-100-146, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-100-151 Instrument transformers. [Order R-29, § 480-100-151, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-100-156 Multipliers and test constants. [Order R-29, § 480-100-156, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-100-161 Portable indicating instruments. [Order R-29, § 480-100-161, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-100-166 Dispute as to accuracy of meters. [Order R-29, § 480-100-166, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-100-171 Complaint meter test. [Order R-29, § 480-100-171, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-100-176 Statement of meter test procedures. [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.] Repealed by

- 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-100-181 Meter history records. [Order R-29, § 480-100-181, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-100-186 Standard frequency. [Order R-29, § 480-100-186, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-100-191 Standard voltage and permissible variation. [Order R-29, § 480-100-191, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-100-201 Accuracy of test standards. [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.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-100-206 Reports of accidents. [Order R-29, 480-100-206, filed 7/15/71.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-100-211 Filing of records and reports and the preservation of records. [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.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-100-251 Least cost planning. [Statutory Authority: RCW 80.01.040. 87-11-045 (Order R-273, Cause No. U-86-141), § 480-100-251, filed 5/19/87.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.
- 480-100-311 Business offices and payment agencies. [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.] Repealed by 01-11-004 (Docket No. UE-990473, General Order No. R-482), filed 5/3/01, effective 6/3/01. Statutory Authority: RCW 80.01.040 and 80.04.160.

WAC 480-100-001 Purpose. The legislature has declared that operating as an electric utility in the state of Washington is a business affected with the public interest and that such utilities should be regulated. The purpose of these rules is to administer and enforce chapter 80.28 RCW by establishing rules of general applicability and requirements for:

- Consumer protection;
- Financial records and reporting;
- Electric metering; and
- Electric safety and standards.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-001, filed 5/3/01, effective 6/3/01.]

WAC 480-100-003 Application of rules. (1) The rules in this chapter apply to any electric utility that is subject to the jurisdiction of the commission under RCW 80.04.010 and chapter 80.28 RCW. These rules also include various requirements of the utility's customers and applicants.

(2) The tariff provisions filed by utilities must conform with these rules. If the commission accepts a tariff that con-

flicts with these rules, the acceptance does not constitute a waiver of these rules unless the commission specifically approves the variation consistent with WAC 480-100-008, Exemptions from rules in chapter 480-100 WAC. Tariffs that conflict with these rules without approval are superseded by these rules.

(3) Any affected person may ask the commission to review the interpretation of these rules by a utility or customer by posing an informal complaint under WAC 480-09-150, Informal complaints, or by filing a formal complaint under WAC 480-09-420, Pleading and briefs—Application for authority—Protests.

(4) No deviation from these rules is permitted without written authorization by the commission. Violation will be subject to penalties as provided by law.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-003, filed 5/3/01, effective 6/3/01.]

WAC 480-100-008 Exemptions from rules in chapter 480-100 WAC. (1) The commission may grant an exemption from the provisions 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, giving a full explanation of the reason for requesting the exemption.

(3) The commission will assign the request a docket number, if it does not arise in an existing docket, and will 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 of the hearing or open meeting when the commission will consider the request.

(4) In determining whether to grant the request, the commission may consider whether application of the rule would impose undue hardship on the petitioner, of a degree or a kind different from hardships imposed on other similarly situated persons, and whether the effect of applying the rule would be contrary to the purposes of the rule.

(5) 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 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-008, filed 5/3/01, effective 6/3/01.]

WAC 480-100-011 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-100-013 Additional requirements. (1) These rules do not relieve any electric utility from any of its duties and obligations under the laws of the state of Washington.

(2) The commission retains the authority to impose additional or different requirements on any electric utility in appropriate circumstances, consistent with the requirements of law.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-013, filed 5/3/01, effective 6/3/01.]

WAC 480-100-016 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-100-018 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-018, filed 5/3/01, effective 6/3/01.]

WAC 480-100-021 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-100-023 Definitions. "Applicant" means any person, corporation, partnership, government agency, or other entity that applies for service with an electric utility or who reapplies for service at a new or existing location after service has been discontinued.

"Business day" means Monday through Friday, 8:00 a.m. until 5:00 p.m., except for official state holidays.

"Commission" means the Washington utilities and transportation commission.

"Customer" means any person, corporation, partnership, government agency, or other entity that has applied for, has been accepted, and is currently receiving service.

"Electric utility (utility)" means any business entity (e.g., corporation, company, association, joint stock association, or partnership) or person, including a lessee, trustee, or court appointed receiver that meets the following conditions:

Owns, controls, operates, or manages any electric plant for hire in Washington state; and

Is subject to the commission's jurisdiction.

Terms used in this chapter and defined in the public service laws of Washington state (i.e., principally Title 80 RCW) have the same meaning here as in the statutes. Terms not defined in these rules or the applicable statutes have the meaning generally accepted in the electric industry, or their ordinary meaning if there is no meaning generally accepted in the electric industry.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-023, filed 5/3/01, effective 6/3/01.]

WAC 480-100-026 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-100-028 Tariffs and special contracts. An electric utility must publish its rate schedules and rules and regulations governing service, and file special contracts, in accordance with chapter 480-80 WAC, Utilities general—Tariffs, price lists, and contracts.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-028, filed 5/3/01, effective 6/3/01.]

WAC 480-100-031 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-100-032 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-100-033 Distribution line extension tariff. Each electric utility must file, as a part of its tariff, a distribution line extension rule setting forth the conditions under which it will extend its facilities to make service available to an applicant.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-033, filed 5/3/01, effective 6/3/01.]

WAC 480-100-036 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-100-041 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-100-043 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-100-046 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-100-051 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-100-056 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-100-061 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-100-066 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-100-071 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-100-072 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-100-076 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-100-081 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-100-086 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-100-091 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-100-096 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-100-101 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-100-103 Information to consumers. (1) An electric utility must make available at each of its listed business offices information regarding rates, rules, and regulations needed for its customers and applicants to obtain adequate and efficient service.

(2) The utility must maintain a toll-free telephone number available for its applicants and customers during business hours to receive information relating to services and rates, to accept and process orders for service, to explain charges on customer bills, to adjust charges made in error, to respond to customer inquiries and complaints, and to generally act as representatives of the utility.

(3) The utility must provide to each applicant relevant rate information and a brochure that explains the rights and responsibilities of a utility customer. The brochure must include, at a minimum, information about the utility's regular business hours, the utility's mailing address, the utility's toll-free number, the twenty-four-hour emergency number(s), and an explanation of the utility's processes to establish credit, deposits, billing, delinquent accounts, disconnection of service initiated by the utility, cancellation of service by the customer, the dispute process, and the commission's informal complaint procedures to be followed if the customer remains dissatisfied with the utility's dispute process.

(4) At least once each year, the utility must directly advise each of its customers how to obtain:

- (a) A copy of the consumer brochure described in subsection (3) of this section;
- (b) A copy of the customer's applicable rate information;
- (c) A copy of the electric rules, chapter 480-100 WAC; and
- (d) A copy of the utility's current rates and regulations.

(5) The utility must provide an applicant, upon request, the high and low bills for the requested service premises during the prior calendar year, if such data is available.

(6) The utility must provide a customer, upon request, a detailed account of the customer's actual electric usage at the service premises for the previous twelve-month period, if such data is available.

(7) The utility must provide customers information comparing energy usage for the current month and same billing month of the previous year, if available, either on the customers' bills or upon request, as follows:

- (a) Number of days in billing period;
- (b) Kilowatt hours used; and
- (c) Average kilowatt hours used per day.

(8) The utility must provide the commission with electronic or paper copies of all pamphlets, brochures, and bill inserts of regulated service information at the same time the utility delivers such material to its customers.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-103, filed 5/3/01, effective 6/3/01.]

WAC 480-100-108 Application for service. (1) When an applicant orders service from an electric utility, the applicant will be responsible for conforming to the rules and regulations that are in effect and on file with the commission.

(2) The utility may require the following information when an applicant applies for service:

(a) The applicant's name, address, and telephone number, and an alternative contact telephone number, if applicable, of the responsible party at the service premises;

(b) The date the service is requested to be effective;

(c) The type of service requested, such as residential or commercial service, and the type of equipment to be served at the service premises;

(d) Proof of identification. The utility must allow the applicant to choose from a list, provided by the utility, of at least five sources of identification. The list must include a current driver's license or other picture identification; and

(e) Any additional information the utility may reasonably require for billing or service.

(3) The utility must offer, if available, a service-order tracking number so the customer can easily identify the service request in subsequent interactions with the utility.

(4) The utility must provide the following service dates to the applicant:

(a) For service at a location where utility service facilities exist and will not have to be modified in any way to serve the applicant, the utility must provide a service date at the time of application. If the utility becomes aware that the service date cannot be met, it must notify the applicant on or prior to the service date;

(b) For service at a location where utility service facilities do not exist or require modification, the utility will provide the following service dates:

(i) Upon request by the applicant, prior to signing a service agreement, the utility must provide a range of dates by which service can be made available;

(ii) Upon signing a service agreement with the applicant, the utility must provide a date by which service will be made available. If the utility becomes aware that the service date cannot be met, it must notify the applicant on or prior to the service date.

(5) A customer may not resell electricity unless specifically authorized in the utility's tariff.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-108, filed 5/3/01, effective 6/3/01.]

WAC 480-100-111 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-100-113 Residential services deposit requirements. (1) **Deposit criteria for current residential customers.** An electric utility may collect a deposit from its own customers for residential service only if:

(a) At any time during the prior twelve months, the utility has sent the customer three or more delinquency notices;

(b) The utility has disconnected the customer's residential service for nonpayment; or

(c) There is a prior customer living at the residence who owes a past due bill to the utility for service at that address.

(2) **Deposit criteria for residential applicants.** A utility may collect a deposit from an applicant for residential service only if:

(a) The applicant has met any of the conditions described in subsection (1) of this section as a prior customer of the utility or as a customer of another electric utility;

(b) The applicant is not able to demonstrate continuous employment during the prior twelve consecutive months and neither is currently employed nor has a regular source of income;

(c) The applicant does not own or is not purchasing the premises to be served;

(d) There is a prior customer living at the residence who owes a past due bill to the utility at that address; or

(e) The applicant has an unpaid, overdue balance owing to any electric or gas utility for residential service.

(3) **Deposit amount.** The utility may require a deposit not to exceed the amount of:

(a) For utilities billing monthly, two-twelfths of the service location's estimated annual usage; or

(b) For utilities billing bimonthly, three-twelfths of the service location's estimated annual usage.

(4) **Deposit payment arrangements.** The utility must allow an applicant or customer the option of paying fifty percent of the deposit prior to service, and paying the remaining balance in equal amounts over the next two months, on the dates mutually agreed upon between the applicant or customer and the utility. The utility and applicant or customer may make other mutually acceptable deposit payment arrangements.

(5) **Alternative to deposit.** The utility must allow any applicant or customer who indicates an inability to pay a deposit:

(a) To prepay any service initiation fees and reasonably estimated regular service charges or budget billings at periods corresponding to the utility's regular billing periods for the length of time during which a deposit would ordinarily be required. The utility must then bill the applicant or customer in a normal fashion; or

(b) To furnish a satisfactory guarantor. A guarantor will be considered satisfactory if the guarantor has at least established credit with the utility as outlined in this section. A utility may, at its discretion, accept a guarantor that does not meet the requirements of this section. If the customer has been disconnected, the guarantor is responsible for the amount stated on the disconnection notice, not to exceed the amount of the deposit as defined in subsection (3) of this section unless the guarantor has agreed to guarantee an additional amount as specified in subsection (7) of this section; or

(c) To notify the utility of the inability to pay a deposit as provided in WAC 480-100-143, Winter low-income payment program; or

(d) The opportunity to provide a reference from a similar utility that can be quickly and easily checked if the conditions in subsection (1) of this section cannot be met.

(6) **Transfer of deposit.** When a customer moves to a new address within the utility's service territory, the deposit, plus accrued interest and less any outstanding balance owing from the old address, must be transferred or refunded.

(7) **Additional deposit.** If a deposit or additional deposit amount is required after the service is established, the reasons must be specified to the customer in writing. Any request for a deposit or additional deposit amount must comply with the standards outlined in subsection (1) of this section. If the original deposit was secured by a guarantor and the guarantor does not agree to be responsible for the additional deposit amount, the customer will be held responsible for paying the additional deposit.

(8) **Deposit payment date.** Any deposit or additional deposit amount required after service is established is due and payable not earlier than 5:00 p.m. of the sixth business day after notice, if the deposit requirement notice is mailed from within the states of Washington, Oregon, or Idaho, or the ninth business day if mailed from outside the states of Washington, Oregon, and Idaho. If the utility delivers the notice to the customer in person, the deposit or additional deposit amount is due and payable not earlier than 5:00 p.m. of the sixth business day from the date of delivery.

(9) **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 1st of each year through November 30th of the following year. The commission will advise the utility each year of the specific rate;

(b) Earn the calculated interest rate as determined in (a) of this subsection during January 1st through December 31st of the subsequent year;

(c) Be computed from the date of deposit to the date of refund or when applied directly to the customer's account; and

(d) Be compounded or paid annually.

(10) **Refund of deposit.** Deposits plus accrued interest must be applied to the customer's account or refunded at the customer's request when there has been satisfactory payment or upon termination of service.

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

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

(ii) The utility has sent no more than two delinquency notices to the customer.

(b) **Termination of service.** Upon termination of service, the utility must return to the customer the deposit amount plus accrued interest, less any amounts due the utility by the customer.

(11) **How deposits are refunded.** Any deposit plus accrued interest must be made available to the customer no later than fifteen calendar days following completion of twelve months of satisfactory payment or the cancellation of service. Refunds must be:

(a) Applied to the customer's account for service beginning in the thirteenth month; or

(b) At the customer's request, paid in the form of a check either delivered by mail or given to the customer in person at the utility's local business office.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-113, filed 5/3/01, effective 6/3/01.]

WAC 480-100-116 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-100-118 Nonresidential service deposit requirements. (1) **Deposit criteria for nonresidential customers.** An applicant for nonresidential service may be required to demonstrate that it is a satisfactory credit risk by reasonable means appropriate under the circumstances.

(2) **Deposit amount.** The electric utility may require a deposit not to exceed the amount of:

(a) For utilities billing monthly, two-twelfths of the service location's estimated annual usage; or

(b) For utilities billing bimonthly, three-twelfths of the service location's estimated annual usage.

(3) **Transfer of deposit.** When a customer moves to a new address within the utility's service territory, the deposit, plus accrued interest and less any outstanding balance owing from the old address, must be transferred or refunded.

(4) **Additional deposit.** Nothing in this section will prevent the requirement of a larger deposit, a new deposit, or other alternative forms of a deposit when conditions warrant. Should a new, larger, or alternative form of deposit be required, the reason must be specified in writing to the customer.

(5) **Deposit payment date.** Any deposit or additional deposit amount required after service is established is due and payable not earlier than 5:00 p.m. of the sixth business day after notice, if the deposit requirement notice is mailed from within the states of Washington, Oregon, or Idaho, or the ninth business day if mailed from outside the states of Washington, Oregon, and Idaho. If the utility delivers the notice to the customer in person, the deposit or additional deposit amount is due and payable not earlier than 5:00 p.m. of the sixth business day from the date of delivery.

(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 1st of each year through November 30th of the following year. The commission will advise the utility each year of the specific rate;

(b) Earn the calculated interest rate as determined in (a) of this subsection during January 1st through December 31st of the subsequent year;

(c) Be computed from the date of deposit to the date of refund or when applied directly to the customer's account; and

(d) Be compounded or paid annually.

(7) **Refund of deposit.** Deposits plus accrued interest must be applied to the customer's account or refunded at the customer's request when there has been satisfactory payment or upon termination of service.

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

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

(ii) The utility has sent no more than two delinquency notices to the customer.

(b) **Termination of service.** Upon termination of service, the utility must return to the customer the deposit amount plus accrued interest, less any amounts due the utility by the customer.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-118, filed 5/3/01, effective 6/3/01.]

WAC 480-100-121 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-100-123 Refusal of service. (1) An electric utility may refuse requests to provide service to a master meter in a building with permanent occupants when all of the following conditions exist:

(a) The building or property has more than one dwelling unit;

(b) The occupants control a significant part of the electricity used in the individual units; and

(c) It is cost-effective for the occupants to have the utility purchase and install individual meters considering the long-run benefits of measuring and billing each occupant's electric use separately.

(2) The utility may refuse to provide new or additional service if:

(a) Providing service does not comply with government regulations or the electric industry accepted standards concerning the provision of service;

(b) In the utility's reasonable judgment, the applicant's or customer's installation of wiring or electrical equipment is considered hazardous or of such a nature that safe and satisfactory service cannot be provided;

(c) The applicant or customer does not comply with the utility's request that the applicant or customer provide and install protective devices, when the utility, in its reasonable judgment deems such protective devices are necessary to protect the utility's or other customers' properties from theft or damage;

(d) After reasonable efforts by the responsible party, all necessary rights of way, easements, approvals, and permits have not been secured; or

(e) The customer is known by the utility to have tampered with or stolen the utility's property, used service through an illegal connection, or fraudulently obtained service and the utility has complied with WAC 480-100-128(2), disconnection of service.

(3) An electric utility may not refuse to provide new or additional service to a residential applicant or residential customer who has a prior obligation. A prior obligation is the dollar amount, excluding deposit amounts owed, the utility has billed to the customer and for which the utility has not received payment at the time the service has been disconnected for nonpayment. The utility must provide service once the customer or applicant has paid all appropriate deposit and reconnection fees. This subsection does not apply to custom-

ers that have been disconnected for failure to honor the terms of a winter low-income payment program.

(4) The utility may not refuse to provide service to an applicant or customer because there are outstanding amounts due from a prior customer at the same premises, unless the utility can determine, based on objective evidence, that a fraudulent act is being committed, such that the applicant or customer is acting in cooperation with the prior customer with the intent to avoid payment.

(5) The utility may refuse to provide new or additional service for reasons not expressed in subsections (1) and (2) of this section, upon prior approval of the commission. The commission may grant the request upon determining that the utility has no obligation to provide the requested service under RCW 80.28.110. Prior to seeking commission approval, the utility must work with the applicant or customer requesting service to seek resolution of the issues involved.

(6) Any applicant or customer who has been refused new or additional service may file with the commission an informal complaint under WAC 480-09-150, Informal complaints; or a formal complaint under WAC 480-09-420, Pleadings and briefs—Applications for authority—Protests; and 480-09-425, Pleadings—Verification, time for filing, responsive pleadings, liberal construction, amendments.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-24-076 (General Order No. R-495, Docket No. UE-990473), § 480-100-123, filed 12/3/01, effective 1/3/02.]

WAC 480-100-126 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-100-128 Disconnection of service. (1) **Customer-directed.** The utility may require customers to give at least three days' notice prior to the date service is to be discontinued. The customer is not responsible for usage after the requested date for discontinuance of service, provided the customer gave proper notice. If the customer moves from the service address and fails to request that service be discontinued, the customer will be responsible to pay for service taken at that service address until the utility can confirm either that the customer has vacated the premises and can access the meter or that a new responsible party is taking service.

(2) **Utility-directed without notice or without further notice.** The utility may discontinue service without notice or without further notice when:

(a) After conducting a thorough investigation, the utility determines that the customer has tampered with or stolen the utility's property, has used service through an illegal connection, or has fraudulently obtained service. The utility has the burden of proving that fraud occurred. For the purpose of this section, a nonsufficient funds check or dishonored electronic payment alone will not be considered fraud.

(i) First offense. The utility may disconnect service without notice when it discovers theft, tampering, or fraud, unless the customer immediately pays all of the following:

(A) The tariffed rate for service that the utility estimates was used as a result of the theft, tampering, or fraud;

(B) All utility costs resulting from such theft, tampering, or fraud; and

(C) Any required deposit.

(ii) Second offense. The utility may disconnect service without notice when it discovers further theft, tampering, or fraud. The utility may refuse to reconnect service to a customer who has been twice disconnected for theft, tampering, or fraud, subject to appeal to the commission.

(b) After conducting a thorough investigation, the utility determines that the customer has vacated the premises;

(c) The utility identifies a hazardous condition in the customer's facilities or in the utility's facilities serving the customer;

(d) A customer pays a delinquent account with a check or electronic payment the bank or other financial institution has dishonored after the utility has issued appropriate notice as described in subsection (6) of this section;

(e) The customer has not kept any agreed-upon payment arrangement for payment of a delinquent balance after the utility has issued appropriate notice as described in subsection (6) of this section; or

(f) The utility has determined a customer has used service prior to applying for service. The utility must charge the customer for service used in accordance with the utility's filed tariff.

This section should not be interpreted as relieving the customer or other person of civil or criminal responsibility.

(3) **Utility-directed with notice.** After properly notifying the customer, as explained in subsection (6) of this section, the utility may discontinue service for any one of the following conditions:

(a) For delinquent charges associated with regulated electric service (or for regulated electric and gas service if the utility provides both services), including any required deposit. However, the utility cannot disconnect service when the customer has met the requirements of subsection (5) of this section for medical emergencies, or has agreed to or maintains agreed-upon payment arrangements with the utility, as described in WAC 480-100-143, Winter low-income payment program;

(b) For use of electric service for purposes or properties other than those specified in the customer's service application;

(c) Under flat-rate service for nonmetered load, for increased electric use without the utility's approval;

(d) For refusing to allow the utility's representatives access to the customer's premises as required in WAC 480-100-168, Access to premises; identification;

(e) For violating rules, service agreements, or filed tariff(s); or

(f) For use of equipment that detrimentally affects the utility's service to its other customers.

(4) Electric service may not be disconnected for amounts that may be owed the utility for nonregulated service.

(5) **Medical emergencies.** When the utility 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. The utility must reinstate service during the same day if the customer contacts the utility prior to the close of the business day and requests a same-day reconnection. Otherwise, the utility must restore service by 12:00 p.m. the

next business day. When service is reinstated the utility will not require payment of a reconnection charge and/or deposit prior to reinstating service but must bill all such charges on the customer's next regular bill or on a separate invoice.

(a) The utility may require that the customer, within five business days, submit written certification from a qualified medical professional stating that the disconnection of electric service would aggravate an existing medical condition 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 utility from accepting other forms of certification, but the maximum the utility can require is written certification. If the utility requires written certification, it may not require more than the following information:

- (i) Residence location;
- (ii) An explanation of how the current medical condition will be aggravated by disconnection of 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) The medical certification is valid only for the length of time the health endangerment is certified to exist but no longer than sixty days, unless renewed;

(c) A medical emergency does not excuse a customer from having to pay delinquent and ongoing charges. The utility may require the customer to do the following within a five-business-day grace period:

- (i) Pay a minimum of ten percent of the delinquent balance;
- (ii) Enter into an agreement to pay the remaining delinquent balance within one hundred twenty days; and
- (iii) Agree to pay subsequent bills when due.

Nothing in this section precludes the utility from agreeing to an alternate payment plan, but the utility may not require the customer to pay more than this subsection prescribes. The utility must send a notice to the customer confirming the payment arrangements within two business days of having reached the agreement;

(d) If the customer fails to provide an acceptable medical certificate or ten percent of the delinquent balance within the five-business-day grace period, or if the customer fails to abide by the terms of the payment agreement, the utility may not disconnect service without first mailing a written notice providing a disconnection date not earlier than 5:00 p.m. of the third business day after the date of mailing, if mailed from within the states of Washington, Oregon, or Idaho, or the sixth business day, if mailed from outside the states of Washington, Oregon, and Idaho, or by personally delivering a notice providing a disconnection date of not earlier than 5:00 p.m. of the second business day following the date of delivery;

(e) A customer may claim medical emergency and be entitled to the benefits described in this subsection only twice within any one hundred twenty-day period.

(6) Disconnection notification requirements. The utility must notify customers before disconnecting their service,

except as described in subsection (2) of this section. Notification consists of the following requirements:

(a) The utility must serve a written disconnection notice to the customer either by mail or by personal delivery to the customer's address with notice attached to the primary door. If the disconnection notice is for nonpayment during the winter months, the utility must advise the customer of the payment plan described in WAC 480-100-138, Payment arrangements, and WAC 480-100-143, Winter low-income payment program. Each disconnection notice must include:

(i) A disconnection date that is not less than eight business days after the date of personal delivery or mailing, if mailed from inside the states of Washington, Oregon, or Idaho, or a disconnection date that is not less than eleven business days, if mailed from outside the states of Washington, Oregon, and Idaho.

(ii) All relevant information about the disconnection action including the cause for disconnection; the amount owed for regulated electric service and, if applicable, regulated natural gas service; and how to avoid disconnection;

(iii) All relevant information about any charges that may be assessed; and

(iv) The utility's name, address, and toll-free telephone number by which a customer may contact the utility to discuss the pending disconnection of service;

(b) If the utility discovers the notice information in (a) of this subsection is inaccurate, the utility must issue another notice to the customer as described in subsection (6)(a) of this section;

(c) If the utility has not disconnected service within ten business days of the disconnection date stated in (a)(i) of this subsection, the disconnection notice will be considered void unless the customer and the utility have agreed to a payment arrangement. Upon a void notice, the utility must provide a new disconnection notice to the customer as described in (a) of this subsection;

(d) In addition to the notice required by (a) of this subsection, a second notice must be provided by one of the three options listed below:

(i) Delivered notice. The utility must deliver a second notice to the service premises and attach it to the customer's primary door. The notice must state a scheduled disconnection date that is not earlier than 5:00 p.m. of the second business day after the date of delivery;

(ii) Mailed notice. The utility must mail a second notice which must include a scheduled disconnection date that is not earlier than 5:00 p.m. of the third business day after the date of mailing, if mailed from within the states of Washington, Oregon, or Idaho; or the sixth business day, if mailed from outside the states of Washington, Oregon, and Idaho; or

(iii) Telephone notice. The utility must attempt at least two times to contact the customer during regular business hours. A log or record of the calls must be kept for a minimum of ninety calendar days showing the telephone number called, the time of the call, and details of the results of each attempted call. If the utility is unable to reach the customer by telephone, a written notice must be mailed to the customer providing a disconnection date not earlier than 5:00 p.m. of the third business day after the date of mailing, if mailed from within the states of Washington, Oregon, or Idaho, or the

sixth business day, if mailed from outside the states of Washington, Oregon, and Idaho, or written notice must be personally delivered providing a disconnection date of not earlier than 5:00 p.m. of the second business day following the date of delivery.

For utilities billing for electric and gas service, each type of notice listed above must provide the information contained in (a)(iii) of this subsection;

(e) If the utility discovers the written notice information required under the options in (d) of this subsection is inaccurate, the utility must issue another notice to the customer as described in (a) of this subsection;

(f) If the utility provides a second notice within ten business days of the disconnection date required by (a)(i) of this subsection, the disconnection date is extended an additional ten working days from the disconnection date of the second notice. If the utility does not disconnect service within the extended ten-business-day period, the notice will be considered void unless the customer and the utility have agreed upon a payment arrangement. Upon a void notice, the utility must provide an additional notice as required under (d) of this subsection;

(g) If the utility provides a second notice after the ten business days of the disconnection date required by (a)(i) of this subsection, the notice will be considered void unless the customer and the utility have agreed upon a payment arrangement. Upon a void notice, the utility must provide a new disconnection notice to the customer as described in (a) of this subsection;

(h) Utilities with combined accounts for both natural gas and electric service will have the option of choosing which service will be disconnected;

(i) When the service address is different from the billing address, the utility must determine if the customer of record and the service user are the same party. If not, the utility must notice the service user as described in (a) of this subsection prior to disconnecting service;

(j) Except in case of danger to life or property, the utility may not disconnect service on Saturdays, Sundays, legal holidays, or on any other day on which the utility cannot reestablish service on the same or following day;

(k) A utility representative dispatched to disconnect service must accept payment of a delinquent account at the service address, but will not be required to give change for cash paid in excess of the amount due and owing. The utility must credit any over-payment to the customer's account. The utility may charge a fee for the disconnection visit to the service address if provided for in the utility's tariff;

(l) 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 utility must undertake reasonable efforts to inform the 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, the utility must allow five days past the original disconnection date to permit the service users to arrange for continued service;

(m) Medical facilities. When service is known to be provided to:

(i) A hospital, medical clinic, ambulatory surgery center, renal dialysis facility, chemical dependency residential treatment facility, or other medical care facility licensed or certified by the department of health, a notice of pending disconnection must be provided to the secretary of the department of health and to the customer. The department of health secretary or designee may request to delay the disconnection for five business days past the original disconnection date to allow the department to take the necessary steps to protect the interests of the patients residing at the facility; or

(ii) A nursing home, boarding home, adult family home, group care facility, intermediate care facility for the mentally retarded (ICF/MR), intensive tenant support residential property, chemical dependency residential treatment facility, crisis residential center for children or other group home or residential care facility licensed or certified by the department of social and health services, a notice of pending disconnection must be provided to the secretary of the department of social and health services and to the customer. The department of social and health services secretary or designee may request to delay the disconnection for five business days past the original disconnection date to allow the department to take the necessary steps to protect the interests of the patients residing at the facility;

(n) Any customer may designate a third party to receive a disconnection notice or notice of other matters affecting the customer's service. The utility must offer all customers the opportunity to make such a designation. If the utility believes that a customer is not able to understand the effect of the disconnection, the utility must consider a social agency to be the third party. In either case, the utility must delay service disconnection for five business days past the original disconnection date after issuing a disconnection notice to the third party. The utility must determine which social agencies are appropriate and willing to receive the disconnection notice, the name and/or title of the person able to deal with the disconnection, and provide that information to the customer.

(7) For purposes of this section, the date of mailing a notice will not be considered the first day of the notice period.

(8) **Payments at a payment agency.** Payment of any past-due amounts to a designated payment agency of the utility constitutes payment when the customer informs the utility of the payment and the utility has verified the payment.

(9) **Remedy and appeals.** 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 utility's representatives or with the commission. Any amounts not in dispute must be paid when due and any conditions posing a danger to health, safety, or property must be corrected. The utility must inform the customer of these provisions when the customer is referred to a utility's supervisor or to the commission.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-128, filed 5/3/01, effective 6/3/01.]

WAC 480-100-131 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-100-133 Reconnecting service after disconnection. (1) An electric utility must make every reasonable effort to restore a disconnected service within twenty-four hours, or other time mutually agreeable between the customer and the company, after the customer has paid, or at the time the utility has agreed to bill, any reconnection charge, and:

(a) The causes for disconnection not related to a delinquent account are removed and the customer pays any delinquent regulated charges, plus any required deposit; or

(b) The customer has entered into an agreed-upon payment arrangement for a delinquent account and pays any required deposit as defined in WAC 480-100-113, Residential service deposit requirements or WAC 480-100-118, Non-residential service deposit requirements; or

(c) The customer has paid all regulated amounts due on the account that is not a prior obligation and the customer has paid any required deposit as defined in WAC 480-100-113, Residential service deposit requirements or WAC 480-100-118 Nonresidential service deposit requirements;

(2) The commission may require reconnection pending resolution of any bona fide dispute between the utility and the customer over the propriety of disconnection.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-133, filed 5/3/01, effective 6/3/01.]

WAC 480-100-136 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-100-138 Payment arrangements. (1) If an electric utility is delayed in billing a residential customer, the utility must offer payment arrangements that are equal to the length of time the bill was delayed, unless the utility determines the customer used service prior to applying for service as outlined in WAC 480-100-128 (2)(f), Disconnection of service.

(2) The utility must offer all residential customers the option of an equal-payments plan.

(a) An equal-payments plan allows the customer to pay the same amount each month based on historical usage. If historical information is not available, the utility must base the amount on projected usage;

(b) The utility may refuse to offer an equal-payments plan to customers who have been removed from the equal-payments plan for nonpayment within the past six months or have more than a two-month past-due balance on their current account. However, the utility may offer the equal-payments plan to any customer when the utility believes this would be in the best interest of all parties concerned;

(3) The utility must provide a receipt to customers for all payments made in cash.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-138, filed 5/3/01, effective 6/3/01.]

WAC 480-100-141 Repealed. See Disposition Table at beginning of this chapter.

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WAC 480-100-143 Winter low-income payment program. (1) During the winter months, between November 15th and March 15th, an electric utility may not discontinue residential space heating service if the customer does all of the following:

(a) Notifies the utility of the inability to pay the bill and any required deposit. This notice should be provided within five business days of receiving a delinquency notice unless there are extenuating circumstances. If the customer does not notify the utility within five business days and service is disconnected, the customer can receive the protections of this chapter, by paying reconnection charges, if any, and by otherwise fulfilling the requirements of this section;

(b) Provides self-certification of household income for the prior twelve months to a grantee of the department of community, trade, and economic development or its successor. For the purposes of this section, the grantee is a contractor operating low-income energy assistance programs for the department of community, trade, and economic development. The grantee will determine that the household income is not higher than the maximum allowed for eligibility under the state's plan for low-income energy assistance. The grantee will, within thirty days, provide a dollar figure to the utility that is seven percent of the household income. For the purposes of this section, household income is defined as the total income of all household members as determined by the grantee. The grantee may verify information provided in the self-certification;

(c) Applies for home energy assistance from appropriate government and/or private sector organizations and certifies that any assistance received will be applied to the customer's current and future utility bills;

(d) Applies to the utility or other appropriate agencies for low-income weatherization assistance if such assistance is available for the dwelling;

(e) Agrees and abides by that agreement to:

(i) Pay by the following October 15th all amounts owed to the utility and pay for continued service; and

(ii) Pay a monthly payment during the winter period. The utility may not require payment of more than seven percent of the customer's monthly income. In addition, the customer must pay one-twelfth of any billings from the date application is made through March 15th. A customer may agree to pay a higher percentage of income during this period, but the customer's account will not be considered past-due unless payment during this period is less than seven percent of the monthly income plus one-twelfth of any past-due amounts accrued from the date application is made and thereafter. If the customer does not pay the past-due bill by the following October 15th, the customer will not be eligible for protections under this section until the past-due bill is paid;

(f) Notifies and provides documentation to the utility, if requested, that the customer has received any home heating assistance payment from government and/or private sector organizations after being approved for the plan. When the utility receives this information it must recalculate the payments for the customer; and

(g) Pays all amounts owed even if the customer moves.

(2) The utility:

(a) Must help the customer to fulfill the requirements under this section;

(b) Must transfer an account to a new residence when a customer who has established a plan under this section moves from one residence to another within the utility's service area;

(c) May disconnect service in accordance with WAC 480-100-128, Disconnection of service, if the customer has not kept the payment arrangements as described in subsection (1) of this section. The utility must include in the customer's disconnection notice:

(i) A description of the customer's duties outlined in subsection (1) of this section; and

(ii) An explanation that the utility must restore service if the customer contacts the utility and satisfies the other requirements of this section;

(d) May disconnect service for practices authorized by law other than for nonpayment as stated in this section;

(e) Must allow customers who qualified under subsection (1) of this section and who default on their payment plan and are disconnected in accordance with WAC 480-100-128, Disconnection of service, to reconnect and maintain the protection afforded under this chapter when the customer:

(i) Pays any reconnection charges; and

(ii) Pays all amounts that would have been due and owing on the date the service is reconnected; and

(f) Must provide a written copy of the extended payment plan to the customer.

(3) Any customer who has a past-due amount owing under this payment plan will not be eligible to reapply for a new extended payment plan unless authorized by the utility.

[Statutory Authority: RCW 80.01.040 and 80.04.160, 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-143, filed 5/3/01, effective 6/3/01.]

WAC 480-100-146 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-100-148 Service responsibility. (1) **Customer responsibility.** The customer must notify the electric utility, in writing, prior to all changes to the customer's equipment or usage that will materially affect the service to be rendered. The customer must give such notice within a reasonable time so the utility can provide the necessary facilities and acquire additional power supply, if needed. The charge for such necessary facilities, if any, must be in accordance with the utility's filed tariff.

(2) **Electric utility responsibility.** Each electric utility:

(a) Must install and maintain monitoring equipment at appropriate locations within its system in order to determine the operating characteristics of the system. The commission may require the utility to provide additional equipment in connection with performing special investigations, if economically feasible;

(b) Must promptly notify all affected customers of any substantial change to the service that would affect the efficiency of operation or the adjustment of the customer's equipment. If an adjustment to the customer's equipment is necessary, the cost may be recovered in accordance with the utility's tariff, except that, when the customer has been notified of a change in service prior to receiving service or when such

change is required by law, the customer must bear all costs in connection with making changes to the customer's own equipment.

(c) Must maintain its plant in such a condition that will enable it to furnish safe, adequate, and efficient service.

(d) Must make those efforts that are reasonable under the circumstances to avoid interruptions of service and, when such interruptions occur, to reestablish service with a minimum of delay. Interruptions as used in this subsection do not refer to the discontinuance of service to those customers receiving service under an interruptible service schedule.

When it is necessary for an electric utility to make repairs to or to change its facilities other than meters, the utility may, without incurring any liability, suspend service for such periods as may be reasonably necessary and in such a manner as to minimize the inconvenience to customers. When practicable, such interruption will be during the working hours regularly maintained by the utility. The utility must individually notify police and fire departments affected by such a suspension. All customers affected by a scheduled interruption associated with facilities other than meters, will be given notification through newspapers, radio announcements, or other means at least one day in advance.

(e) Must 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 accurately as possible, the cause of each interruption. Utilities must submit copies of such records to the commission upon request.

[Statutory Authority: RCW 80.01.040 and 80.04.160, 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-148, filed 5/3/01, effective 6/3/01.]

WAC 480-100-151 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-100-153 Disclosure of private information.

(1) An electric utility may not disclose or sell private consumer information with or to its affiliates, subsidiaries, or any other third party for the purposes of marketing services or product offerings to a customer who does not already subscribe to that service or product, unless the utility has first obtained the customer's written permission to do so.

(2) Private consumer information includes the customer's name, address, telephone number, and any other personally identifying information, as well as information related to the quantity, technical configuration, type, destination, and amount of use of service or products subscribed to by a customer of a regulated utility that is available to the utility solely by virtue of the customer-utility relationship.

(3) This section does not prevent disclosure of the essential terms and conditions of special contracts as provided for in WAC 480-80-335, Special contracts for electric, water, and natural gas utilities.

(4) This section does not prevent the utility from inserting any marketing information into the customer's billing package.

(5) The utility may collect and release customer information in aggregate form if the aggregated information does not allow any specific customer to be identified.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-20-060 (Docket No. UE-990473, General Order No. R-489), § 480-100-153, filed 9/28/01, effective 10/29/01.]

WAC 480-100-156 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-100-161 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-100-163 Service entrance facilities. (1) An electric utility may require customers to:

(a) Provide service entrance facilities at the easiest access point to the utility's distribution system; and

(b) Comply with reasonable requirements to keep those facilities free from tampering or interference.

(2) In order to permit the required clearances, utilities may require their customers to provide a structurally sound point of attachment for the utility's service conductors pursuant to the National Electric Code. Information about the National Electric Code regarding the version adopted and where to obtain it is set out in WAC 480-100-999 Adoption by reference.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-163, filed 5/3/01, effective 6/3/01.]

WAC 480-100-166 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-100-168 Access to premises; identification.

(1) Authorized representatives of an electric utility have the right to enter a customer's property during reasonable hours to perform necessary functions such as meter reading, maintenance, repairs, testing, installation, or removal of the utility's property. Utilities must provide photo identification to utility representatives who are authorized to enter customers' premises. Customers have the right to see the utility-provided identification of electric utility representatives before allowing entry to the customer's property.

(2) When performing maintenance, repairs, testing, installation, or removal of the utility's property, the utility must restore the customer's property as close as reasonably practicable to the condition prior to the utility's action, unless otherwise defined in the utility's tariff or through a separate agreement with the customer.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-168, filed 5/3/01, effective 6/3/01.]

WAC 480-100-171 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-100-173 Electric utility responsibility for complaints and disputes. (1) When an electric utility receives a complaint from a customer or an applicant for service, the utility must acknowledge receipt of the complaint and:

(a) Upon request, identify the utility's contact to the complainant;

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(b) Investigate the complaint promptly as required by the particular case;

(c) Report the results of the investigation to the complainant;

(d) Take corrective action, if warranted, as soon as possible under the circumstances;

(e) If the complainant is dissatisfied with the results or decision, inform the complainant that the decision may be appealed to a supervisor at the utility; and

(f) If the complainant is dissatisfied after speaking with the utility's supervisor, the supervisor must inform the complainant of the complainant's right to file a complaint with the commission and provide the commission's address and toll-free telephone number.

(2) Applicants, customers, or their representatives may file with the commission:

(a) An informal complaint as described in WAC 480-09-150, Informal complaints; or

(b) A formal complaint against the utility as described in WAC 480-09-420, Pleadings and briefs—Applications for authority—Protests.

(3) When the commission refers an informal complaint to the utility, the utility must:

(a) Investigate and report the results to the commission within two business days. The commission may grant an extension of time for responding to the complaint, if requested and warranted;

(b) Keep the commission informed of progress toward the solution and the final result; and

(c) Respond to the commission's request for additional informal complaint information within three business days of the request or at a date specified by the commission. The commission may grant an extension of time for responding to the complaint, if requested and warranted.

(4) Each electric utility must keep a record of all complaints for at least three years and, upon 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;

(d) The final result; and

(e) All official documents regarding the complaint.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-173, filed 5/3/01, effective 6/3/01.]

WAC 480-100-176 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-100-178 Billing requirements and payment date. (1) Customer bills must:

(a) Be issued at intervals not to exceed two one-month billing cycles, unless the utility can show good cause for delaying the issuance of the bill. The utility must be able to show good cause if requested by the commission;

(b) Show the total amount due and payable;

(c) Show the date the bill becomes delinquent if not paid;

(d) Show the utility's business address, business hours, and a toll-free telephone number and an emergency telephone number by which a customer may contact the utility;

(e) Show the current and previous meter readings, the current read date, and the total amount of kilowatt hours used;

(f) Show the amount of kilowatt hours used for each billing rate, the applicable billing rates per kilowatt hour, the basic charge or minimum bill;

(g) Show the amount of any municipal tax surcharges or their respective percentage rates;

(h) Clearly identify when a bill has been prorated. A prorated bill must be issued when service is provided for a fraction of the billing period. Unless otherwise specified in the utility's tariff, the charge must be prorated in the following manner:

(i) Flat-rate service must be prorated on the basis of the proportionate part of the period the service was rendered;

(ii) Metered service must be billed for the amount metered. The basic or minimum charge must be billed in full.

(i) Clearly identify when a bill is based on an estimation.

(i) The utility must detail its method(s) for estimating customer bills in its tariff;

(ii) The utility may not estimate for more than four consecutive months, unless the cause of the estimation is inclement weather, terrain, or a previous arrangement with the customer;

(j) Clearly identify determination of maximum demand. A utility providing service to any customer on a demand basis must detail in its filed tariff the method of applying charges and of ascertaining the demand.

(2) The minimum time allowed for payment after the bill's mailing date must be fifteen days, if mailed from within the states of Washington, Oregon, or Idaho, or eighteen days if mailed from outside the states of Washington, Oregon, and Idaho.

(3) The utility must allow a customer to change a designated payment-due date when the customer has a satisfactory reason for the change. A satisfactory reason may include, but is not limited to, adjustment of a designated payment-due date to parallel receipt of income. The preferred payment date must be prior to the next billing date.

[Statutory Authority: RCW 80.01.040 and 80.04.160, 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-178, filed 5/3/01, effective 6/3/01.]

WAC 480-100-181 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-100-183 Complaint meter tests. (1) An electric utility must test and report to the customer the accuracy of a meter within twenty business days after receiving an initial request from a customer. The utility must allow the customer to order one meter test free of charge during a twelve-month period. The utility may appeal to the commission to waive the responsibility of performing the meter test, to request an extension to perform the meter test, or to be allowed to charge for the meter test. If the customer disputes the accuracy of the meter, the customer must allow the utility access for meter testing.

(2) The customer may, at the customer's option, either witness the meter test or designate a representative to witness the test. The customer may require the meter to be sealed upon removal in the presence of the customer or the customer's representative. The seal must not be broken until the test is made in the presence of the customer or the customer's representative, or until permission to break the seal has been granted by the commission. The utility must report the results of the meter test to the customer.

(3) A customer may request the utility to perform additional meter tests within twelve months of the last meter test, but additional meter tests will not delay disconnection of service under WAC 480-100-128(9), Disconnection of service. The utility must immediately inform the customer of any additional meter test charges. If the customer elects to have the meter test performed, the utility must perform the test and report the test results to the customer within twenty business days. If the additional meter test results show the meter is performing accurately as defined in WAC 480-100-338, Accuracy requirements for electric meters, the utility may charge the customer for performing the additional meter tests. The charge of the meter test must be listed in the utility's tariff. The utility may not charge the customer for any additional meter test that shows the meter is performing outside acceptable tolerance levels as defined in WAC 480-100-338, Accuracy requirements for electric meters.

(4) If the customer disputes any meter test result, the utility or the customer may contact the commission to review the complaint. When the commission has notified the utility that a complaint has been received regarding the customer's meter, the utility may not change the meter in any manner unless authorized by the commission. If the utility violates this provision, the commission may consider it as supporting the customer's dispute since the change might affect the proof of the dispute. The commission may require the utility to perform an additional test and report the test results to the commission within ten business days.

(5) If a meter test reveals a meter error greater than specified as acceptable in WAC 480-100-338, Accuracy requirements for electric meters, the utility must repair or replace the meter at no cost to the customer. The utility must adjust the bills to the customer based on the best information available to determine the appropriate charges. The utility must offer payment arrangements in accordance with WAC 480-100-138(2), Payment arrangements.

(a) If the utility can identify the date the customer was first billed from a defective meter, the utility must refund or bill the customer for the proper usage from that date;

(b) If the utility cannot identify the date the customer was first billed from a defective meter, the utility must refund or bill the customer for the proper usage, not to exceed six months.

(6) Reports. The commission may require the utility to provide meter test results to the commission in response to a customer's complaint. These reports must contain the name or 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 the meter was tested, the reading of the meter when tested, the accuracy of the meter as found, and the accuracy of the meter after adjustment.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-183, filed 5/3/01, effective 6/3/01.]

WAC 480-100-186 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-100-188 Payment locations. (1) An electric utility must provide payment agencies in locally accessible locations where applicants and customers can make payments at no charge to the applicants and customers. Payment agencies must clearly post and maintain regular business hours.

(2) The utility and its payment agencies must provide receipts for any cash payments made by applicants or customers.

(3) The utility must provide written or electronic notice to the commission's consumer affairs section at least thirty days prior to the closing of any business office, customer service center, or payment agency. In the event that a payment agency is closed on less than thirty days' notice, written or electronic notification is required as soon as the utility 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; and

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

(4) The utility must include on its regularly scheduled bills a statement referring its customers to a toll-free number for updated payment agency locations.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-188, filed 5/3/01, effective 6/3/01.]

WAC 480-100-191 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-100-193 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 80.04.160 and 80.01.040. 01-09-002 (Docket No. U-991301, General Order No. R-481), § 480-100-193, filed 4/4/01, effective 5/5/01.]

WAC 480-100-201 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-100-203 Accounting system requirements.

(1) Electric utilities in the state of Washington must use the uniform system of accounts applicable to major and nonmajor electric utilities as published by the Federal Energy Regulatory Commission (FERC) in the Code of Federal Regulations. Information about the Code of Federal Regulations regarding the version adopted and where to obtain it is set out in WAC 480-100-999, Adoption by reference.

(2) Electric utilities having multistate operations must maintain records in such detail that the costs of property located and business done in the state of Washington can be readily ascertained in accordance with geographic boundaries.

(3) Any deviation from the uniform system of accounts, as prescribed by the FERC, will be accomplished only after due notice and order of this commission.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-203, filed 5/3/01, effective 6/3/01.]

WAC 480-100-206 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-100-208 Financial reporting requirements. (1) Annual reports.

(a) Electric utilities must use the annual report form (FERC Form No. 1) promulgated by the Federal Energy Regulatory Commission for purposes of annual reporting to this commission. Data required by RCW 80.04.080 Annual reports, but not included in the FERC Form No. 1, must also be submitted with the annual report. Utilities must submit the annual report for the preceding calendar year, along with the regulatory fee, by May 1st of each year. If not presented in the prescribed FERC Form, the annual report must include the following data per customer class for the calendar year: Revenues, average customer count, and total unit sales. Information about the FERC Form No. 1 regarding the version adopted and where to obtain it is set out in WAC 480-100-999, Adoption by reference.

(b) Utilities must also submit to this commission, in essentially the same format and content as the FERC Form No. 1, a report that documents the costs incurred and the property necessary to furnish utility service to its customers and the revenues obtained in the state of Washington. The report must include the following data per customer class for the calendar year: Revenues, average customer count, and total unit sales;

(c) Combination and multistate utilities must submit with the annual report their cost allocation methods necessary to develop results of operations for the state of Washington. Approval of cost allocation schemes for rate-making purposes is accomplished only by commission order;

(d) The total utility results of operations reported by each utility in its annual report to the commission must agree with the results of operations shown on the utility's books and records.

(2) Commission basis reports (annual).

(a) The intent of the "commission basis" report is to depict the electric operations of a utility under normal temperature and power supply conditions during the reporting period. The commission basis report must include the following:

(i) Booked results of electric operations and rate base, and all the necessary adjustments as accepted by the commission in the utility's most recent general rate case or subsequent orders;

(ii) Actual adjusted results of operations for out-of-period, nonoperating, nonrecurring, and extraordinary items

or any other item that materially distorts reporting period earnings and rate base; and

(iii) Adjusted booked revenues and power supply expenses to reflect operations under normal temperature and power supply conditions before the achieved return on rate base is calculated;

(b) Commission basis reports should not include adjustments that annualize price, wage, or other cost changes during a reporting period, nor new theories or approaches that have not been previously addressed and resolved by the commission.

(c) Utilities must submit the basis of any cost allocations and the allocation factors necessary to develop the commission basis results of electric operations for the state of Washington;

(d) Commission basis reports are due within four months of the end of a utility's fiscal year.

(3) **Quarterly reports.** Electric utilities must file a report of actual results for Washington operations within forty-five days of the end of each quarter. The results of operations report must contain each of the three monthly balances and the latest twelve months ending balance for all accounts of the uniform system of accounts. The report must include the average customer count and total unit sales per customer class for each reported period.

(4) **Additional reports.** This section does not supersede any reporting requirement specified in a commission order or limit the commission's ability to request additional information.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-208, filed 5/3/01, effective 6/3/01.]

WAC 480-100-211 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-100-213 Expenditures for political or legislative activities. (1) The commission will not allow either direct or indirect expenditures for political or legislative activities for rate-making purposes.

(2) For purposes of this rule, political or legislative activities include, but are not limited to:

(a) Encouraging support or opposition to ballot measures, legislation, candidates for a public office, or current public office holders;

(b) Soliciting support for or contributing to political action committees;

(c) Gathering data for mailing lists that are generated for the purposes of encouraging support for or opposition to ballot measures, legislation, candidates for public office, or current office holders, or encouraging support for or contributions to political action committees;

(d) Soliciting contributions or recruiting volunteers to assist in the activities set forth in (a) through (c) of this subsection.

(3) Political or legislative activities do not include activities directly related to appearances before regulatory or local governmental bodies necessary for the utility's operations.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-213, filed 5/3/01, effective 6/3/01.]

WAC 480-100-218 Securities, affiliated interests, and transfers of property. (1) Before an electric utility issues stock, securities, or other evidence of indebtedness, the utility must comply with the requirements of chapters 80.08 RCW and 480-146 WAC.

(2) Before an electric utility enters into a contract or arrangement with an affiliated interest, the utility must file a copy or summary of the contract or arrangement with the commission in accordance with chapters 80.16 RCW and 480-146 WAC.

(3) Before selling, leasing, or assigning any of its property or facilities, or before acquiring property or facilities of another public utility, an electric utility must obtain an authorizing order from the commission in accordance with chapters 80.12 RCW and 480-143 WAC.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-218, filed 5/3/01, effective 6/3/01.]

WAC 480-100-223 Advertising. (1) The commission will not allow expenses for promotional or political advertising for rate-making purposes. The term "promotional advertising" means advertising to encourage any person or business to select or use the service or additional services of an electric utility, to select or install any appliance or equipment designed to use the electric utility's service, or to influence consumers' opinions of the electric utility.

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.

(2) As used in this section, the terms "promotional advertising" and "political advertising" do not include:

(a) Advertising which informs customers how to conserve energy or how to reduce peak demand for energy;

(b) Advertising required by law or by regulation, including advertising under Part I 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 the electric utility;

(e) Advertising which promotes the use of energy efficient appliances, equipment, or services;

(f) Announcements or explanations of existing or proposed tariffs or rate schedules; and

(g) Notices of meetings or commission hearings concerning electric utility rates and tariffs.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-223, filed 5/3/01, effective 6/3/01.]

WAC 480-100-228 Retention and preservation of records and reports. (1) Each electric utility must retain all records and reports for three years unless otherwise specified by the publication referenced in subsection (2) of this section.

No records may be destroyed prior to the expiration of the time specified by the publication referenced in subsection (2) of this section.

(2) The commission adopts the publication, *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies*, published by the National Association of Regulatory Utility Commissioners as the standards for utility records retention. Information about the *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* regarding the version adopted and where to obtain it is set out in WAC 480-100-999, Adoption by reference.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-228, filed 5/3/01, effective 6/3/01.]

WAC 480-100-238 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" must be developed by each electric utility in consultation with commission staff. Provision for involvement in the preparation of the plan by the public will be required. Each planning cycle must begin with a letter to the utility from the commission secretary. The content and timing of and reporting for the least cost plan and the public involvement strategy must be outlined in a work plan developed by the utility 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 must submit to the commission on a biennial basis a least cost plan that must 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 must 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 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-238, filed 5/3/01, effective 6/3/01.]

WAC 480-100-251 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-100-308 Meter location. (1) Subject to the utilities' requirements, customers must provide a place to install the metering equipment that is:

(a) Readily accessible to utility employees without risks of bodily harm; and

(b) Free from vibration, corrosive atmosphere, and abnormal temperatures.

(2) Upon request by a customer or a customer's representative, electric utilities must provide a written description of acceptable meter installation parameters applicable to the customer's electrical service needs.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-308, filed 5/3/01, effective 6/3/01.]

WAC 480-100-311 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-100-313 Meter charges. (1) An electric utility will make no charge for furnishing and installing the meter or meters required to determine the customer's usage for billing of electric service in accordance with the utility's filed tariff. The utility may charge for additional meters requested by the customer or required by the utility's tariff for service beyond determining the customer's bill.

(2) No meter may be required on unmetered load.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-313, filed 5/3/01, effective 6/3/01.]

WAC 480-100-318 Meter readings, multipliers, and test constants. (1) Electric utilities must use electric meters or other such devices to accurately record or indicate the quantity of electricity sold to customers. Such measuring devices will allow utilities to calculate a customer's consumption in units of kilowatt hours or other units as filed in the company's tariffs.

(2) Electric utilities that decide to either measure a customer's consumption with a device that employs a multiplier or calculate consumption from recording devices must provide customers, upon request, information sufficient to enable the customer to compute the quantity consumed.

(3) Indirect reading meters and those that operate from instrument transformers must have the multiplier plainly marked on the dial of the instrument or be otherwise suitably marked.

(4) The watt-hour constant for the meter itself must be placed on all watt-hour meters (as specified in ANSI C12.1). Information about the ANSI C12.1 regarding the version adopted and where to obtain it is set out in WAC 480-100-999, Adoption by reference.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-318, filed 5/3/01, effective 6/3/01.]

WAC 480-100-328 Meter identification. Electric utilities must identify each meter by a unique series of serial numbers, letters, or combination of both, placed in a conspicuous position on the meter.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-328, filed 5/3/01, effective 6/3/01.]

WAC 480-100-333 Initial accuracy of electric meters. All meters must be in good order and adjusted to register as nearly correct as practicable prior to being put into service or returned to service following testing or other work. All meters in service must be sealed by the use of a sealing device acceptable to the commission.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-333, filed 5/3/01, effective 6/3/01.]

WAC 480-100-338 Accuracy requirements for electric meters. (1) **Watt-hour meter accuracy.**

(a) The requirements for watt-hour meters used for measuring electrical quantities supplied include, but are not limited to:

(i) All meters must be of proper design for the circuit on which they are used, be in good mechanical and/or electronic condition, have adequate insulation, correct internal connections, and correct register;

(ii) Mechanical meters must not creep at "no load" more than one full revolution of the disk in five minutes:

(A) When the load wires are disconnected and potential is impressed; or

(B) In a shop test where the load wires are disconnected and the permissible voltage variation is impressed;

(b) All meters must be capable of registering no more than plus or minus 2.0 percent error when subject to a current ranging between five and ten percent of the meter's nameplate test current (ta) value, at the meter's rated voltage, and at unity power factor;

(c) All meters must be capable of registering no more than plus or minus 2.0 percent error when subject to a current ranging between seventy-five and one hundred fifty percent of the meter's nameplate test current (ta) value, at the meter's rated voltage, and at unity power factor;

(d) All meters must be capable of registering no more than plus or minus 3.0 percent error when subject to approximately one hundred percent of the meter's nameplate test current (ta) value, at the meter's nameplate rated voltage, and at a fifty percent lagging power factor;

(e) All polyphase meters must have the elements in balance within 2.0 percent when subject to a current approximately one hundred percent of the nameplate test current

value, at the meter's rated voltage, at both unity and fifty percent lagging power factor.

(2) Demand meter accuracy.

(a) The requirements for demand meters, demand registers, or demand attachments used to measure a customer's service include, but are not limited to:

(i) The device must be in good mechanical and electrical condition;

(ii) The device must have the proper multiplier, indicating scale, resetting apparatus, and contact device if used;

(iii) The device must not register at no load;

(b) The device must achieve the following accuracies:

(i) Curve-drawing meters that record quantity-time curves, and integrated-demand meters must be accurate to within plus or minus 2.0 percent of full scale throughout their working range;

(ii) Timing elements measuring specific demand intervals must be accurate to within plus or minus 2.0 percent and the timing element that provides the time of day record of when the demand occurs must be accurate to within plus or minus four minutes in twenty-four hours;

(iii) Lagged-demand meters must be accurate to within plus or minus 4.0 percent of final indication;

(c) Mechanical and lagged demand meters must be tested at load points above fifty percent of full scale as specified in ANSI C12.1. Information about the ANSI C12.1 regarding the version adopted and where to obtain it is set out in WAC 480-100-999, Adoption by reference.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-338, filed 5/3/01, effective 6/3/01.]

WAC 480-100-343 Statement of meter test procedures. (1) Electric utilities must include in their tariffs a statement describing their practices under these rules covering:

(a) A description of methods used and frequency of tests for determining electric meter accuracy. The description must include, but is not limited to:

(i) Test group detail and selection procedures;

(ii) Performance standard details for meters that exceed the maximum allowable tolerance for slow as well as fast meters;

(iii) The corrective action and time period in which such action will be implemented; and

(iv) Reference to an industry standard such as ANSI C12.1 or ANSI/[isrt]ASQC-Z1.9 that will establish acceptable criteria for numerical analysis. Information about the ANSI C12.1 regarding the version adopted and where to obtain it is set out in WAC 480-100-999, Adoption by reference.

(b) A description of meter testing equipment, including methods employed to ascertain and maintain accuracy of all testing equipment.

(c) If an electric utility does not maintain meter testing equipment, the electric utility must state that it will use a qualified testing laboratory for this purpose. The utility must notify the commission by separate correspondence of the name of the testing laboratory making meter tests if it does not maintain meter testing equipment.

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(d) The testing and adjustment program used for meters prior to installation and periodically after installation, if applicable.

(2) If an electric utility changes any portion of its meter test procedures after they have been approved by the commission, the utility must submit a revised tariff.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-343, filed 5/3/01, effective 6/3/01.]

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

WAC 480-100-353 Meter history records. (1) Electric utilities must keep records showing the history of each meter purchased and installed. Such records must be maintained for the life of the meter plus three months. The forms of such records are subject to commission approval and must contain the following information at a minimum:

(a) The approximate date of purchase;

(b) The manufacturer's name and meter number or the utility's own unique meter identification number;

(c) The place(s) of installation; and

(d) The readings at the time of each installation and each removal.

(2) The records must include the date of all tests made on the meter, together with data recorded and computations made to determine the meter's accuracy. If a test is a complaint test, the records must include the complainant's name and the meter's calculated accuracy before and after the test.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-353, filed 5/3/01, effective 6/3/01.]

WAC 480-100-358 Instrument transformers. (1) Instrument transformers used in conjunction with metering equipment to measure customers' service must:

(a) Be in proper mechanical condition and have electrical insulation satisfactory for the service in which they are used; and

(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% Current	100% Current	10% Current	100% Current
1.5% error	0.75% error	3.0% error	2.0% error

(2) Meters used in conjunction with instrument transformers must be adjusted so that the overall accuracy of the meter installation (including both meter and instrument transformers) will meet the requirements specified in WAC 480-100-338, Accuracy requirements for electric meters. Instrument transformers may be tested with the meter with which they are associated, or separately. Except as provided in these rules, if transformers are tested separately, meters must also be tested to assure that the overall installation meets the prescribed accuracy requirements.

(3) Adjustment of the meter to correct instrument accuracy errors is not necessary 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 sixty percent lagging to unity does not exceed six-tenths of one percent at ten percent rated current, or three-tenths of one percent at approximately one hundred percent rated current;

(b) **Instrument potential transformers.** The combined effect of ratio error and phase angle on the accuracy of the meter from ninety percent rated voltage to one hundred ten percent rated voltage, at any load power factor from sixty percent lagging to unity, does not exceed three-tenths of one percent.

(4) Electric utilities must keep instrument transformer test results on record and available for use when transformers are installed.

(5) Phase shifting transformers must have secondary voltages that are within plus or minus one percent of the voltage impressed on primary terminals, when tested under balanced line voltage conditions.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-358, filed 5/3/01, effective 6/3/01.]

WAC 480-100-363 Portable indicating instruments.

(1) Electric utilities must maintain in reasonable working order all portable indicating electrical instruments used to determine quality of electrical service, such as volt meters, ammeters, and watt meters, and all fixed-location meter testing equipment in use and, if in question, must check it against suitable reference standards. If suitable reference standards are not available within the utility, the utility must check its portable instruments at a standardizing laboratory meeting specifications recommended by the meter manufacturer.

(2) Electric utilities must adjust portable analog indicating instruments that are found appreciably in error at zero. If a portable analog indicating instrument is in error by more than one percent at commonly used scale deflections, the electric utility must adjust it, unless the instrument is accompanied by a calibration card.

(3) Electrical utilities must maintain in good working order, as specified by the manufacturer of such instruments, all portable indicating electrical instruments used for purposes other than determining the quality of electrical service, such as instruments primarily for the safety of workers.

(4) Electric utilities must keep history and calibration records for each portable indicating electrical instrument used to determine quality of electrical service as defined in subsection (1) of this section, as long as the instrument is in service.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-363, filed 5/3/01, effective 6/3/01.]

WAC 480-100-368 Standard frequency. Any electric utility supplying alternating current must design and maintain its distribution system for a standard operating frequency of sixty cycles per second under normal operating conditions.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-368, filed 5/3/01, effective 6/3/01.]

WAC 480-100-373 Standard voltage and permissible variation. (1) Voltage means the voltage existing with loads operating under stable conditions. Each electric utility must adopt standard voltages for its different classes of standard voltage service and file these standards with the commission in the form of tariffs.

(2) Electric utilities must maintain the voltage on their distribution system reasonably constant and any allowed variation must be a gradual change in voltage as a result of normal changes in load.

The voltage on each primary distribution feeder must be maintained as follows:

(a) Voltage variations may not be more than five percent above or below the standard voltage adopted; and

(b) The total voltage variation from minimum to maximum value may not exceed eight percent of the standard voltage.

A utility may allow greater voltage variation than that specified in this rule in case of emergency service or when service is supplied directly from a transmission line. A utility may also permit greater voltage variations in an area where the revenues received do not justify close voltage regulation. In such cases, electric utilities must provide the best voltage regulation that is economically and technically practicable under the circumstances.

(3) Voltage variations 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, will not be considered a violation of this rule.

(4) Customers must control and operate the equipment on their premises in such a way that its starting and operating characteristics will not cause an instantaneous voltage drop of more than four percent of the standard voltage as measured at the point of interconnection with the electric utility. Likewise, customers must control and operate their equipment in such a way that it does not cause damage or interfere with the normal operation of the electric utility's facilities or of the facilities or equipment of another customer, such as causing excessive flicker in other customers' lights. Utilities are not required to monitor customers' equipment and its interactions with third party or utility equipment on an ongoing basis.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-373, filed 5/3/01, effective 6/3/01.]

WAC 480-100-378 Accuracy of test standards. (1) Electrical utilities must provide the commission with a written statement of their practices under these rules covering:

(a) A description of test standards and meter testing equipment, if maintained by the electrical utility;

(b) A description of methods employed to ascertain and maintain the accuracy of the test standards and meter testing equipment, including the frequency of such tests, if the electrical utility chooses to maintain its own such standards and equipment rather than use the services of a certified testing laboratory.

(2) If an electrical utility chooses to maintain its own test standards and meter testing instruments, it must retain records showing the date when each test standard and each meter testing instrument was tested, calibrated, or adjusted. Test standards must not be used in the field as working instruments.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-378, filed 5/3/01, effective 6/3/01.]

WAC 480-100-383 Reports of accidents. Each electric utility must notify the commission orally or by electronic mail no later than the second business day following discovery of any accident that results in death or serious injury to any person occurring in its plant or through electrical contact with its facilities. Electric utilities must submit a follow-up written report to the commission within fifteen business days of initial notification that includes, at a minimum:

- (1) The name and address of the person or persons injured;
- (2) The time and place of the accident;
- (3) Whether the accident resulted in a fatality;
- (4) A brief description of how the accident occurred; and
- (5) A brief description of any necessary medical treatment that was provided.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-383, filed 5/3/01, effective 6/3/01.]

WAC 480-100-388 Electric service reliability definitions. "Electric service reliability" means the continuity of electric service experienced by retail customers.

"Reliability statistic" means a number, which may include multiple components (for example, service interruptions, customers, and hours), that measures electric service reliability.

"Baseline reliability statistic" means a number calculated by the utility measuring aspects of electric service reliability in a specified year that may be used as a comparison for measuring electric service reliability in subsequent years.

"Sustained interruption" means an interruption to electric service that has a length of duration specified by the electric utility, but in any case not less than one minute.

"Power quality" means characteristics of electricity, primarily voltage and frequency, that must meet certain specifications for safe, adequate and efficient operations.

"Full-system" means all equipment and lines necessary to serve retail customers whether for the purpose of generation, transmission, distribution or individual service.

"Major event" means an event, such as a storm, that causes serious reliability problems, and that meets criteria established by the utility for such an event.

[Statutory Authority: RCW 80.01.040. 01-08-009 (Docket No. UE-991168, General Order No. R-478), § 480-100-388, filed 3/22/01, effective 4/22/01.]

WAC 480-100-393 Electric service reliability monitoring and reporting plan. (1) Who must file. Electric utilities subject to commission jurisdiction must file a plan for monitoring and reporting electric service reliability information to the commission.

(2) When to file. The plan for monitoring and reporting electric service reliability information must be filed with the commission six months after the effective date of this rule, though utilities are encouraged to file the plan sooner. Any modification to the plan must be filed with the commission before the modification is implemented.

(3) What to file. The utility must file a plan for monitoring and reporting electric service reliability information to the commission. The plan, and any modification to it, must be accepted by the commission. The plan must include the following items:

(a) What reliability statistics and information the utility will report to the commission. The utility must select and define statistics that track full-system reliability, and information, which may include statistics, that tracks localized reliability and identifies areas of greatest reliability concern.

(b) When the utility will establish baseline reliability statistics to report to the commission. Prior to establishing baseline reliability statistics, the utility must report the best information available. The utility must establish baseline reliability statistics within three years of the effective date of this rule.

(c) When the utility will file its annual electric service reliability report to the commission.

[Statutory Authority: RCW 80.01.040. 01-08-009 (Docket No. UE-991168, General Order No. R-478), § 480-100-393, filed 3/22/01, effective 4/22/01.]

WAC 480-100-398 Electric service reliability reports. The electric utility must file an electric service reliability report with the commission at least once a year. The report must meet the following conditions:

(1) The report must be consistent with the electric service reliability monitoring and reporting plan filed under WAC 480-100-393. As set forth in the plan, in an identified year, baseline reliability statistics must be established and reported. In subsequent years, new reliability statistics must be compared to the baseline reliability statistics and to reliability statistics from all intervening years. The utility must maintain historical reliability information necessary to show trends for a minimum of seven years.

(2) The report must address any changes that the utility may make in the collection of data and calculation of reliability information after initial baselines are set. The utility must explain why the changes occurred and explain how the change is expected to affect comparisons of the newer and older information. Additionally, to the extent practical, the utility must quantify the effect of such changes on the comparability of new reliability statistics to baseline reliability statistics.

(3) The report must identify the utility's geographic areas of greatest reliability concern, explain their causes, and explain how the utility plans to address them.

(4) The report must identify the total number of customer complaints about reliability and power quality made to the utility during the year, and must distinguish between complaints about sustained interruptions and power quality. The report must also identify complaints that were made about major events.

[Statutory Authority: RCW 80.01.040. 01-08-009 (Docket No. UE-991168, General Order No. R-478), § 480-100-398, filed 3/22/01, effective 4/22/01.]

WAC 480-100-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective date, references within this chapter, and availability of the resources are as follows:

(1) Title 18 Code of Federal Regulations, cited as 18 CFR, is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on April 1, 2000.

(b) This publication is referenced in WAC 480-100-203, Accounting system requirements and WAC 480-100-208, Financial reporting requirements;

(c) Copies of 18 CFR are available from the U.S. Government Printing Office in Pittsburgh, Pennsylvania.

(2) The *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* is published by the National Association of Regulatory Utility Commissioners (NARUC).

(a) The commission adopts the version in effect in 1985.

(b) This publication is referenced in WAC 480-100-228, Retention and preservation of records and reports.

(c) The *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* is a copyrighted document. Copies are available from NARUC, in Washington, D.C.;

(3) The National Electric Code is published by the National Fire Protection Association (NFPA).

(a) The commission adopts the version published in 1999.

(b) This publication is referenced in WAC 480-100-163, Service entrance facilities;

(c) The National Electric Code is a copyrighted document. Copies are available from the NFPA, in Quincy, Massachusetts.

(4) The American National Standard for Electric Meters: Code for Electricity Metering, ANSI C12.1 is published by the American National Standards Institute.

(a) The commission adopts the version published in 1995.

(b) This publication is referenced in WAC 480-100-318, Meter readings, multipliers, and test constants; WAC 480-100-338, Accuracy requirements for electric meters; and WAC 480-100-343, Statement of meter test procedures.

(c) The ANSI C12.1 is a copyrighted document. Copies are available from Global Engineering Documents in Englewood, Colorado.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-999, filed 5/3/01, effective 6/3/01.]

Chapter 480-120 WAC TELEPHONE COMPANIES

WAC

480-120-011	Application of rules.
480-120-015	Exemptions from rules.
480-120-016	Additional requirements.
480-120-022	Repealed.

480-120-023	Repealed.
480-120-024	Repealed.
480-120-025	Repealed.
480-120-026	Tariffs and price lists.
480-120-027	Repealed.
480-120-028	Registration.
480-120-029	Accounting requirements for competitively classified companies.
480-120-032	Expenditures for political or legislative activities.
480-120-033	Reporting requirements for competitively classified companies.
480-120-036	Repealed.
480-120-043	Notice to the public of tariff changes.
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480-120-076	Repealed.
480-120-083	Cessation of telecommunications services.
480-120-091	Repealed.
480-120-096	Repealed.
480-120-136	Retention and preservation of records and reports.
480-120-530	Emergency services.
480-120-531	Emergency operation.
480-120-541	Access charges.
480-120-542	Collective consideration of Washington intrastate rate, tariff, or service proposals.
480-120-543	Caller identification service.
480-120-544	Mandatory cost changes for telecommunications companies.
480-120-545	Severability.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-120-022	Classification proceedings. [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.] Repealed by 01-09-002 (Docket No. U-991301, General Order No. R-481), filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 80.04.160 and 80.01.040.
480-120-023	Content of petition for classification of competitive telecommunications services and companies. [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.] Repealed by 01-09-002 (Docket No. U-991301, General Order No. R-481), filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 80.04.160 and 80.01.040.
480-120-024	Waiver of regulatory requirements for competitive telecommunications companies. [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.] Repealed by 01-09-002 (Docket No. U-991301, General Order No. R-481), filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 80.04.160 and 80.01.040.
480-120-025	Investigations. [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.] Repealed by 01-09-002 (Docket No. U-991301, General Order No. R-481), filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 80.04.160 and 80.01.040.
480-120-027	Price lists. [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.] Repealed by 01-09-002 (Docket No. U-991301, General Order No. R-481), filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 80.04.160 and 80.01.040.
480-120-036	Finance—Securities, affiliated interests, transfer of property. [Order R-25, § 480-120-036, filed 5/5/71.] Repealed by 01-15-022 (Docket No. UT-990146, General Order No. R-480), filed 7/11/01, effective 8/11/01. Statutory Authority: RCW 80.04.160 and 80.01.040.
480-120-066	Contract for service. [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.] Repealed by 01-09-002 (Docket No. U-991301, General Order No. R-481), filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 80.04.160 and 80.01.040.

- 480-120-076 Underground. [Order R-25, § 480-120-076, filed 5/5/71.] Repealed by 01-15-022 (Docket No. UT-990146, General Order No. R-480), filed 7/11/01, effective 8/11/01. Statutory Authority: RCW 80.04.160 and 80.01.040.
- 480-120-091 Farmer lines. [Order R-25, § 480-120-091, filed 5/5/71. Formerly WAC 480-120-270.] Repealed by 01-15-022 (Docket No. UT-990146, General Order No. R-480), filed 7/11/01, effective 8/11/01. Statutory Authority: RCW 80.04.160 and 80.01.040.
- 480-120-096 Grounded circuits. [Order R-25, § 480-120-096, filed 5/5/71. Formerly WAC 480-120-280.] Repealed by 01-15-022 (Docket No. UT-990146, General Order No. R-480), filed 7/11/01, effective 8/11/01. Statutory Authority: RCW 80.04.160 and 80.01.040.

WAC 480-120-011 Application of rules. (1) The rules in this chapter apply to any company that is subject to the jurisdiction of the commission under RCW 80.04.010 and chapter 80.36 RCW.

(2) The effective tariff provisions filed by companies shall conform to these rules. The commission's acceptance of a tariff that conflicts with these rules does not constitute a waiver of these rules. Tariffs that conflict with these rules are superseded by these rules unless the commission authorizes the deviation in writing.

(3) Any affected person may ask the commission to review the interpretation of these rules by a customer by posing an informal complaint under WAC 480-09-150, Informal complaints, or by filing a formal complaint under WAC 480-09-420, Pleading and briefs—Application for authority—Protests.

No deviation from these rules is permitted without written authorization by the commission. Violation will be subject to penalty provisions of chapter 80.04 RCW.

[Statutory Authority: RCW 80.04.160 and 80.01.040. 01-15-022 (Docket No. UT-990146, General Order No. R-480), § 480-120-011, filed 7/11/01, effective 8/11/01. 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 480-120-015 Exemptions from rules. (1) The commission may grant an exemption from the provisions 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, giving a full explanation of the reason for requesting the exemption.

(3) The commission will assign the request a docket number, if it does not arise in an existing docket, and will 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 of the hearing or open meeting when the commission will consider the request.

(4) In determining whether to grant the request, the commission may consider whether application of the rule would impose undue hardship on the requesting person, of a degree or a kind different from hardships imposed on other similarly situated persons, and whether the effect of applying the rule would be contrary to the purposes of the rule.

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(5) 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 and 80.01.040. 01-15-022 (Docket No. UT-990146, General Order No. R-480), § 480-120-015, filed 7/11/01, effective 8/11/01.]

WAC 480-120-016 Additional requirements. (1)

These rules do not relieve any company from any of its duties and obligations under the laws of the state of Washington.

(2) The commission retains the authority to impose additional or different requirements on any company in appropriate circumstances, consistent with the requirements of law.

[Statutory Authority: RCW 80.04.160 and 80.01.040. 01-15-022 (Docket No. UT-990146, General Order No. R-480), § 480-120-016, filed 7/11/01, effective 8/11/01; Order R-25, § 480-120-016, filed 5/5/71. Formerly WAC 480-120-020.]

WAC 480-120-022 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-120-023 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-120-024 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-120-025 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-120-026 Tariffs and price lists. Companies must file tariffs and price lists in accordance with chapter 480-80 WAC, Utilities general—Tariffs, price lists, and contracts.

[Statutory Authority: RCW 80.04.160 and 80.01.040. 01-15-022 (Docket No. UT-990146, General Order No. R-480), § 480-120-026, filed 7/11/01, effective 8/11/01; Order R-25, § 480-120-026, filed 5/5/71. Formerly WAC 480-120-040.]

WAC 480-120-027 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-120-028 Registration. Companies must file registration applications as required by RCW 80.36.350 and in accordance with chapter 480-121 WAC, Registration, competitive classification and price lists of telecommunications companies.

[Statutory Authority: RCW 80.04.160 and 80.01.040. 01-15-022 (Docket No. UT-990146, General Order No. R-480), § 480-120-028, filed 7/11/01, effective 8/11/01.]

WAC 480-120-029 Accounting requirements for competitively classified companies. Competitively classified companies must keep accounts using generally accepted accounting principles (GAAP), or any other accounting method acceptable to the commission. In addition, the accounts must allow for identification of revenues for Washington intrastate operations subject to commission jurisdiction.

[Statutory Authority: RCW 80.04.160 and 80.01.040. 01-15-022 (Docket No. UT-990146, General Order No. R-480), § 480-120-029, filed 7/11/01, effective 8/11/01.]

WAC 480-120-032 Expenditures for political or legislative activities. (1) The commission will not allow either direct or indirect expenditures for political or legislative activities for rate-making purposes.

(2) For purposes of this rule political or legislative activities include, but are not limited to:

(a) Encouraging support or opposition to ballot measures, legislation, candidates for a public office, or current public office holders;

(b) Soliciting support for or contributing to political action committees;

(c) Gathering data for mailing lists that are generated for the purposes of encouraging support for or opposition to ballot measures, legislation, candidates for public office, or current office holders, or encouraging support for or contributions to political action committees;

(d) Soliciting contributions or recruiting volunteers to assist in the activities set forth in (a) through (c) of this subsection.

(3) Political or legislative activities do not include activities directly related to appearances before regulatory or local governmental bodies necessary for the utility's operations.

[Statutory Authority: RCW 80.04.160 and 80.01.040. 01-15-022 (Docket No. UT-990146, General Order No. R-480), § 480-120-032, filed 7/11/01, effective 8/11/01. 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 Reporting requirements for competitively classified companies. The commission will distribute an annual report form including a regulatory fee form. A competitively classified company must:

(1) Complete both forms, file them with the commission, and pay its regulatory fee, no later than May 1st of each year;

(2) Provide total number of access lines as required on the annual report form;

(3) Provide income statement and balance sheet for total company; and

(4) Provide revenues for Washington and Washington intrastate operations subject to commission jurisdiction.

[Statutory Authority: RCW 80.04.160 and 80.01.040. 01-15-022 (Docket No. UT-990146, General Order No. R-480), § 480-120-033, filed 7/11/01, effective 8/11/01. 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 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-120-043 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 80.04.160 and 80.01.040. 01-09-002 (Docket No. U-991301, General Order No. R-481), § 480-120-043, filed 4/4/01, effective 5/5/01.]

WAC 480-120-066 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-120-076 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-120-083 Cessation of telecommunications services. (1) This rule applies to any telecommunications company that ceases the provision of any telecommunications service in all or any portion of the state (exiting telecommunications company). This rule does not apply to:

(a) Services offered by tariff that are subject to the statutory notice requirements of RCW 80.36.110 (Tariff Changes – Statutory Notice – Exception);

(b) Discontinuance of service to an individual customer in compliance with WAC 480-120-081 (Discontinuance of Service);

(c) Cessation of a service when the provider replaces the terminated service with comparable service without interruption. For example, the notice requirements of this rule do not apply when a local exchange carrier (LEC) providing Centrex-type service with one group of features replaces that service, without interruption, with a version of Centrex-type service that has a different group of features; and

(d) A service being discontinued that has no subscribers. Changes in customers' service providers for local exchange and intrastate toll services when there is a cessation of service are also subject to WAC 480-120-139 (changes in local exchange and intrastate toll services).

(2) No telecommunications company may cease the provision of any telecommunications service in all or any portion of the state unless it first provides written notice to the following persons at least 30 days in advance of cessation of service:

(a) The commission;

(b) The state 911 program, in the instance of local exchange service, private branch exchange service (PBX), Centrex-type service, or private line service used in the provision of emergency services related to the state 911 program;

(c) Each of its customers, including customers that are telecommunications companies;

(d) Incumbent local exchange carriers (ILECs) providing the exiting telecommunications company with unbundled network elements (UNEs) pursuant to the Telecommunications Act of 1996, 47 U.S.C. Section 151 *et seq.*, if UNEs or combinations of UNEs are part of a telecommunications service provided to some or all of the exiting telecommunications company's customers;

(e) Each telecommunications company providing the exiting telecommunications company with resold telecommunications service, if resold service is part of a telecommunications service provided to some or all of the exiting telecommunications company's customers;

(f) The national number administrator authorizing the release of all assigned telephone numbers to other telecommunications companies and releasing all unassigned telephone numbers to the number administrator.

(3) The notice to the commission and the state 911 program required in subsections (2)(a) and (b) must include:

(a) The name of the exiting telecommunications company;

(b) For each category of service, the date each telecommunications service will cease; and

(c) The number of customers for each telecommunications service and their location, described by exchange or by city and county for each telecommunications service being ceased.

(4) The notice to customers required in subsection (2)(c) must include:

(a) The date telecommunications service will cease;

(b) Information on how to contact the exiting telecommunications company by telephone in order to obtain information needed to establish service with another provider;

(c) An explanation of how customers may receive a refund on any unused service. The exiting telecommunications company must provide information to consumers via its customer service number outlining the procedure for obtaining refunds and continue to provide this information for sixty days after the date of cessation of service.

(d) A second notice provided by one of the two options listed below:

(i) Between ten and thirty days before cessation of service, the exiting telecommunications company must complete one direct call advising every customer of the cessation of service, including the date of cessation of service and a number to call for more information, if necessary. A direct call means a call in which the company leaves a recorded voice message for or speaks directly to the responsible party or its agent on the billing account; or

(ii) At least ten days before cessation of service, the exiting telecommunications company must provide a second written notice of cessation of service including the date of cessation of service and a number to call for more information, if necessary; and

(e) A company may seek the commission's assistance in drafting the customer notices.

(5) The notice to ILECs required in subsection (2)(d) must include:

(a) The date telecommunications service will cease;

(b) Identification of the UNE components in relationship to the service information provided to the customer when such information differs from the ILEC's identification information as billed to the exiting telecommunications company. For example, if the ILEC identifies a UNE loop with a circuit identification number, the exiting telecommunications company must provide the ILEC with the customer telephone number assigned to the ILEC's UNE loop circuit identification number; and

(c) The telephone contact information to enable the ILEC or new provider to obtain UNE service and circuit identification information needed to establish service for a customer who will no longer receive service from the exiting telecommunications company.

(6) The notice to suppliers required in subsection (2)(e) must include:

(a) The date telecommunications service will cease;

(b) Identification of the resold service element components in relationship to the service information provided to the customer, when such information differs from the sup-

plier's identification information as billed to the exiting telecommunications company; and

(c) Telephone contact information to enable the regulated supplier or new provider to obtain underlying service and circuit identification information needed to establish comparable replacement service for a customer who will no longer receive service from the exiting telecommunications company.

(7) The notice to the national number administrator required in subsection (2)(f) must include:

(a) Identification of all working telephone numbers assigned to customers;

(b) Identification of all unassigned or administrative numbers available for reassignment to other providers and the date such unassigned telephone numbers will be available for reassignment; and

(c) Authorization of the release of each individual assigned customer's telephone number(s) to subsequent providers selected by the customer.

(8) ILECs and telecommunications companies that are suppliers under subsection (6) must provide the information in the required notice(s) (if received) to the subsequent provider upon a request authorized by the customer.

(9) A telecommunications company ceasing a local exchange service, a PBX service, a Centrex-type service, or a private line service used in the provision of emergency services related to the state 911 program must inform the commission and the state 911 program within twenty-four hours of the cessation of telecommunications service of the number of customers and their location, listed by exchange or by city and county, that remained as customers for the telecommunications service when service ceased.

[Statutory Authority: RCW 80.04.160 and 80.01.040. 01-24-114 (General Order No. R-494, Docket No. UT-010558), § 480-120-083, filed 12/5/01, effective 1/5/02.]

WAC 480-120-091 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-120-096 Repealed. See Disposition Table at beginning of this chapter.

WAC 480-120-136 Retention and preservation of records and reports. (1) Companies must keep all records and reports required by these rules or commission order for three years unless otherwise specified in subsection (2) of this section. No records may be destroyed before the expiration of three years or the time specified in subsection (2) of this section, whichever is applicable.

(2) Companies must adhere to the retention requirements of Title 47, Code of Federal Regulations, Part 42, Preservation of Records of Communication Common Carriers published by the Federal Communications Commission. The effective date is stated in WAC 480-120-999.

[Statutory Authority: RCW 80.04.160 and 80.01.040. 01-15-022 (Docket No. UT-990146, General Order No. R-480), § 480-120-136, filed 7/11/01, effective 8/11/01. 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 480-120-530 Emergency services. (1) At least once every twenty-four hours, each local exchange company and each interexchange company owning, operating, or maintaining any portion of any dedicated 911 circuit must manually test, for continuity, the portion of the 911 circuit which it owns, operates, or maintains. This section does not apply to any dedicated 911 circuit, or portion thereof, if either (a), (b), or (c) of this subsection 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;

(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.

(2) Any dedicated 911 circuit found to be defective must be immediately reported to the primary public safety answering point (PSAP) manager, and repairs must be undertaken promptly and pursued diligently by the company that has responsibility for operating or maintaining the circuit, or both. Companies are not required to repair any portion of any dedicated 911 circuit that they do not own, operate, or maintain.

(3) Each company must ensure that all dedicated 911 circuits and associated electronic equipment serving governmental emergency response agencies are clearly identified in the central office and the remote switch.

[Statutory Authority: RCW 80.04.160 and 80.01.040. 01-15-022 (Docket No. UT-990146, General Order No. R-480), § 480-120-530, filed 7/11/01, effective 8/11/01. 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 480-120-531 Emergency operation. (1) All companies must maintain, revise, and provide to the commission the following:

(a) The titles and telephone numbers of the company's disaster services coordinator and alternates; and

(b) Upon request of the commission, the company's current plans for emergency operation, including current plans for recovery of service to governmental disaster recovery response agencies within the state of Washington.

(2) For coordination of disaster response and recovery operations, each company must maintain on file with the Washington state emergency management division the titles and telephone numbers of the managers of the company's:

(a) Local network operations center;

(b) Regional network operations center; or

(c) Emergency operations center.

[Statutory Authority: RCW 80.04.160 and 80.01.040. 01-15-022 (Docket No. UT-990146, General Order No. R-480), § 480-120-531, filed 7/11/01, effective 8/11/01.]

WAC 480-120-541 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 1st of each year beginning October 1, 1991. Each company shall at the same time file such revised tariffs as it may deem to be required by its report. The tariffs shall be effective September 1st 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 80.04.160 and 80.01.040. 01-09-002 (Docket No. U-991301, General Order No. R-481), § 480-120-541, filed 4/4/01, effective 5/5/01.]

WAC 480-120-542 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 telecommunications company serving less than one million access lines in the state of Washington has the option of utilizing the Washington Exchange Carrier Association as its filing agent/tariff bureau. Companies utilizing WECA may file collectively nontraffic sensitive, traffic sensitive, special access and/or billing and collection revenue and revenue requirement computations and/or tariffs.

(7) Nothing in this section shall be construed as amending or modifying WECA's current methods of administering the NTS/USF pools or the community calling fund under WAC 480-120-400, et seq.

[Statutory Authority: RCW 80.04.160 and 80.01.040. 01-09-002 (Docket No. U-991301, General Order No. R-481), § 480-120-542, filed 4/4/01, effective 5/5/01.]

WAC 480-120-543 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 80.04.160 and 80.01.040. 01-09-002 (Docket No. U-991301, General Order No. R-481), § 480-120-543, filed 4/4/01, effective 5/5/01.]

WAC 480-120-544 Mandatory cost changes for telecommunications companies. (1) This section establishes streamlined procedures to be applied to rate filings by local exchange telecommunications 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 rate-making 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 com-

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

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

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

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

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

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

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

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

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

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

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

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

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

[Statutory Authority: RCW 80.04.160 and 80.01.040. 01-09-002 (Docket No. U-991301, General Order No. R-481), § 480-120-544, filed 4/4/01, effective 5/5/01.]

WAC 480-120-545 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

[Statutory Authority: RCW 80.04.160 and 80.01.040. 01-15-022 (Docket No. UT-990146, General Order No. R-480), § 480-120-545, filed 7/11/01, effective 8/11/01.]

Chapter 480-121 WAC

REGISTRATION, COMPETITIVE CLASSIFICATION
AND PRICE LISTS OF TELECOMMUNICATIONS
COMPANIES

WAC

480-121-061	Classification proceedings.
480-121-062	Content of petition for classification of competitive telecommunications services and companies.
480-121-063	Waiver of regulatory requirements for competitive telecommunications companies.
480-121-064	Investigations.

WAC 480-121-061 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 80.04.160 and 80.01.040. 01-09-002 (Docket No. U-991301, General Order No. R-481), § 480-121-061, filed 4/4/01, effective 5/5/01.]

WAC 480-121-062 Content of petition for classification of competitive telecommunications services and companies. In addition to the requirements of WAC 480-08-050(13), a petition for classification of a competitive telecommunications service or a competitive telecommunications company shall, at a minimum, be accompanied with the following:

(1) Name and address of the petitioner;

(2) A description of the services it offers;

(3) Names and addresses of any entities which would be classified as "affiliated interests" of the petitioner pursuant to RCW 80.16.010;

(4) A statement of the services the petitioner contends are subject to effective competition, and with respect to each such service the following information shall be provided:

(a) Descriptions of all services in the petitioner's definition of the relevant market for the service;

(b) Names and addresses of all providers of such services known or reasonably knowable to the petitioner;

(c) Prices, terms, and conditions under which such services are offered to the extent known or reasonably knowable to the petitioner;

(d) A geographical delineation of the relevant market;

(e) An estimate of petitioner's market share and any past or projected change in market share;

(f) A description of ease of entry into the market;

(g) A statement of whether petitioner has a significant captive customer base and the basis for any contention that it does not;

(h) A verifiable cost of service study supporting the contention that the price or rate charged for the service covers its cost. A petition which contends that all of a company's services are competitive and does not seek classification for some services if others are denied classification is exempted from this requirement;

(i) The manner by which notice of price list changes will be provided to customers and the commission.

[Statutory Authority: RCW 80.04.160 and 80.01.040. 01-09-002 (Docket No. U-991301, General Order No. R-481), § 480-121-062, filed 4/4/01, effective 5/5/01.]

WAC 480-121-063 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 80.04.160 and 80.01.040. 01-09-002 (Docket No. U-991301, General Order No. R-481), § 480-121-063, filed 4/4/01, effective 5/5/01.]

WAC 480-121-064 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 80.04.160 and 80.01.040. 01-09-002 (Docket No. U-991301, General Order No. R-481), § 480-121-064, filed 4/4/01, effective 5/5/01.]

Title 484 WAC VETERANS' AFFAIRS, DEPARTMENT OF

Chapters

484-20 State veterans homes.

Chapter 484-20 WAC STATE VETERANS HOMES

WAC

484-20-010	Definitions.
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WAC 484-20-010 Definitions. The following words or phrases are used in this chapter in the meaning given, unless the context clearly indicates another meaning.

(1) Admission team - A team consisting of a designated veterans benefit specialist and designated medical or nursing staff.

(2) Adjudicative proceeding - In accordance with RCW 34.05.010(1), an adjudicative proceeding is a proceeding before an agency in which an opportunity for hearing before that agency is required by statute or constitutional right before or after the entry of an action by the agency.

(3) Administrative action - An act (as defined in RCW 34.05.010(3)) taken by the agency or state veterans home which implements or enforces a statute, applies an agency rule or order, or imposes sanctions or withholds benefits.

(4) Comprehensive care plan - A plan which outlines details of health care for Medicaid certified nursing facility residents.

(5) Cost of care.

(a) Daily rate - The maximum daily cost (rate) to provide care and services to a Medicaid recipient. The daily rate is set annually by the department of social and health services and applies to all Medicaid certified nursing facility residents. A different daily rate is established for the Washington veterans home, the Washington soldiers home, and the eastern Washington veterans home (also known as the Spokane veterans home).

(b) Private rate - The daily cost (rate) to provide services to state veterans home residents who have resource levels exceeding standards in WAC 484-20-040. There is a different private rate for nursing care and domiciliary care. The private rate is based on actual operating costs.

(c) Resident contribution - The monthly amount a resident pays to the state veterans home as partial payment of the cost of care. If the resident is a Medicaid recipient, the resident contribution is determined by the appropriate community service office. If the resident is not a Medicaid recipient, the resident contribution is determined by the facility. The resident contribution is recalculated with any change in the resident's monthly income.

(6) Department - The department of veterans affairs.

(7) Director - The director of the department of veterans affairs or his/her designee.

(8) Domiciliary care - Is the provision of a home, with necessary ambulant medical care. To be entitled to domiciliary care, the applicant must consistently have a disability, disease or injury which is chronic in nature and produces disablement of such a degree and probable persistency as will incapacitate from earning a living for a prospective period.

(9) Facility - Refers to either the Washington veterans home, the Washington soldiers home or the eastern Washington veterans home (also known as the Spokane veterans home), but **does not** include the Medicaid certified nursing facility.

(10) Furlough - An approved absence for facility residents.

(11) Grievance - An oral or written statement of any difficulty, disagreement, or dispute relating in any way to a facility, a resident or facility staff.