Title 480 WAC
UTILITIES AND TRANSPORTATION COMMISSION

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

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

UNIFORM SYSTEM OF ACCOUNTS:

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

REGULATIONS GOVERNING PRESERVATION OF RECORDS:

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

ANNUAL REPORT FORMS:

Motor Freight Carriers
- Class I
- Class II
- Class III
- Class IV
- Quarterly Form

Auto Transportation Companies (Busses):
- Class I
- Class II
- Class III
- Class IV
- Quarterly Form

Intracity Auto Transportation Companies (Busses):
- Class I
- Class II
- Class III

Passenger Charter Carriers (Busses):
- Quarterly Form

Railroads:
- Class I
- Class II

Garbage & Refuse Collection Companies:
- Class A
- Class B

Electric Railroads
Express Company
Pipe Line Companies

Storage Warehouse
Dock Companies
Certificated Boat (Passenger)
Non-Certificated Boat (Freight)
Electric Utilities:
Classes A & B
Class C
Class D
Water Utilities:
Classes A, B and C
Class D
Telephone Utilities:
Classes A & B
Gas Utilities:
Classes A & B
Classes C & D
Telegraph Utilities:
Wire-Telegraph Carriers
Miscellaneous Common Carriers:
Licensee in Domestic Public Land Mobile Radio Service

DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

Chapter 480-08 PROCEDURE

480-08-010 Communications. [Statutory Authority: RCW 80.01.-040. 88-01-115 (Order R-283, Cause No. T-2118), § 480-08-010, filed 12/23/87; Order R-43, § 480-08-010, filed 4/5/73 and 4/18/73; Order R-5, § 480-08-010, filed 6/9/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-015 Submission of "confidential" information. [Statutory Authority: RCW 80.01.040, 80.04.095 and 42.17.310. 88-01-114 (Order R-267, Cause No. U-87-1452-R), § 480-08-015, filed 12/23/87.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-020 Office hours. [Order R-5, § 480-08-020, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-030 Parties. [Order R-79, § 480-08-030, filed 12/3/75; Order R-5, § 480-08-030, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-040 Informal procedure—Applications and protests. [Order R-82, § 480-08-040, filed 6/30/76; Order R-5, § 480-08-040, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-050 Pleadings. [Statutory Authority: RCW 80.01.040. 85-09-025 (Order R-226, Cause No. U-85-07), § 480-08-050, filed 4/10/85. Statutory Authority: 1979 c 33. 79-09-017 (Order R-130, Cause No. U-79-34), § 480-08-050, filed 8/9/79; Order R-87, § 480-08-050, filed 10/20/76; Order R-5, § 480-08-050, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-055 Objections to closures of highway-railroad grade crossings. [Order R-79, § 480-08-055, filed 12/3/75.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-060 Filing and service. [Order R-5, § 480-08-060, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-070 Intervention. [Statutory Authority: RCW 34.04.020. 78-05-037 (Order R-113, Cause No. T-1099), § 480-08-070, filed 4/19/78; Order R-5, § 480-08-070, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-080 Appearances. [Statutory Authority: RCW 34.04.020. 78-05-037 (Order R-113, Cause No. T-1099), § 480-08-080, filed 4/19/78; Order R-79, § 480-08-080, filed 12/3/75; Order R-5, § 480-08-080, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-090 Appearance and practice before commission. [Order R-5, § 480-08-090, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-100 Prehearing conferences. [Statutory Authority: RCW 34.04.020. 78-05-037 (Order R-113, Cause No. T-1099), § 480-08-100, filed 4/19/78; Order R-5, § 480-08-100, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-110 Voluntary settlement. [Order R-5, § 480-08-110, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-120 Subpoenas. [Order R-5, § 480-08-120, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-130 Depositions. [Order R-5, § 480-08-130, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-140 Hearings. [Order R-5, § 480-08-140, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-150 Continuances. [Order R-5, § 480-08-150, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-160 Stipulation as to facts. [Order R-5, § 480-08-160, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-170 Conduct at hearings. [Order R-5, § 480-08-170, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-180 Order of procedure. [Order R-5, § 480-08-180, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-190 Rules of evidence. [Order R-5, § 480-08-190, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-200 Exhibits and documentary evidence. [Order R-43, § 480-08-200, filed 4/5/73 and 4/18/73; Order R-5, § 480-08-200, filed 6/9/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-210 Modified procedure. [Order R-5, § 480-08-210, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-220 Briefs. [Order R-5, § 480-08-220, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-230 Commission proposed orders. [Order R-5, § 480-08-230, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-240 Proposed orders by examiners. [Order R-5, § 480-08-240, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-

036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-250 Rehearing or reconsideration. [Statutory Authority: RCW 80.01.040. 86-17-003 (Order R-264, Cause No. T-1979), § 480-08-250, filed 8/8/86; Order R-5, § 480-08-250, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-260 No discussion of proceeding until decision. [Order R-5, § 480-08-260, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-270 Joint hearings. [Order R-5, § 480-08-270, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-280 Administrative rulings. [Order R-5, § 480-08-280, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-290 Segregation of functions in formal proceedings. [Order R-5, § 480-08-290, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-300 Compliance with orders. [Order R-5, § 480-08-300, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-310 Computation of time. [Order R-5, § 480-08-310, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-320 Suspension of tariffs. [Order R-66, § 480-08-320, filed 5/8/74; Order R-5, § 480-08-320, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

480-08-330 General application—Special rules—Exceptions—Cancellation of former rules. [Order R-5, § 480-08-330, filed 6/6/69, effective 10/9/69.] Repealed by 89-21-036 (Order R-310, Docket No. U-89-2966-R), filed 10/12/89, effective 11/12/89. Statutory Authority: RCW 80.01.040.

Chapter 480-09
PROCEDURE

480-09-005 Scope of this chapter—How to communicate with the commission. [Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-005, filed 2/10/99, effective 3/13/99.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-010 When this chapter applies—Exceptions. [Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-010, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-010, filed 10/12/89, effective 11/12/89.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-012 Incorporated and referenced materials. [Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-012, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 93-24-103 (Order R-400, Docket No. A-930517), § 480-09-012, filed 12/1/93, effective 1/1/94.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-015 Submission of "confidential" information. [Statutory Authority: RCW 80.01.040 and 34.05.220. 91-06-010 (Order R-336, Docket No. A-900700), § 480-09-015, filed 2/22/91, effective 3/25/91. Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-015, filed 10/12/89, effective 11/12/89.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-100 Sending communications to the commission. [Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-100, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 92-07-006 (Order R-368, Docket No. A-910530), § 480-09-100, filed 3/5/92, effective 4/5/92. Statutory Authority: RCW 80.01.040 and 34.05.220. 91-06-010 (Order R-336, Docket No. A-900700), § 480-09-100, filed 2/22/91, effective 3/25/91. Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-100, filed 10/12/89, effective 11/12/89.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-101 When communications are received; required identification of sender; communications from the commission. [Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-101, filed 2/10/99, effective 3/13/99.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-110 Office hours. [Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-110, filed 10/12/89, effective 11/12/89.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-115 Procedure at open public meetings. [Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-115, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 93-23-050 (Order R-402, Docket No. A-931053), § 480-09-115, filed 11/12/93, effective 1/1/94. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and chapter 34.05 RCW. 91-22-034 (Order R-351, Docket No. A-910835), § 480-09-115, filed 10/30/91, effective 11/30/91.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-120 Filing and service filing by telefacsimile; number of copies. [Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-120, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 93-24-103 (Order R-400, Docket No. A-930517), § 480-09-120, filed 12/1/93, effective 1/1/94. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and chapter 34.05 RCW. 91-22-034 (Order R-351, Docket No. A-910835), § 480-09-120, filed 10/30/91, effective 11/30/91. Statutory Authority: RCW 80.01.040 and 34.05.220. 91-06-010 (Order R-336, Docket No. A-900700), § 480-09-120, filed 2/22/91, effective 3/25/91. Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-120, filed 10/12/89, effective 11/12/89.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-125 Failure to file sufficient copies—Costs of copying. [Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-125, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 91-07-026 (Order R-339, Docket No. A-900425), § 480-09-125, filed 3/14/91, effective 4/14/91.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-130 Computation of time. [Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-130, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-130, filed 10/12/89, effective 11/12/89.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective

1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-135 Variation from time limits. [Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-135, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.-040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-135, filed 10/12/89, effective 11/12/89.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-140 Ex parte communications. [Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-140, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.-040. 92-18-081 (Order R-376, Docket No. 920379), § 480-09-140, filed 9/1/92, effective 10/2/92; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-140, filed 10/12/89, effective 11/12/89.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-150 Informal complaints. [Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-150, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.-040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-150, filed 10/12/89, effective 11/12/89.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-200 Interpretive and policy statements. [Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-200, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-200, filed 10/12/89, effective 11/12/89.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-210 Rule-making procedures—Rules coordinator. [Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-210, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 93-24-103 (Order R-400, Docket No. A-930517), § 480-09-210, filed 12/1/93, effective 1/1/94; 92-18-081 (Order R-376, Docket No. 920379), § 480-09-210, filed 9/1/92, effective 10/2/92; 92-07-006 (Order R-368, Docket No. A-910530), § 480-09-210, filed 3/5/92, effective 4/5/92; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-210, filed 10/12/89, effective 11/12/89.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-220 Petitions for rule making, amendment, or repeal. [Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-220, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 93-24-103 (Order R-400, Docket No. A-930517), § 480-09-220, filed 12/1/93, effective 1/1/94; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-220, filed 10/12/89, effective 11/12/89.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-230 Declaratory orders. [Statutory Authority: RCW 34.05.-220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-230, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040, 80.04.-160, 81.04.160 and chapter 34.05 RCW. 91-22-034 (Order R-351, Docket No. A-910835), § 480-09-230, filed 10/30/91, effective 11/30/91. Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-230, filed 10/12/89, effective 11/12/89.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-300 Filing requirements—Statement of policy. [Statutory Authority: RCW 80.01.040. 96-02-083 (Order R-436, Docket No. A-950243), § 480-09-300, filed 1/3/96, effective 2/3/96; 92-24-058 (Order R-380, Docket No. TG-920486), § 480-09-300, filed 11/30/92, effective 12/31/92; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-300, filed 10/12/89, effective 11/12/89.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-310 Filing requirements—Definition. [Statutory Authority: RCW 80.01.040. 96-02-083 (Order R-436, Docket No. A-950243), § 480-09-310, filed 1/3/96, effective 2/3/96; 92-24-058 (Order R-380, Docket No. TG-920486), § 480-09-310, filed 11/30/92, effective 12/31/92; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-310, filed 10/12/89, effective 11/12/89.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-320 Filing requirements—Master service. [Statutory Authority: RCW 80.01.040. 93-24-103 (Order R-400, Docket No. A-930517), § 480-09-320, filed 12/1/93, effective 1/1/94; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-320, filed 10/12/89, effective 11/12/89.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-330 Filing requirements—General rate increases. [Statutory Authority: RCW 80.01.040. 96-02-083 (Order R-436, Docket No. A-950243), § 480-09-330, filed 1/3/96, effective 2/3/96; 93-24-103 (Order R-400, Docket No. A-930517), § 480-09-330, filed 12/1/93, effective 1/1/94; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-330, filed 10/12/89, effective 11/12/89.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-335 Filing requirements—General rate increases solid waste collection companies. [Statutory Authority: RCW 80.01.040. 92-24-058 (Order R-380, Docket No. TG-920486), § 480-09-335, filed 11/30/92, effective 12/31/92.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-337 Filing requirements—General rate increases water companies. [Statutory Authority: RCW 80.01.040. 99-24-100 (Order R-467, Docket No. UW-980082), § 480-09-337, filed 11/30/99, effective 12/31/99.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-340 Compliance filings. [Statutory Authority: RCW 34.05.-220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-340, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.-040. 96-02-083 (Order R-436, Docket No. A-950243), § 480-09-340, filed 1/3/96, effective 2/3/96; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-340, filed 10/12/89, effective 11/12/89.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-390 Objections to closures of highway-railroad grade crossings. [Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-390, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 96-02-083 (Order R-436, Docket No. A-950243), § 480-09-390, filed 1/3/96, effective 2/3/96.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-400 Applications for adjudicative proceedings. [Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-400, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 92-18-081 (Order R-376, Docket No. 920379), § 480-09-400, filed 9/1/92, effective 10/2/92; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-400, filed 10/12/89, effective 11/12/89.] Repealed by 03-24-028 (General Order R-510, Docket

No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-410 Parties. [Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-410, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-410, filed 10/12/89, effective 11/12/89.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-420 Pleadings and briefs—Applications for authority—Protests. [Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-420, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 93-24-103 (Order R-400, Docket No. A-930517), § 480-09-420, filed 12/1/93, effective 1/1/94; 92-18-081 (Order R-376, Docket No. 920379), § 480-09-420, filed 9/1/92, effective 10/2/92; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-420, filed 10/12/89, effective 11/12/89.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-425 Pleadings—Verification, time for filing, responsive pleadings, liberal construction, amendments. [Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-425, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 93-24-103 (Order R-400, Docket No. A-930517), § 480-09-425, filed 12/1/93, effective 1/1/94; 92-18-081 (Order R-376, Docket No. 920379), § 480-09-425, filed 9/1/92, effective 10/2/92. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and chapter 34.05 RCW. 91-22-034 (Order R-351, Docket No. A-910835), § 480-09-425, filed 10/30/91, effective 11/30/91. Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-425, filed 10/12/89, effective 11/12/89.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-426 Motion for summary disposition. [Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-426, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 96-02-083 (Order R-436, Docket No. A-950243), § 480-09-426, filed 1/3/96, effective 2/3/96.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-430 Intervention. [Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-430, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-430, filed 10/12/89, effective 11/12/89.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-440 Continuances—Extensions of time. [Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-440, filed 2/10/99, effective 3/13/99; 91-06-010 (Order R-336, Docket No. A-900700), § 480-09-440, filed 2/22/91, effective 3/25/91. Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-440, filed 10/12/89, effective 11/12/89.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-450 Interpreters. [Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-450, filed 10/12/89, effective 11/12/89.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-460 Prehearing and other conferences. [Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-460, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 96-02-083 (Order R-436, Docket No. A-950243), § 480-09-460, filed 1/3/96, effective 2/3/96; 92-18-081 (Order R-376, Docket No. 920379), § 480-09-460, filed 9/1/92, effective 10/2/92; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-460, filed 10/12/89, effective 11/12/89.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-465 Alternate dispute resolution. [Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-465, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 96-02-083 (Order R-436, Docket No. A-950243), § 480-09-465, filed 1/3/96, effective 2/3/96; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-465, filed 10/12/89, effective 11/12/89.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-466 Settlement conference; settlements. [Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-466, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 96-02-083 (Order R-436, Docket No. A-950243), § 480-09-466, filed 1/3/96, effective 2/3/96.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-467 Collaboratives. [Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-467, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 96-02-083 (Order R-436, Docket No. A-950243), § 480-09-467, filed 1/3/96, effective 2/3/96.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-470 Stipulation as to facts. [Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-470, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 96-02-083 (Order R-436, Docket No. A-950243), § 480-09-470, filed 1/3/96, effective 2/3/96; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-470, filed 10/12/89, effective 11/12/89.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-475 Subpoenas. [Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-475, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-475, filed 10/12/89, effective 11/12/89.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-480 Methods for obtaining data in adjudicative proceedings. [Statutory Authority: RCW 80.01.040. 96-02-083 (Order R-436, Docket No. A-950243), § 480-09-480, filed 1/3/96, effective 2/3/96; 93-24-103 (Order R-400, Docket No. A-930517), § 480-09-480, filed 12/1/93, effective 1/1/94; 92-18-081 (Order R-376, Docket No. 920379), § 480-09-480, filed 9/1/92, effective 10/2/92. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and chapter 34.05 RCW. 91-22-034 (Order R-351, Docket No. A-910835), § 480-09-480, filed 10/30/91, effective 11/30/91. Statutory Authority: RCW 80.01.040. 89-18-009 (Order R-308, Docket No. U-89-2748-R), § 480-09-480, filed 8/25/89, effective 9/25/89.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-500 Brief adjudicative proceedings. [Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-500, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 93-24-103 (Order R-400, Docket No. A-930517), § 480-09-500, filed 12/1/93, effective 1/1/94; 92-18-081 (Order R-376, Docket No. 920379), § 480-09-500, filed 9/1/92, effective 10/2/92. Statutory Authority: RCW 80.01.040 and 34.05.220. 91-06-010 (Order R-336, Docket No. A-900700), § 480-09-500, filed 2/22/91, effective 3/25/91. Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-500, filed 10/12/89, effective

11/12/89.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-510 Emergency adjudicative proceedings. [Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-510, filed 2/10/99, effective 3/13/99; 91-06-010 (Order R-336, Docket No. A-900700), § 480-09-510, filed 2/22/91, effective 3/25/91. Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-510, filed 10/12/89, effective 11/12/89.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-520 Formal investigation and fact-finding. [Statutory Authority: RCW 80.01.040. 91-07-024 (Order R-338, Docket No. UT-901533), § 480-09-520, filed 3/14/91, effective 4/14/91.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-530 Petitions for enforcement of interconnection agreements. [Statutory Authority: RCW 80.01.040. 98-21-042 (Order R-451, Docket No. A-970591), § 480-09-530, filed 10/14/98, effective 11/14/98.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-600 Conversion of proceedings. [Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-600, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.-040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-600, filed 10/12/89, effective 11/12/89.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-610 Consolidation of proceedings. [Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-610, filed 2/10/99, effective 3/13/99; 91-06-010 (Order R-336, Docket No. A-900700), § 480-09-610, filed 2/22/91, effective 3/25/91. Statutory Authority: RCW 80.01.-040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-610, filed 10/12/89, effective 11/12/89.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-620 Joint hearings. [Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-620, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-620, filed 10/12/89, effective 11/12/89.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-700 Hearings—Notice and failure to appear. [Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-700, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 92-18-081 (Order R-376, Docket No. 920379), § 480-09-700, filed 9/1/92, effective 10/2/92; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-700, filed 10/12/89, effective 11/12/89.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-705 Notice to limited-English-speaking parties. [Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-705, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-705, filed 10/12/89, effective 11/12/89.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-710 Appearance and practice before commission. [Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-710, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-710, filed 10/12/89, effective 11/12/89.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-720 Appearances—Party status. [Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-720, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.-040. 93-24-103 (Order R-400, Docket No. A-930517), § 480-09-720, filed 12/1/93, effective 1/1/94; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-720, filed 10/12/89, effective 11/12/89.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-730 Conduct at hearings. [Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-730, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.-040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-730, filed 10/12/89, effective 11/12/89.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-735 Order of procedure. [Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-735, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.-040. 92-18-081 (Order R-376, Docket No. 920379), § 480-09-735, filed 9/1/92, effective 10/2/92; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-735, filed 10/12/89, effective 11/12/89.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-736 Hearing guidelines. [Statutory Authority: RCW 34.05.-220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-736, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 93-24-103 (Order R-400, Docket No. A-930517), § 480-09-736, filed 12/1/93, effective 1/1/94. Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 92-01-135 (Order R-362, Docket No. A-911231), § 480-09-736, filed 12/19/91, effective 1/19/92. Statutory Authority: RCW 80.01.040 and 34.05.220. 91-06-010 (Order R-336, Docket No. A-900700), § 480-09-736, filed 2/22/91, effective 3/25/91. Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-736, filed 10/12/89, effective 11/12/89.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-740 Evidence. [Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-740, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-740, filed 10/12/89, effective 11/12/89.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-745 Exhibits and documentary evidence. [Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-745, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-745, filed 10/12/89, effective 11/12/89.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-750 Rules of evidence; official notice; resolutions. [Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-750, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 96-02-083 (Order R-436, Docket No. A-950243), § 480-09-750, filed 1/3/96, effective 2/3/96; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-750, filed 10/12/89, effective 11/12/89.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective

1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-751 Witness panels. [Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-751, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 96-02-083 (Order R-436, Docket No. A-950243), § 480-09-751, filed 1/3/96, effective 2/3/96.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-760 Interlocutory orders. [Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-760, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.-040. 93-24-101 (Order R-399, Docket No. A-930792), § 480-09-760, filed 12/1/93, effective 1/1/94; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-760, filed 10/12/89, effective 11/12/89.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-770 Briefs. [Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-770, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 93-24-103 (Order R-400, Docket No. A-930517), § 480-09-770, filed 12/1/93, effective 1/1/94; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-770, filed 10/12/89, effective 11/12/89.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-780 Entry of initial and final orders—Administrative review. [Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-780, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 93-24-103 (Order R-400, Docket No. A-930517), § 480-09-780, filed 12/1/93, effective 1/1/94; 92-18-081 (Order R-376, Docket No. 920379), § 480-09-780, filed 9/1/92, effective 10/2/92; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-780, filed 10/12/89, effective 11/12/89.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-800 Stay. [Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-800, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 92-18-081 (Order R-376, Docket No. 920379), § 480-09-800, filed 9/1/92, effective 10/2/92; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-800, filed 10/12/89, effective 11/12/89.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-810 Reconsideration. [Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-810, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 93-24-103 (Order R-400, Docket No. A-930517), § 480-09-810, filed 12/1/93, effective 1/1/94; 92-18-081 (Order R-376, Docket No. 920379), § 480-09-810, filed 9/1/92, effective 10/2/92; 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-810, filed 10/12/89, effective 11/12/89.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-815 Amendment, rescission or correction of order. [Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-815, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-815, filed 10/12/89, effective 11/12/89.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-820 Rehearing or reopening. [Statutory Authority: RCW 34.05.220 and 80.01.040. 99-05-031 (Order R-455, Docket No. A-970591), § 480-09-820, filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 80.01.-040, 80.04.160, 81.04.160 and chapter 34.05 RCW. 91-22-034 (Order R-351, Docket No. A-910835), § 480-09-820, filed 10/30/91, effective 11/30/91. Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-820, filed 10/12/89, effective 11/12/89.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-09-830 Compliance with orders. [Statutory Authority: RCW 80.01.040. 89-21-036 (Order R-310, Docket No. U-89-2966-R), § 480-09-830, filed 10/12/89, effective 11/12/89.] Repealed by 99-05-031 (Order R-455, Docket No. A-970591), filed 2/10/99, effective 3/13/99. Statutory Authority: RCW 34.05.220 and 80.01.040.

Chapter 480-10
RULES IMPLEMENTING THE STATE ENVIRONMENTAL POLICY ACT

480-10-010 Authority. [Order R-81, § 480-10-010, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW. Later promulgation, see chapter 480-11 WAC.

480-10-020 Purpose. [Order R-81, § 480-10-020, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-025 Scope and coverage of this chapter. [Order R-81, § 480-10-025, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-030 Integration of SEPA procedures with other governmental operations. [Order R-81, § 480-10-030, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-040 Definitions. [Order R-81, § 480-10-040, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-050 Use of the environmental checklist form. [Order R-81, § 480-10-050, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-055 Timing of the EIS process. [Order R-88, § 480-10-055, filed 10/20/76; Order R-81, § 480-10-055, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-060 Scope of a proposal and its impacts for the purposes of lead agency determination, threshold determination, and EIS preparation. [Order R-81, § 480-10-060, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-100 Summary of information which may be required of a private applicant. [Order R-81, § 480-10-100, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-150 Exemptions exclusive—CEP approval of changes in exemptions. [Order R-81, § 480-10-150, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-160 No presumption of significance for nonexempt actions. [Order R-81, § 480-10-160, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-170 Categorical exemptions. [Order R-81, § 480-10-170, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-175 Exemptions and nonexemptions applicable to the commission. [Order R-88, § 480-10-175, filed 10/20/76; Order R-81, § 480-10-175, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-180 Exemption for emergency actions. [Order R-81, § 480-10-180, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-190 Use and effect of categorical exemptions. [Order R-81, § 480-10-190, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-200 Commission, when it is the lead agency—Responsibilities. [Order R-81, § 480-10-200, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-203 Determination of lead agency—Procedures. [Order R-81, § 480-10-203, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-205 Lead agency designation—Governmental proposals. [Order R-81, § 480-10-205, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-210 Lead agency designation—Proposals involving both private and public construction activity. [Order R-81, § 480-10-210, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-215 Lead agency designation—Private projects for which there is only one agency with jurisdiction. [Order R-81, § 480-10-215, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-220 Lead agency designation—Private projects requiring licenses from more than one agency, when one of the agencies is a county/city. [Order R-81, § 480-10-220, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-225 Lead agency designation—Private projects requiring licenses from more than one state agency. [Order R-81, § 480-10-225, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-230 Lead agency designation—Specific proposals. [Order R-81, § 480-10-230, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-235 Local agency transfer of lead agency status to a state agency. [Order R-81, § 480-10-235, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-240 Agreements as to lead agency status. [Order R-81, § 480-10-240, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-245 Agreements between agencies as to division of lead agency duties. [Order R-81, § 480-10-245, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-270 Assumption of lead agency status by another agency with jurisdiction. [Order R-81, § 480-10-270, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-300 Threshold determination requirement. [Order R-81, § 480-10-300, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-305 Notice of timing for threshold determination. [Order R-81, § 480-10-305, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-310 Threshold determination procedures—Environmental checklist. [Order R-81, § 480-10-310, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-320 Threshold determination procedures—Initial review of environmental checklist. [Order R-81, § 480-10-320, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-330 Threshold determination procedures—Information in addition to checklist. [Order R-81, § 480-10-330, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-340 Threshold determination procedures—Negative declarations. [Order R-81, § 480-10-340, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-345 Assumption of lead agency status by commission—Prerequisites, effect and form of notice. [Order R-81, § 480-10-345, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-350 Affirmative threshold determination. [Order R-81, § 480-10-350, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-355 Form of declaration of significance/nonsignificance. [Order R-81, § 480-10-355, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-360 Threshold determination criteria—Application of environmental checklist. [Order R-81, § 480-10-360, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-365 Environmental checklist. [Order R-81, § 480-10-365, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-370 Withdrawal of affirmative threshold determination. [Order R-81, § 480-10-370, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-375 Withdrawal of negative threshold determination. [Order R-81, § 480-10-375, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-390 Effect of threshold determination by lead agency. [Order R-81, § 480-10-390, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-400 Duty to begin preparation of a draft EIS. [Order R-81, § 480-10-400, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-405 Purpose and function of a draft EIS. [Order R-81, § 480-10-405, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-410 Predraft consultation procedures. [Order R-81, § 480-10-410, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-420 Preparation of EIS by persons outside the commission. [Order R-81, § 480-10-420, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-425 Organization and style of a draft EIS. [Order R-81, § 480-10-425, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-440 Contents of a draft EIS. [Order R-81, § 480-10-440, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-442 Special considerations regarding contents of an EIS on a nonproject action. [Order R-81, § 480-10-442, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-444 List of elements of the environment. [Order R-81, § 480-10-444, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-446 Draft EIS—Optional additional elements—Limitation. [Order R-81, § 480-10-446, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-450 Public awareness of availability of draft EIS. [Order R-81, § 480-10-450, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-455 Circulation of the draft EIS—Review period. [Order R-81, § 480-10-455, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-460 Specific agencies to which draft EIS will be sent. [Order R-81, § 480-10-460, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-465 Agencies possessing environmental expertise. [Order R-81, § 480-10-465, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-480 Public hearing on a proposal—When required. [Order R-81, § 480-10-480, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-485 Notice of public hearing on environmental impact of the proposal. [Order R-81, § 480-10-485, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-490 Public hearing on the proposal—Use of environmental documents. [Order R-81, § 480-10-490, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-495 Preparation of amended or new draft EIS. [Order R-81, § 480-10-495, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-510 Responsibilities of commission as a consulted state agency with jurisdiction. [Order R-81, § 480-10-510, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-520 Responsibilities of commission as a consulted state agency with environmental expertise. [Order R-81, § 480-10-520, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-530 Responsibilities of commission as a consulted agency—When predraft consultation has occurred. [Order R-81, § 480-10-530, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-535 Cost of performance of commission responsibilities as a consulted agency. [Order R-81, § 480-10-535, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-540 Limitations on responses to consultation. [Order R-81, § 480-10-540, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-545 Effect of no written comment. [Order R-81, § 480-10-545, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-550 Preparation of the final EIS—Time period allowed. [Order R-81, § 480-10-550, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-570 Preparation of the final EIS—Contents—When no critical comments received on the draft EIS. [Order R-81, § 480-10-570, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-580 Preparation of the final EIS—Contents—When critical comments received on the draft EIS. [Order R-81, § 480-10-580, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-600 Circulation of the final EIS. [Order R-81, § 480-10-600, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-650 Effect of an adequate final EIS prepared pursuant to NEPA. [Order R-81, § 480-10-650, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-652 Supplementation by the commission of an inadequate final NEPA EIS. [Order R-81, § 480-10-652, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-660 Use of previously prepared EIS for a different proposed action. [Order R-81, § 480-10-660, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-690 Use of commission's EIS by other acting agencies for the same proposal. [Order R-81, § 480-10-690, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-695 Draft and final supplements to a revised EIS. [Order R-81, § 480-10-695, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-700 No action for seven days after publication of the final EIS. [Order R-81, § 480-10-700, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-710 EIS combined with existing planning and review processes. [Order R-81, § 480-10-710, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-810 Responsibility of commission—Amendments to this chapter. [Order R-81, § 480-10-810, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-830 Commission SEPA public information center. [Order R-81, § 480-10-830, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-835 Regional SEPA public information centers. [Order R-81, § 480-10-835, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

480-10-840 Application of these rules to ongoing actions. [Order R-81, § 480-10-840, filed 5/12/76.] Repealed by 84-21-030 (Order R-222, Cause No. TE-1817), filed 10/10/84. Statutory Authority: Chapter 43.21C RCW.

Chapter 480-35
LIMOUSINE CHARTER PARTY CARRIERS

480-35-010 Definitions. [Statutory Authority: RCW 80.01.040 and 1989 c 283 § 8. 89-23-049 (Order R-312, Docket No. TL-2294), § 480-35-010, filed 11/13/89, effective 12/14/89.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-35-020 Licenses. [Statutory Authority: RCW 80.01.040 and 1989 c 283 § 8. 89-23-049 (Order R-312, Docket No. TL-2294), § 480-35-020, filed 11/13/89, effective 12/14/89.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-35-030 Certificates. [Statutory Authority: RCW 80.01.040. 93-15-037 (Order R-390, Docket No. T-921404), § 480-35-030, filed 7/13/93 effective 8/13/93. Statutory Authority: RCW 80.01.040 and 1989 c 283 § 8. 89-23-049 (Order R-312, Docket No. TL-2294), § 480-35-030, filed 11/13/89, effective 12/14/89.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-35-040 Applications. [Statutory Authority: RCW 80.01.040. 94-14-010 (Order R-416, Docket No. TL-940124), § 480-35-040, filed 6/23/94, effective 7/24/94. Statutory Authority: RCW 80.01.040 and 1989 c 283 § 8. 89-23-049 (Order R-312, Docket No. TL-2294), § 480-35-040, filed 11/13/89, effective 12/14/89.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-35-050 Liability and property damage insurance. [Statutory Authority: RCW 80.01.040 and 1989 c 283 § 8. 89-23-049 (Order R-312, Docket No. TL-2294), § 480-35-050, filed 11/13/89, effective 12/14/89.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-35-060 Self-insurance. [Statutory Authority: RCW 80.01.040 and 1989 c 283 § 8. 89-23-049 (Order R-312, Docket No. TL-2294), § 480-35-060, filed 11/13/89, effective

12/14/89.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.-160 and 81.04.160.

480-35-070 Equipment of motor vehicles. [Statutory Authority: RCW 80.01.040 and 1989 c 283 § 8. 89-23-049 (Order R-312, Docket No. TL-2294), § 480-35-070, filed 11/13/89, effective 12/14/89.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.-040, 80.04.160 and 81.04.160.

480-35-080 Operation of motor vehicles. [Statutory Authority: RCW 80.01.040. 94-14-010 (Order R-416, Docket No. TL-940124), § 480-35-080, filed 6/23/94, effective 7/24/94. Statutory Authority: RCW 80.01.040 and 1989 c 283 § 8. 89-23-049 (Order R-312, Docket No. TL-2294), § 480-35-080, filed 11/13/89, effective 12/14/89.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.-160 and 81.04.160.

480-35-090 Equipment—Safety. [Statutory Authority: RCW 80.01.040. 94-14-010 (Order R-416, Docket No. TL-940124), § 480-35-090, filed 6/23/94, effective 7/24/94. Statutory Authority: RCW 80.01.040 and 1989 c 283 § 8. 89-23-049 (Order R-312, Docket No. TL-2294), § 480-35-090, filed 11/13/89, effective 12/14/89.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-35-100 Registered carriers. [Statutory Authority: RCW 80.01.040. 94-14-010 (Order R-416, Docket No. TL-940124), § 480-35-100, filed 6/23/94, effective 7/24/94. Statutory Authority: RCW 80.01.040 and 1989 c 283 § 8. 89-23-049 (Order R-312, Docket No. TL-2294), § 480-35-100, filed 11/13/89, effective 12/14/89.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-35-110 Registration of interstate authority. [Statutory Authority: RCW 80.01.040. 94-14-010 (Order R-416, Docket No. TL-940124), § 480-35-110, filed 6/23/94, effective 7/24/94. Statutory Authority: RCW 80.01.040 and 1989 c 283 § 8. 89-23-049 (Order R-312, Docket No. TL-2294), § 480-35-110, filed 11/13/89, effective 12/14/89.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.-160 and 81.04.160.

480-35-120 Identification decals—Intrastate limousine charter party carrier operations. [Statutory Authority: RCW 80.01.-040. 94-14-010 (Order R-416, Docket No. TL-940124), § 480-35-120, filed 6/23/94, effective 7/24/94; 90-17-047 (Order R-326, Docket No. TL-900359), § 480-35-120, filed 8/10/90, effective 9/10/90. Statutory Authority: RCW 80.01.040 and 1989 c 283 § 8. 89-23-049 (Order R-312, Docket No. TL-2294), § 480-35-120, filed 11/13/89, effective 12/14/89.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

Chapter 480-40
PASSENGER CHARTER CARRIERS

480-40-010 Definitions. [Statutory Authority: RCW 80.01.040. 90-22-031 (Order R-329, Docket No. T-900076), § 480-40-010, filed 10/31/90, effective 12/1/90; 88-18-012 (Order R-289, Cause No. TCH-2189), § 480-40-010, filed 8/26/88; Order R-72, § 480-40-010, filed 4/23/75; Order R-12, § 480-40-010, filed 11/28/69; Order R-5, § 480-40-010, filed 6/6/69, effective 10/9/69.] Repealed by 06-13-006 (General Order No. R-533, Docket No. TC-020497), filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270.

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.

480-40-020 Licenses. [Statutory Authority: RCW 80.01.040. 90-22-031 (Order R-329, Docket No. T-900076), § 480-40-020, filed 10/31/90, effective 12/1/90; 88-18-012 (Order R-289, Cause No. TCH-2189), § 480-40-020, filed 8/26/88; Order R-12, § 480-40-020, filed 11/28/69; Order R-5, § 480-40-020, filed 6/6/69, effective 10/9/69.] Repealed by 06-13-006 (General Order No. R-533, Docket No. TC-020497), filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040, 81.04.-160, 81.12.050, 81.68.030, and 81.70.270.

480-40-030 Certificates. [Statutory Authority: RCW 80.01.040. 93-15-037 (Order R-390, Docket No. T-921404), § 480-40-030, filed 7/13/93 effective 8/13/93; 90-22-031 (Order R-329, Docket No. T-900076), § 480-40-030, filed 10/31/90, effective 12/1/90; 88-18-012 (Order R-289, Cause No. TCH-2189), § 480-40-030, filed 8/26/88; Order R-61, § 480-40-030, filed 12/19/73; Order R-50, § 480-40-030, filed 8/8/73; Order R-14, § 480-40-030, filed 1/6/70; Order R-12, § 480-40-030, filed 11/28/69; Order R-5, § 480-40-030, filed 6/6/69, effective 10/9/69.] Repealed by 06-13-006 (General Order No. R-533, Docket No. TC-020497), filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040, 81.04.-160, 81.12.050, 81.68.030, and 81.70.270.

480-40-033 Equipment operated. [Order R-12, § 480-40-033, filed 11/28/69.] Repealed by 88-18-012 (Order R-289, Cause No. TCH-2189), filed 8/26/88. Statutory Authority: RCW 80.01.040.

480-40-036 Records. [Order R-12, § 480-40-036, filed 11/28/69.] Repealed by 88-18-012 (Order R-289, Cause No. TCH-2189), filed 8/26/88. Statutory Authority: RCW 80.01.-040.

480-40-039 Tariffs. [Order R-72, § 480-40-039, filed 4/23/75; Order R-14, § 480-40-039, filed 1/6/70; Order R-12, § 480-40-039, filed 11/28/69.] Repealed by 88-18-012 (Order R-289, Cause No. TCH-2189), filed 8/26/88. Statutory Authority: RCW 80.01.040.

480-40-040 Liability and property damage insurance. [Statutory Authority: RCW 80.01.040. 90-22-031 (Order R-329, Docket No. T-900076), § 480-40-040, filed 10/31/90, effective 12/1/90; 88-18-012 (Order R-289, Cause No. TCH-2189), § 480-40-040, filed 8/26/88; Order R-110, § 480-40-040, filed 10/19/77; Order R-12, § 480-40-040, filed 11/28/69; Order R-5, § 480-40-040, filed 6/6/69, effective 10/9/69.] Repealed by 06-13-006 (General Order No. R-533, Docket No. TC-020497), filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270.

480-40-050 Self insurance. [Statutory Authority: RCW 80.01.040. 90-22-031 (Order R-329, Docket No. T-900076), § 480-40-050, filed 10/31/90, effective 12/1/90; 88-18-012 (Order R-289, Cause No. TCH-2189), § 480-40-050, filed 8/26/88; Order R-12, § 480-40-050, filed 11/28/69; Order R-5, § 480-40-050, filed 6/6/69, effective 10/9/69.] Repealed by 06-13-006 (General Order No. R-533, Docket No. TC-020497), filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040, 81.04.-160, 81.12.050, 81.68.030, and 81.70.270.

480-40-060 Equipment of motor vehicles. [Statutory Authority: RCW 80.01.040. 90-22-031 (Order R-329, Docket No. T-900076), § 480-40-060, filed 10/31/90, effective 12/1/90; 88-18-012 (Order R-289, Cause No. TCH-2189), § 480-40-060, filed 8/26/88; Order R-12, § 480-40-060, filed 11/28/69; Order R-5, § 480-40-060, filed 6/6/69, effective 10/9/69.] Repealed by 06-13-006 (General Order No. R-533, Docket No. TC-020497), filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270.

480-40-065 Equipment—Inspection—Ordered for repairs. [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.] Repealed by 06-

13-006 (General Order No. R-533, Docket No. TC-020497), filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270.

480-40-070 Operation of motor vehicles. [Statutory Authority: RCW 80.01.040. 94-14-015 (Order R-417, Docket No. TC-940125), § 480-40-070, filed 6/23/94, effective 7/24/94; 92-02-082 (Order R-357, Docket No. TC-900481), § 480-40-070, filed 12/31/91, effective 1/31/92; 90-22-031 (Order R-329, Docket No. T-900076), § 480-40-070, filed 10/31/90, effective 12/1/90; 88-18-012 (Order R-289, Cause No. TCH-2189), § 480-40-070, filed 8/26/88; 85-23-002 (Order R-244, Cause No. TV-1913), § 480-40-070, filed 11/7/85. Statutory Authority: RCW 81.70.130 and 81.70.140. 83-06-019 (Order R-198, Cause No. TCH-1685), § 480-40-070, filed 2/23/83. Statutory Authority: RCW 80.01.040, 81.70.010, 81.70.130, and 81.70.140. 80-11-030 (Order R-144, Cause No. TCH-1356), § 480-40-070, filed 8/14/80; Order R-12, § 480-40-070, filed 11/28/69; Order R-5, § 480-40-070, filed 6/6/69, effective 10/9/69.] Repealed by 06-13-006 (General Order No. R-533, Docket No. TC-020497), filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270.

480-40-075 Equipment—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), § 480-40-075, 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.] Repealed by 06-13-006 (General Order No. R-533, Docket No. TC-020497), filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040, 81.04.-160, 81.12.050, 81.68.030, and 81.70.270.

480-40-080 Fees and gross operating revenue. [Statutory Authority: RCW 80.01.040 and 81.70.130. 84-15-024 (Order R-216, Cause No. TCH-1787), § 480-40-080, filed 7/11/84; Order R-12, § 480-40-080, filed 11/28/69; Order R-5, § 480-40-080, filed 6/6/69, effective 10/9/69.] Repealed by 88-18-012 (Order R-289, Cause No. TCH-2189), filed 8/26/88. Statutory Authority: RCW 80.01.040.

480-40-090 Rules and regulations. [Statutory Authority: RCW 80.01.040. 88-01-115 (Order R-283, Cause No. T-2118), § 480-40-090, filed 12/23/87; Order R-12, § 480-40-090, filed 11/28/69; Order R-5, § 480-40-090, filed 6/6/69, effective 10/9/69.] Repealed by 88-18-012 (Order R-289, Cause No. TCH-2189), filed 8/26/88. Statutory Authority: RCW 80.01.040.

480-40-100 Out-of-service criteria. [Statutory Authority: RCW 80.01.040. 92-02-082 (Order R-357, Docket No. TC-900481), § 480-40-100, filed 12/31/91, effective 1/31/92; 90-06-017 (Order R-315, Docket No. TV-2285), § 480-40-100, filed 2/27/90, effective 3/30/90.] Repealed by 06-13-006 (General Order No. R-533, Docket No. TC-020497), filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270.

480-40-110 Registered carriers. [Statutory Authority: RCW 80.01.-040. 94-14-015 (Order R-417, Docket No. TC-940125), § 480-40-110, filed 6/23/94, effective 7/24/94; 90-22-031 (Order R-329, Docket No. T-900076), § 480-40-110, filed 10/31/90, effective 12/1/90; 88-18-012 (Order R-289, Cause No. TCH-2189), § 480-40-110, filed 8/26/88.] Repealed by 06-13-006 (General Order No. R-533, Docket No. TC-020497), filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040, 81.04.-160, 81.12.050, 81.68.030, and 81.70.270.

480-40-120 Registration of interstate authority. [Statutory Authority: RCW 80.01.040. 94-14-015 (Order R-417, Docket No. TC-940125), § 480-40-120, filed 6/23/94, effective 7/24/94; 90-22-031 (Order R-329, Docket No. T-900076), § 480-40-120, filed 10/31/90, effective 12/1/90; 88-18-012 (Order R-289, Cause No. TCH-2189), § 480-40-120, filed 8/26/88.] Repealed by 06-13-006 (General Order No. R-533, Docket No. TC-020497), filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270.

480-40-130 Regulatory fees—Receipt—Intrastate passenger charter carriers and excursion service carriers. [Statutory Authority: RCW 80.01.040. 94-14-015 (Order R-417, Docket No. TC-940125), § 480-40-130, filed 6/23/94, effective 7/24/94; 90-22-031 (Order R-329, Docket No. T-900076), § 480-40-130, filed 10/31/90, effective 12/1/90; 88-18-012 (Order R-289, Cause No. TCH-2189), § 480-40-130, filed 8/26/88.] Repealed by 06-13-006 (General Order No. R-533, Docket No. TC-020497), filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270.

480-40-140 Cards—Return required—Loss of—Improper use of cards or stamps. [Statutory Authority: RCW 80.01.040. 88-18-012 (Order R-289, Cause No. TCH-2189), § 480-40-140, filed 8/26/88.] Repealed by 94-14-015 (Order R-417, Docket No. TC-940125), filed 6/23/94, effective 7/24/94. Statutory Authority: RCW 80.01.040.

480-40-999 Adoption by reference. [Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-21-022 (Docket No. A-050271, General Order No. R-521), § 480-40-999, filed 10/10/05, effective 11/10/05; 04-01-152 (General Order No. R-511, Docket No. A-030852), § 480-40-999, filed 12/22/03, effective 1/22/04; 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-40-999, filed 8/26/02, effective 9/26/02. 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.] Repealed by 06-13-006 (General Order No. R-533, Docket No. TC-020497), filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270.

Chapter 480-50
PASSENGER AND FERRY STEAMBOAT COMPANIES

480-50-010 Definitions. [Statutory Authority: RCW 80.01.040. 94-03-003 (Order R-408, Docket No. TS-931257), § 480-50-010, filed 1/5/94, effective 2/5/94; Order R-5, § 480-50-010, filed 6/6/69, effective 10/9/69.] Repealed by 95-22-001 (Order R-435, Docket No. TS-941485), filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4).

480-50-020 General operation. [Order R-5, § 480-50-020, filed 6/6/69, effective 10/9/69.] Repealed by 95-22-001 (Order R-435, Docket No. TS-941485), filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 81.84.-070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4).

480-50-030 Applications. [Order R-50, § 480-50-030, filed 8/8/73; Order R-5, § 480-50-030, filed 6/6/69, effective 10/9/69.] Repealed by 95-22-001 (Order R-435, Docket No. TS-941485), filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4).

480-50-035 Notice of application; protests; contemporaneous applications. [Statutory Authority: RCW 80.01.040, 80.04.-160, 81.04.160 and chapter 34.05 RCW. 91-22-034 (Order R-351, Docket No. A-910835), § 480-50-035, filed 10/30/91, effective 11/30/91.] Repealed by 95-22-001 (Order R-435, Docket No. TS-941485), filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4).

480-50-040 Tariffs. [Statutory Authority: RCW 80.01.040. 94-03-003 (Order R-408, Docket No. TS-931257), § 480-50-040, filed 1/5/94, effective 2/5/94; Order R-5, § 480-50-040, filed 6/6/69, effective 10/9/69.] Repealed by 95-22-001 (Order R-435, Docket No. TS-941485), filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4).

480-50-050 Freight classification. [Order R-5, § 480-50-050, filed 6/6/69, effective 10/9/69.] Repealed by 95-22-001 (Order R-435, Docket No. TS-941485), filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 81.84.-070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4).

480-50-060 Time schedules. [Order R-5, § 480-50-060, filed 6/6/69, effective 10/9/69.] Repealed by 95-22-001 (Order R-435, Docket No. TS-941485), filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4).

480-50-070 Suspension of service. [Order R-5, § 480-50-070, filed 6/6/69, effective 10/9/69.] Repealed by 95-22-001 (Order R-435, Docket No. TS-941485), filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 81.84.-070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4).

480-50-080 Accounts. [Order R-5, § 480-50-080, filed 6/6/69, effective 10/9/69.] Repealed by 95-22-001 (Order R-435, Docket No. TS-941485), filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4).

480-50-090 Annual reports. [Statutory Authority: RCW 80.01.040. 90-01-058 (Order R-313, Docket No. U-89-3099-R), § 480-50-090, filed 12/15/89, effective 1/15/90; Order R-5, § 480-50-090, filed 6/6/69, effective 10/9/69.] Repealed by 95-22-001 (Order R-435, Docket No. TS-941485), filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4).

480-50-100 Fees. [Order R-5, § 480-50-100, filed 6/6/69, effective 10/9/69.] Repealed by 95-22-001 (Order R-435, Docket No. TS-941485), filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4).

480-50-110 Discontinuance. [Order R-5, § 480-50-110, filed 6/6/69, effective 10/9/69.] Repealed by 95-22-001 (Order R-435, Docket No. TS-941485), filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4).

480-50-120 Failure. [Order R-5, § 480-50-120, filed 6/6/69, effective 10/9/69.] Repealed by 95-22-001 (Order R-435, Docket No. TS-941485), filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4).

480-50-130 Cancellation. [Order R-5, § 480-50-130, filed 6/6/69, effective 10/9/69.] Repealed by 95-22-001 (Order R-435, Docket No. TS-941485), filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4).

480-50-140 General. [Order R-5, § 480-50-140, filed 6/6/69, effective 10/9/69.] Repealed by 95-22-001 (Order R-435, Docket No. TS-941485), filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4).

Chapter 480-63
RAILROAD COMPANIES—WEIGHING

480-63-010 Scales must be balanced. [Order R-5, § 480-63-010, filed 6/6/69, effective 10/9/69.] Repealed by 98-21-040 (Docket No. TR-980079), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.

480-63-020 Uncoupling and spotting cars. [Order R-5, § 480-63-020, filed 6/6/69, effective 10/9/69.] Repealed by 98-21-040 (Docket No. TR-980079), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.

480-63-030 Tare weights. [Order R-5, § 480-63-030, filed 6/6/69, effective 10/9/69.] Repealed by 98-21-040 (Docket No. TR-980079), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.

480-63-040 Weighing of empty cars. [Order R-5, § 480-63-040, filed 6/6/69, effective 10/9/69.] Repealed by 98-21-040 (Docket No. TR-980079), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.

480-63-050 Long cars and over scale capacity cars. [Order R-5, § 480-63-050, filed 6/6/69, effective 10/9/69.] Repealed by 98-21-040 (Docket No. TR-980079), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.-040.

480-63-060 Double and triple loads. [Order R-5, § 480-63-060, filed 6/6/69, effective 10/9/69.] Repealed by 98-21-040 (Docket No. TR-980079), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.

480-63-070 Foreign matter on cars. [Order R-5, § 480-63-070, filed 6/6/69, effective 10/9/69.] Repealed by 98-21-040 (Docket No. TR-980079), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.

480-63-080 Care of scale. [Order R-5, § 480-63-080, filed 6/6/69, effective 10/9/69.] Repealed by 98-21-040 (Docket No. TR-980079), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.

480-63-090 Commission inspection and testing. [Order R-5, § 480-63-090, filed 6/6/69, effective 10/9/69.] Repealed by 98-21-040 (Docket No. TR-980079), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.

Chapter 480-69
RAILROAD COMPANIES—TRACK SCALES

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

480-69-020 Track scales—Testing. [Order R-5, § 480-69-020, filed 6/6/69, effective 10/9/69.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.-040, 80.04.160 and 81.04.160.

480-69-030 Track scales—Tolerances. [Order R-5, § 480-69-030, filed 6/6/69, effective 10/9/69.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.-040, 80.04.160 and 81.04.160.

480-69-040 Track scales—Approved. [Order R-5, § 480-69-040, filed 6/6/69, effective 10/9/69.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.-040, 80.04.160 and 81.04.160.

480-69-050 Track scales—Condemned. [Order R-5, § 480-69-050, filed 6/6/69, effective 10/9/69.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.-040, 80.04.160 and 81.04.160.

480-69-060 Track scales—New installations—Specifications. [Order R-5, § 480-69-060, filed 6/6/69, effective 10/9/69.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-69-070 Track scales—New installations—Testing. [Order R-5, § 480-69-070, filed 6/6/69, effective 10/9/69.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-69-080 Track scales—Test cars. [Order R-5, § 480-69-080, filed 6/6/69, effective 10/9/69.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.-040, 80.04.160 and 81.04.160.

480-69-090 Track scales—Repairs. [Order R-5, § 480-69-090, filed 6/6/69, effective 10/9/69.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.-040, 80.04.160 and 81.04.160.

480-69-100 Track scales—Approach rails. [Order R-5, § 480-69-100, filed 6/6/69, effective 10/9/69.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-69-110 Track scales—Scale pits. [Order R-5, § 480-69-110, filed 6/6/69, effective 10/9/69.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.-040, 80.04.160 and 81.04.160.

Chapter 480-95
HEAT SUPPLIERS

480-95-010 Application of rules. [Statutory Authority: RCW 80.01.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-010, filed 4/26/84.] Repealed by 98-21-041 (Docket No. UG-980081), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.

480-95-020 Definitions. [Statutory Authority: RCW 80.01.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-020, filed 4/26/84.] Repealed by 98-21-041 (Docket No. UG-980081), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.-040.

480-95-030 Permit required. [Statutory Authority: RCW 80.01.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-030, filed 4/26/84.] Repealed by 98-21-041 (Docket No. UG-980081), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.

480-95-040 Operation under trade name. [Statutory Authority: RCW 80.01.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-040, filed 4/26/84.] Repealed by 98-21-041 (Docket No. UG-980081), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.

480-95-050 Application for permit. [Statutory Authority: RCW 80.01.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-050, filed 4/26/84.] Repealed by 98-21-041 (Docket No. UG-980081), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.

480-95-060 Notice of applications. [Statutory Authority: RCW 80.01.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-060, filed 4/26/84.] Repealed by 98-21-041 (Docket No. UG-980081), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.

480-95-070 Procedure before commission. [Statutory Authority: RCW 80.01.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-070, filed 4/26/84.] Repealed by 98-21-041 (Docket No. UG-980081), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.

480-95-080 Sale, lease, or transfer of permit. [Statutory Authority: RCW 80.01.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-080, filed 4/26/84.] Repealed by 98-21-041 (Docket No. UG-980081), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.

480-95-090 Duplicate permits. [Statutory Authority: RCW 80.01.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-090, filed 4/26/84.] Repealed by 98-21-041 (Docket No. UG-980081), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.

480-95-100 Contracts. [Statutory Authority: RCW 80.01.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-100, filed 4/26/84.] Repealed by 98-21-041 (Docket No. UG-980081), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.-040.

480-95-110 Fees. [Statutory Authority: RCW 80.01.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-110, filed 4/26/84.] Repealed by 98-21-041 (Docket No. UG-980081), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.040.

480-95-120 Complaints. [Statutory Authority: RCW 80.01.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-120, filed 4/26/84.] Repealed by 98-21-041 (Docket No. UG-980081), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.-040.

480-95-125 Exemptions. [Statutory Authority: RCW 80.01.040 and chapter 80.62 RCW. 84-10-017 (Order R-213, Cause No. U-83-59), § 480-95-125, filed 4/26/84.] Repealed by 98-21-041 (Docket No. UG-980081), filed 10/14/98, effective 11/14/98. Statutory Authority: RCW 80.01.-040.

Chapter 480-105
ELECTRIC COMPANIES— INTERCONNECTION WITH ELECTRIC COGENERATION AND SMALL POWER PRODUCTION FACILITIES

480-105-001 Purpose. [Statutory Authority: RCW 80.04.160. 81-04-009 (Order R-160, Cause No. U-80-105), § 480-105-001, filed 1/28/81.] Repealed by 89-15-043 (Order R-304, Docket No. U-89-2814-R), filed 7/18/89, effective 8/18/89. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-105-005 Application of rules. [Statutory Authority: RCW 80.04.160. 81-04-009 (Order R-160, Cause No. U-80-105), § 480-105-005, filed 1/28/81.] Repealed by 89-15-043 (Order R-304, Docket No. U-89-2814-R), filed 7/18/89, effective 8/18/89. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-105-010 Definitions. [Statutory Authority: RCW 80.04.160. 81-04-009 (Order R-160, Cause No. U-80-105), § 480-105-010, filed 1/28/81.] Repealed by 89-15-043 (Order R-304, Docket No. U-89-2814-R), filed 7/18/89, effective 8/18/89. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-105-020 Obligations of qualifying facilities to electric utility. [Statutory Authority: RCW 80.04.160. 81-04-009 (Order R-160, Cause No. U-80-105), § 480-105-020, filed 1/28/81.] Repealed by 89-15-043 (Order R-304, Docket No. U-89-2814-R), filed 7/18/89, effective 8/18/89. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-105-030 Availability of electric utility system cost data. [Statutory Authority: RCW 80.04.160. 81-04-009 (Order R-160, Cause No. U-80-105), § 480-105-030, filed 1/28/81.] Repealed by 89-15-043 (Order R-304, Docket No. U-89-2814-R), filed 7/18/89, effective 8/18/89. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-105-040 Obligations of electric utility to qualifying facilities. [Statutory Authority: RCW 80.04.160. 81-04-009 (Order R-160, Cause No. U-80-105), § 480-105-040, filed 1/28/81.] Repealed by 89-15-043 (Order R-304, Docket No. U-89-2814-R), filed 7/18/89, effective 8/18/89. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-105-050 Rates for purchases. [Statutory Authority: RCW 80.04.-160. 81-04-009 (Order R-160, Cause No. U-80-105), § 480-105-050, filed 1/28/81.] Repealed by 89-15-043 (Order R-304, Docket No. U-89-2814-R), filed 7/18/89, effective 8/18/89. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-105-060 Rates for sales. [Statutory Authority: RCW 80.04.160. 81-04-009 (Order R-160, Cause No. U-80-105), § 480-105-060, filed 1/28/81.] Repealed by 89-15-043 (Order R-304, Docket No. U-89-2814-R), filed 7/18/89, effective 8/18/89. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-105-070 Interconnection costs. [Statutory Authority: RCW 80.04.160. 81-04-009 (Order R-160, Cause No. U-80-105), § 480-105-070, filed 1/28/81.] Repealed by 89-15-043 (Order R-304, Docket No. U-89-2814-R), filed 7/18/89, effective 8/18/89. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-105-080 System emergencies. [Statutory Authority: RCW 80.04.160. 81-04-009 (Order R-160, Cause No. U-80-105), § 480-105-080, filed 1/28/81.] Repealed by 89-15-043 (Order R-304, Docket No. U-89-2814-R), filed 7/18/89, effective 8/18/89. Statutory Authority: RCW 80.01.040 and 80.04.160.

Chapter 480-130
STORAGE WAREHOUSE COMPANIES

480-130-010 No operation without license. [Order R-5, § 480-130-010, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.

480-130-020 Qualifications for license. [Order R-5, § 480-130-020, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.

480-130-030 Applications for storage warehouse license. [Order R-5, § 480-130-030, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.-040 and chapter 43.21C RCW.

480-130-040 Tariffs. [Order R-5, § 480-130-040, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.

480-130-050 Warehouse receipts—Liability. [Statutory Authority: RCW 81.92.090. 79-11-027 (Order R-134, Cause No. TSW-1272), § 480-130-050, filed 10/10/79; Order R-5, § 480-130-050, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.-040 and chapter 43.21C RCW.

480-130-060 Household goods—Definition. [Order R-5, § 480-130-060, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.

480-130-070 General merchandise—Definition. [Order R-5, § 480-130-070, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.

480-130-080 Insurance. [Order R-5, § 480-130-080, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-

168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.

480-130-090 License cancelled. [Order R-5, § 480-130-090, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.

480-130-100 License fees, term, posting, authority, fees forfeited. [Order R-5, § 480-130-100, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.

480-130-110 Use of new buildings, or discontinuance. [Order R-5, § 480-130-110, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.

480-130-120 Transfer of ownership. [Order R-5, § 480-130-120, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.

480-130-130 Accounts. [Order R-62, § 480-130-130, filed 12/19/73; Order R-5, § 480-130-130, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.

480-130-140 Advertising. [Order R-5, § 480-130-140, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.

480-130-150 Waiver of rules. [Order R-5, § 480-130-150, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.

480-130-160 Documents—When filed. [Order R-5, § 480-130-160, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.

480-130-170 Conflict with tariff rules—Enforcement warehousemen's lien—Transfers of property—Affiliated interests. [Order R-5, § 480-130-170, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.

480-130-180 Rebates. [Order R-5, § 480-130-180, filed 6/6/69, effective 10/9/69.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.

Chapter 480-146
COMMISSION GENERAL—SECURITIES, LIENS, REFUNDING OF NOTES, LEASE OF UTILITY FACILITIES

480-146-010 Filing. [Statutory Authority: RCW 80.01.040 and 1994 c 251. 95-16-009 (Order R-431, Docket No. A-950021), § 480-146-010, filed 7/20/95, effective 8/20/95; Order R-5, § 480-146-010, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-054 (Order R-460, Docket No. A-980085), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-146-020 Requests, applications, and statements. [Statutory Authority: RCW 80.01.040 and 1994 c 251. 95-16-009 (Order R-431, Docket No. A-950021), § 480-146-020, filed 7/20/95, effective 8/20/95; Order R-5, § 480-146-020, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-054 (Order R-460, Docket No. A-980085), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-146-030 General contents. [Statutory Authority: RCW 80.01.-040 and 1994 c 251. 95-16-009 (Order R-431, Docket No. A-950021), § 480-146-030, filed 7/20/95, effective 8/20/95; Order R-5, § 480-146-030, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-054 (Order R-460, Docket No. A-980085), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-146-040 Additional information. [Order R-5, § 480-146-040, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-054 (Order R-460, Docket No. A-980085), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-146-050 Material incorporated by reference. [Statutory Authority: RCW 80.01.040 and 1994 c 251. 95-16-009 (Order R-431, Docket No. A-950021), § 480-146-050, filed 7/20/95, effective 8/20/95; Order R-5, § 480-146-050, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-054 (Order R-460, Docket No. A-980085), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-146-060 Conditions for public hearing. [Statutory Authority: RCW 80.01.040 and 1994 c 251. 95-16-009 (Order R-431, Docket No. A-950021), § 480-146-060, filed 7/20/95, effective 8/20/95; Order R-5, § 480-146-060, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-054 (Order R-460, Docket No. A-980085), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-146-070 Procedure for merger or consolidation. [Statutory Authority: RCW 80.01.040 and 1994 c 251. 95-16-009 (Order R-431, Docket No. A-950021), § 480-146-070, filed 7/20/95, effective 8/20/95; Order R-5, § 480-146-070, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-054 (Order R-460, Docket No. A-980085), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-146-080 Form of securities application. [Statutory Authority: RCW 80.01.040 and 1994 c 251. 95-16-009 (Order R-431, Docket No. A-950021), § 480-146-080, filed 7/20/95, effective 8/20/95; Order R-5, § 480-146-080, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-054 (Order R-460, Docket No. A-980085), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-146-090 Form of affiliated interest application. [Order R-5, § 480-146-090, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-054 (Order R-460, Docket No. A-980085), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-146-091 Reporting of affiliated interest transactions. [Statutory Authority: RCW 80.01.040. 92-07-009 (Order R-369, Docket No. UT-911389), § 480-146-091, filed 3/6/92, effective 4/6/92.] Repealed by 99-08-054 (Order R-460, Docket No. A-980085), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-146-095 Form of lease application. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-028 (Order R-135, Cause No. U-79-54), § 480-146-095, filed 10/10/79.] Repealed by 99-08-054 (Order R-460, Docket No. A-980085), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-146-100 Notes with combined twelve months maturity exempt. [Order R-5, § 480-146-100, filed 6/6/69, effective 10/9/69.] Repealed by 95-16-009 (Order R-431, Docket No. A-950021), filed 7/20/95, effective 8/20/95. Statutory Authority: RCW 80.01.040 and 1994 c 251.

480-146-200 Minimum time required for commission order. [Statutory Authority: RCW 80.01.040 and 1994 c 251. 95-16-009 (Order R-431, Docket No. A-950021), § 480-146-200, filed 7/20/95, effective 8/20/95; Order R-5, § 480-146-200, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-054 (Order R-460, Docket No. A-980085), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-146-210 Supplemental filings exempt from time limitations. [Statutory Authority: RCW 80.01.040 and 1994 c 251. 95-16-009 (Order R-431, Docket No. A-950021), § 480-146-210, filed 7/20/95, effective 8/20/95; Order R-5, § 480-146-210, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-054 (Order R-460, Docket No. A-980085), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-146-220 Waiver of time limitations. [Statutory Authority: RCW 80.01.040 and 1994 c 251. 95-16-009 (Order R-431, Docket No. A-950021), § 480-146-220, filed 7/20/95, effective 8/20/95; Order R-5, § 480-146-220, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-054 (Order R-460, Docket No. A-980085), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-146-230 Reporting of securities transactions. [Statutory Authority: RCW 80.01.040 and 1994 c 251. 95-16-009 (Order R-431, Docket No. A-950021), § 480-146-230, filed 7/20/95, effective 8/20/95.] Repealed by 99-08-054 (Order R-460, Docket No. A-980085), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-146-240 Application of rules. [Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-054 (Order R-460, Docket No. A-980085), § 480-146-240, filed 4/1/99, effective 5/2/99.] Repealed by 05-17-026 (Docket No. A-021178 and TO-030288, General Order No. R-522), filed 8/5/05, effective 9/5/05. Statutory Authority: RCW 80.01.040, 80.04.160, and 81.04.160.

480-146-250 Filing. [Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-054 (Order R-460, Docket No. A-980085), § 480-146-250, filed 4/1/99, effective 5/2/99.] Repealed by 05-17-026 (Docket No. A-021178 and TO-030288, General Order No. R-522), filed 8/5/05, effective 9/5/05. Statutory Authority: RCW 80.01.040, 80.04.160, and 81.04.160. Later promulgation, see WAC 480-90-207, 480-100-207, 480-110-457, 480-120-331.

480-146-260 Commission may require additional information. [Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-054 (Order R-460, Docket No. A-980085), § 480-146-260, filed 4/1/99, effective 5/2/99.] Repealed by 05-17-026 (Docket No. A-021178 and TO-030288, General Order No. R-522), filed 8/5/05, effective 9/5/05. Statutory Authority: RCW 80.01.040, 80.04.160, and 81.04.-160. Later promulgation, see WAC 480-90-207, 480-100-207, 480-110-457, 480-120-331.

480-146-270 Applicant may include information by reference. [Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-054 (Order R-460, Docket No. A-980085), § 480-146-270, filed 4/1/99, effective 5/2/99.] Repealed by 05-17-026 (Docket No. A-021178 and TO-030288, General Order No. R-522), filed 8/5/05, effective 9/5/05. Statutory Authority: RCW 80.01.040, 80.04.160, and 81.04.-160. Later promulgation, see WAC 480-90-207, 480-100-207, 480-110-457, 480-120-331.

480-146-280 Applicant duty when information is unavailable. [Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-054 (Order R-460, Docket No. A-980085), § 480-146-280, filed 4/1/99, effective 5/2/99.] Repealed by 05-17-026 (Docket No. A-021178 and TO-030288, General Order No. R-522), filed 8/5/05, effective 9/5/05. Statutory Authority: RCW 80.01.040, 80.04.160, and 81.04.-160. Later promulgation, see WAC 480-90-207, 480-100-207, 480-110-457, 480-120-331.

480-146-290 Securities statements and applications. [Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-054 (Order R-460, Docket No. A-980085), § 480-146-290, filed 4/1/99, effective 5/2/99.] Repealed by 05-17-026 (Docket No. A-021178 and TO-030288, General Order No. R-522), filed 8/5/05, effective 9/5/05. Statutory Authority: RCW 80.01.040, 80.04.160, and 81.04.160. Later promulgation, see WAC 480-90-242, 480-100-242, 480-110-525, 480-120-365.

480-146-300 Filing requirements for securities statements and applications. [Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-054 (Order R-460, Docket No. A-980085), § 480-146-300, filed 4/1/99, effective 5/2/99.] Repealed by 05-17-026 (Docket No. A-021178 and TO-030288, General Order No. R-522), filed 8/5/05, effective 9/5/05. Statutory Authority: RCW 80.01.040, 80.04.160, and 81.04.160. Later promulgation, see WAC 480-90-242, 480-100-242, 480-110-525, 480-120-365.

480-146-310 Commission may set securities application or statement for public hearing. [Statutory Authority: RCW 80.01.-040 and 80.04.160. 99-08-054 (Order R-460, Docket No. A-980085), § 480-146-310, filed 4/1/99, effective 5/2/99.] Repealed by 05-17-026 (Docket No. A-021178 and TO-030288, General Order No. R-522), filed 8/5/05, effective 9/5/05. Statutory Authority: RCW 80.01.040, 80.04.160, and 81.04.160.

480-146-320 Minimum time required for commission order. [Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-054 (Order R-460, Docket No. A-980085), § 480-146-320, filed 4/1/99, effective 5/2/99.] Repealed by 05-17-026 (Docket No. A-021178 and TO-030288, General Order No. R-522), filed 8/5/05, effective 9/5/05. Statutory Authority: RCW 80.01.040, 80.04.160, and 81.04.-160. Later promulgation, see WAC 480-90-242, 480-100-242, 480-110-525, 480-120-365.

480-146-330 Supplemental securities filings may be exempt from time limitations. [Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-054 (Order R-460, Docket No. A-980085), § 480-146-330, filed 4/1/99, effective 5/2/99.] Repealed by 05-17-026 (Docket No. A-021178 and TO-030288, General Order No. R-522), filed 8/5/05, effective 9/5/05. Statutory Authority: RCW 80.01.040, 80.04.160, and 81.04.160. Later promulgation, see WAC 480-90-242, 480-100-242, 480-110-525, 480-120-365.

480-146-340 Reporting of securities transactions. [Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-054 (Order R-460, Docket No. A-980085), § 480-146-340, filed 4/1/99, effective 5/2/99.] Repealed by 05-17-026 (Docket No. A-021178 and TO-030288, General Order No. R-522), filed 8/5/05, effective 9/5/05. Statutory Authority: RCW 80.01.040, 80.04.160, and 81.04.160. Later promulgation, see WAC 480-90-262, 480-100-565, 480-110-525, 480-120-389, 480-90-242, 480-100-242, 480-110-525, 480-120-365.

480-146-350 Filing of affiliated interest transactions. [Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-054 (Order R-460, Docket No. A-980085), § 480-146-350, filed 4/1/99, effective 5/2/99.] Repealed by 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), filed 2/28/05, effective 3/31/05. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353.

480-146-360 Reporting of affiliated interest transactions. [Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-054 (Order R-460, Docket No. A-980085), § 480-146-360, filed 4/1/99, effective 5/2/99.] Repealed by 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), filed 2/28/05, effective 3/31/05. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353.

480-146-370 Application for approval of lease of utility facilities. [Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-054 (Order R-460, Docket No. A-980085), § 480-146-370, filed 4/1/99, effective 5/2/99.] Repealed by 05-17-026 (Docket No. A-021178 and TO-030288, General Order No. R-522), filed 8/5/05, effective 9/5/05. Statutory Authority: RCW 80.01.040, 80.04.160, and 81.04.-160.

480-146-380 Form of lease application. [Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-054 (Order R-460, Docket No. A-980085), § 480-146-380, filed 4/1/99, effective 5/2/99.] Repealed by 05-17-026 (Docket No. A-021178 and TO-030288, General Order No. R-522), filed 8/5/05, effective 9/5/05. Statutory Authority: RCW 80.01.040, 80.04.160, and 81.04.160.

Chapter 480-150
COMPLIANCE WITH ECONOMIC STABILIZATION ACT OF 1970 AS AMENDED

480-150-010 Preamble. [Order R-46, § 480-150-010, filed 5/9/73; Order R-38, § 480-150-010, filed 6/28/72.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-150-020 Definitions. [Order R-38, § 480-150-020, filed 6/28/72.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-150-030 Criteria applicable. [Order R-46, § 480-150-030, filed 5/9/73; Order R-38, § 480-150-030, filed 6/28/72.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-150-040 Effect on pending matters. [Order R-38, § 480-150-040, filed 6/28/72.] Repealed by Order R-46, filed 5/9/73.

480-150-050 Future filings or petitions. [Order R-38, § 480-150-050, filed 6/28/72.] Repealed by Order R-46, filed 5/9/73.

480-150-060 Exemptions. [Order R-38, § 480-150-060, filed 6/28/72.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

480-150-070 Filing with Federal Price Commission. [Order R-38, § 480-150-070, filed 6/28/72.] Repealed by Order R-46, filed 5/9/73.

480-150-080 Public notice. [Order R-38, § 480-150-080, filed 6/28/72.] Repealed by Order R-46, filed 5/9/73.

480-150-090 Construction. [Order R-46, § 480-150-090, filed 5/9/73; Order R-38, § 480-150-090, filed 6/28/72.] Repealed by 98-02-004 (Order R-445, Docket No. A-970591), filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160.

Chapter 480-04 WAC

PUBLIC ACCESS TO INFORMATION AND RECORDS

WAC

480-04-020 Definitions.
480-04-030 Organization of the Washington utilities and transportation commission.
480-04-035 Physical address—Telephone—Facsimile—E-mail—Internet.
480-04-050 Public information; public submissions or requests other than requests for public documents.
480-04-060 Public records available; hours for inspection and copying.
480-04-065 Records index.
480-04-090 Requests for public records.
480-04-095 Disclosure procedure.
480-04-100 Copying and service charges.
480-04-120 Review of denials of public records requests.
480-04-130 Protection of public records.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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

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

480-04-070 Public records officer. [Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-04-070, filed 12/29/97, effective 1/29/98. Statutory Authority: RCW 80.01.040. 92-07-006 (Order R-368, Docket No. A-910530), § 480-04-070, filed 3/5/92, effective 4/5/92; Order R-43, § 480-04-070, filed 4/5/73.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

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

480-04-110 Information for commercial purposes. [Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-04-110, filed 12/29/97, effective 1/29/98. Statutory Authority: RCW 80.01.040. 92-07-006 (Order R-368, Docket No. A-910530), § 480-04-110, filed 3/5/92, effective 4/5/92; Order R-43, § 480-04-110, filed 4/5/73.] Repealed by 03-24-028 (General Order R-510, Docket No. A-010648), filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.160.

WAC 480-04-020 Definitions. (1) "Public record" includes any writing (defined in subsection (5) of this section) prepared, owned, used, or retained by the commission, which contains information relating to the conduct of government or the performance of any governmental or proprietary function.

(2) "Public records officer" means the official responsible for the commission's compliance with the Public Records Act, chapter 42.17 RCW, and for the implementation of this chapter. The commission's secretary is designated as its public records officer. The secretary may designate one or more persons to assist in the implementation and application of this rule.

(3) "Secretary," also referred to as "executive secretary," means the secretary of the commission appointed pursuant to RCW 80.01.030. Unless otherwise restricted, the term "secretary" also refers to the acting secretary and to the secretary's designee.

(4) "Washington utilities and transportation commission," referred to in this chapter as "the commission," is the commission appointed by the governor under RCW 80.01.010. Where appropriate, the term "commission" also refers to the staff and employees of the Washington utilities and transportation commission.

(5) "Writing" means any information (e.g., words, numbers, symbols, images, and sounds) recorded in any media (e.g., handwritten, typewritten, printed, electronic, photographic, and video and audio recording), as defined in RCW 42.17.020(42).

(6) The word "you," or "your," when used in this chapter, refers to a person who requests access to public records.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-04-020, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-04-020, filed 12/29/97, effective 1/29/98. Statutory Authority: RCW 80.01.040. 92-07-006 (Order R-368, Docket No. A-910530), § 480-04-020, filed 3/5/92, effective 4/5/92; Order R-43, § 480-04-020, filed 4/5/73.]

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

(2) The commission is organized into the following principal sections and divisions: Regulatory services; safety and consumer protection; policy and public information; administrative law; knowledge management; financial and budget services; and employee services. The head of each section or division is directly responsible to the secretary, and through the secretary to the commissioners.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-04-030, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-04-030, filed 12/29/97, effective 1/29/98. Statutory Authority: RCW 80.01.040. 94-11-002 (Order R-412, Docket No. TV-940121), § 480-04-030, filed 5/4/94, effective 6/4/94; 92-07-006 (Order R-368, Docket No. A-910530), § 480-04-030, filed 3/5/92, effective 4/5/92. Statutory Authority: RCW 80.01.040 (1) and (4). 81-06-061 (Order R-157, Cause No. TV-1429), § 480-04-030, filed 3/4/81; Order R-43, § 480-04-030, filed 4/5/73.]

WAC 480-04-035 Physical address—Telephone—Facsimile—E-mail—Internet. The information included in this section is current at the time of rule adoption, but may change. Current information and additional contact information are available on the commission's internet site, in person at the commission's offices, or by telephone call to the commission's main public number.

Physical address; address for U.S. mail or hand-delivery	Washington Utilities and Transportation Commission 1300 S. Evergreen Park Drive S.W. P.O. Box 47250 Olympia, WA 98504-7250
Telephone (general)	360-664-1160
Telephone (records center)	360-664-1234
Telefacsimile (records center)	360-586-1150

Electronic mail (records center)	records@wutc.wa.gov
Internet	www.wutc.wa.gov

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-04-035, filed 11/24/03, effective 1/1/04.]

WAC 480-04-050 Public information; public submissions or requests other than requests for public documents. Anyone who wishes to obtain general information concerning topics within the commission's jurisdiction may find such information on the commission's internet site or may contact the commission by letter, telephone, or e-mail, as described in this section. The commission will route all inquiries to staff who can best respond to the inquiry.

(1) Written requests for information should be sent to the commission's public records officer at the commission's mailing address.

(2) Electronic mail and telefacsimile requests for information should be sent to the commission's records center.

(3) Telephone requests for information may be made by contacting the commission's records center, or by call to the commission's general telephone number.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-04-050, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-04-050, filed 12/29/97, effective 1/29/98. Statutory Authority: RCW 80.01.040. 92-07-006 (Order R-368, Docket No. A-910530), § 480-04-050, filed 3/5/92, effective 4/5/92; Order R-43, § 480-04-050, filed 4/5/73.]

WAC 480-04-060 Public records available; hours for inspection and copying. (1) All of the commission's public records are available for inspection and copying unless the public record is exempt from disclosure under chapter 42.17 RCW (the Public Records Act), protected from disclosure under RCW 80.04.095 (records that contain valuable commercial information), WAC 480-07-160 (Confidential information), WAC 480-07-420 (Discovery—Protective orders), or under other provision of law. Except as provided in RCW 42.17.260(6), the commission will not give, sell, or provide access to lists of individuals if the information is requested for commercial purposes.

(2) The commission will promptly respond to requests for inspection and copying of public records.

(3) Public records are available for inspection and copying during the commission's customary office hours which are from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding official state holidays as defined in RCW 1.16.050 (legal holidays and legislatively recognized days).

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-04-060, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-04-060, filed 12/29/97, effective 1/29/98. Statutory Authority: RCW 80.01.040. 92-07-006 (Order R-368, Docket No. A-910530), § 480-04-060, filed 3/5/92, effective 4/5/92. Order R-43, § 480-04-060, filed 4/5/73.]

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

(1) The commission will publish and make available to the public its adjudicative orders that resolve contested issues or which it believes will be of interest or significance, its declaratory orders, its interpretive statements, and its policy statements. The commission will publish these documents by the means it deems best suited to achieve broad availability, consistent with staff resources and technology, including distribution of paper copies, electronic mail, and internet web site posting. The commission will contemporaneously publish a summary of the decisions, orders, and statements.

(2) The commission will annually publish indices of the principles that are applied in the text of published decisions, orders, and statements.

(3) The commission will make paper copies of its indices available for sale at the commission's estimated actual cost of reproduction and distribution.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-04-065, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-04-065, filed 12/29/97, effective 1/29/98. Statutory Authority: RCW 80.01.040. 92-07-006 (Order R-368, Docket No. A-910530), § 480-04-065, filed 3/5/92 effective 4/5/92.]

WAC 480-04-090 Requests for public records. (1) Many requests for public records can be handled quickly and informally without the need for a formal written request. You may ask orally, in person, or by telephone to look at a document, or get a copy of a document. You may also ask informally in writing, by letter or electronic mail. Requests may be made by electronic mail to the commission records center. Commission staff will advise you if a formal written request, as described in subsection (4) of this section, is required.

(2) The commission may require any person who seeks access to public records to present a formal written request. The commission may require a formal written request, for example, if you ask for large quantities of information or make an unusual request. The formal written request helps the commission make sure that you get all the information you have requested and that any charges for copies are proper.

(3) The commission may require a formal written request if the information you ask for might be within one of the exceptions to the law requiring disclosure. In this situation, your formal written request helps the commission make sure that its decision to disclose or withhold the information is made properly and that you get the public records you are entitled to receive. Examples of information that might be exempt from disclosure include documents that have been designated "confidential" by the person providing them to the commission, documents containing private or personal information, and documents that may be involved in litigation or hearings.

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

(5) Formal written requests must include the following information:

(a) Your name, address, and telephone number.

(b) The date on which you submit your request.

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

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

(e) Whether you want to inspect the public records or get copies, or both.

(f) A clear description of the public records you want so that commission staff can find the records. If you know how the public records are described in the index maintained by the commission, provide that description to assist the commission to identify the public records you want to review.

(g) A statement of whether you are making the request in order to obtain a list of individuals to be used for any commercial purposes.

(6) Commission staff will make a reasonable effort to assist in identifying and providing all public records that you request.

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

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-04-090, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-04-090, filed 12/29/97, effective 1/29/98. Statutory Authority: RCW 80.01.040. 92-07-006 (Order R-368, Docket No. A-910530), § 480-04-090, filed 3/5/92, effective 4/5/92; Order R-43, § 480-04-090, filed 4/5/73.]

WAC 480-04-095 Disclosure procedure. (1) The public records officer will promptly notify you if your request is found to be incomplete, and will tell you what the problem is. The public records officer will assist you to complete or correct your request. Notifying you of a deficiency is not a denial of your request. The public records officer may act on a deficient request to the extent that doing so is reasonable.

(2) Upon receiving a complete request, the public records officer will review the requested record to determine whether the record or a portion of it is exempt from disclosure under the Public Records Act, chapter 42.17 RCW, protected from disclosure under RCW 80.04.095 (records that contain valuable commercial information), WAC 480-07-160 (Confidential information), WAC 480-07-420 (Discovery—Protective orders), or under another provision of law.

(3) The commission will delete identifying details from a public record to protect the personal privacy interests as provided by law when it makes the record available or publishes it. The commission will explain the reasons for any such deletion.

(4) Only the public records officer is authorized to deny requests for public records. Any action other than granting access to public records, when taken by a person other than the public records officer, is a deferral of action and not a denial of a request. Any commission staff member who does not grant access to a public record when a complete written request is made must immediately take or send the requested document, together with the written request, to the public records officer for a prompt decision granting or denying the request.

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

(6) If you request a public record that contains information that has been designated confidential under RCW 80.04.095, WAC 480-07-160, or a protective order, and you have not specifically asked to be provided with confidential information, the public records officer will tell you that material has been designated confidential, and ask whether you want the confidential information, before processing your request.

The commission will process any request for a record designated as confidential under RCW 80.04.095 or WAC 480-07-160 in accordance with those provisions of law.

(7) If the public records officer denies your public records request in whole or in part, the public records officer will provide you a written explanation of the basis for the denial. If you want to contest the denial, you may request a review under WAC 480-04-120.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-04-095, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-04-095, filed 12/29/97, effective 1/29/98. Statutory Authority: RCW 80.01.040. 92-07-006 (Order R-368, Docket No. A-910530), § 480-04-095, filed 3/5/92, effective 4/5/92.]

WAC 480-04-100 Copying and service charges. The commission will provide copies of public records upon request.

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

(2) The commission's schedule of charges for copies, except as provided in WAC 480-07-145 (3)(b), is published in Administrative Policy 5.1c, which is available from the commission's web site or by contacting the commission's records center. Out-of-state customers and governmental agencies are not charged sales tax.

(3) WAC 480-07-145 (3)(b) fixes the charge for copies when a party to an adjudicative proceeding fails to file the number of copies required to meet the commission's internal distribution needs.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. 06-17-087 (Docket A-060475, General Order No. R-537), § 480-04-100, filed 8/14/06, effective 9/14/06. Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-04-100, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-04-100, filed 12/29/97, effective 1/29/98. Statutory Authority: RCW 80.01.040. 91-07-025 (Order R-340, Docket No. A-900424), § 480-04-100, filed 3/14/91, effective 4/14/91. Statutory Authority: RCW 80.01.040 (1) and (4). 81-06-061 (Order R-157, Cause No. TV-1429), § 480-04-100, filed 3/4/81. Statutory Authority: RCW 42.17.300. 78-02-020 (Order R-112), § 480-04-100, filed 1/11/78; Order R-43, § 480-04-100, filed 4/5/73.]

WAC 480-04-120 Review of denials of public records requests. (1) If the commission does not disclose a public record that you have requested and you disagree with the

denial, you may ask the public records officer, in writing, for a review of the denial. Your written request for review must describe or enclose the public records officer's written statement that explains the reasons for the denial, as provided in WAC 480-04-095(5).

(2) You may hand deliver, or have a courier deliver, your written request for review in person at the commission's administrative office or you may send it by mail or electronic mail.

(3) The public records officer will promptly review your written request. The public records officer may personally reconsider the denial decision, or may refer the request to the commission for review.

(4) The public records officer's initial denial becomes final unless the commission modifies the decision within two days after the commission receives your request for review. The commission, however, still may modify a denial decision at a later time. Once the public records officer's initial denial decision becomes final or is modified by the commission, you may seek judicial review under RCW 42.17.340.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-04-120, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-04-120, filed 12/29/97, effective 1/29/98. Statutory Authority: RCW 80.01.040. 92-07-006 (Order R-368, Docket No. A-910530), § 480-04-120, filed 3/5/92, effective 4/5/92; Order R-43, § 480-04-120, filed 4/5/73.]

WAC 480-04-130 Protection of public records. (1) Only commission staff may copy public documents unless the public records officer decides that copying by others will not disrupt commission business operations or pose any risk to the integrity and safety of the documents.

(2) No person may take any public record from the area the public records officer designates for public inspection of public records unless expressly authorized to do so by the public records officer.

(3) When a member of the public asks to examine an entire file or group of public records, as distinguished from specific public records that can be individually identified and made available, the commission may take a reasonable time to inspect the file or group of public records to remove any material designated as confidential and any information protected from disclosure by chapter 42.17 RCW, or other provision of law.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-04-130, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-04-130, filed 12/29/97, effective 1/29/98. Statutory Authority: RCW 80.01.040. 92-07-006 (Order R-368, Docket No. A-910530), § 480-04-130, filed 3/5/92, effective 4/5/92; Order R-43, § 480-04-130, filed 4/5/73.]

Chapter 480-07 WAC
PROCEDURAL RULES

WAC

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WAC 480-07-010 Scope of this chapter. This chapter includes rules that explain how to conduct business with the Washington utilities and transportation commission (the commission). The commission interacts both informally and formally with the public and with the businesses it regulates.

Part I of this chapter includes basic information about the commission such as the agency's office hours, its physical address and other contact information, and general requirements for communicating with the commission.

Part II includes provisions that relate specifically to rule-making proceedings, such as how a person may submit comments that will be taken into account when the commission considers making changes to its rules.

Part III concerns adjudicative proceedings including hearings on formal complaints, general rate proceedings, applications for authority, petitions for relief, and abbreviated proceedings that may be used in some circumstances.

Part IV concerns other types of commission proceedings including regular and special open public meetings, interpretive and policy statements, declaratory orders, and informal complaints.

These rules are authorized by and supplement the Administrative Procedure Act, chapter 34.05 RCW, and the principal statutes that define the commission's authority and responsibility. These statutes are found principally in Titles 80 and 81 of the Revised Code of Washington (RCW). These procedural rules should be read and understood in conjunction with the Administrative Procedure Act and Titles 80 and 81 RCW. Certain of these statutes establish procedural requirements for conducting particular types of business with the commission.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-010, filed 11/24/03, effective 1/1/04.]

PART I: GENERAL PROVISIONS

WAC 480-07-100 Scope of Part I. Part I of this chapter contains information about the commission, and general rules that apply in rule-making, adjudicative, and other proceedings described in this chapter.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-100, filed 11/24/03, effective 1/1/04.]

WAC 480-07-110 Exemptions from and modifications to commission rules; conflicts involving rules. (1) **Exceptions and modifications.** The commission may grant an exemption from or modify the application of its rules in individual cases if consistent with the public interest, the purposes underlying regulation, and applicable statutes. The commission may modify the application of procedural rules in this chapter during a particular adjudication consistent with other adjudicative decisions, without following the process identified in subsection (2) of this section.

(2) **Process.**

(a) **How to request an exemption to or modification of a rule.** To request a rule exemption or modification, a person must file with the commission a written petition identifying the rule for which an exemption is sought, and provide a full explanation of the reason for requesting the exemption. Telecommunications companies, gas companies or electric companies filing petitions for exemption under this section shall provide a copy of the request with the public counsel section of the attorney general's office by mail or e-mail, within one business day of the day the request is filed with the commission.

(b) **Commission process.** The commission will assign the petition a docket number, if it does not arise in an existing docket, and will schedule the petition 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 open meeting or hearing when the commission will consider the petition.

(c) **Standard for consideration.** The standard for consideration is the public interest standard. Factors the commission may consider include 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 underlying purposes of the rule.

(d) **Disposition.** The commission will enter an order granting or denying the petition, or setting it for hearing.

(3) **Conflicts involving rules.** In the event of conflict between these rules and statutes, or rules in other chapters of Title 480 of the Washington Administrative Code, applicable to specific types of companies regulated by the commission or to others who may conduct business with the commission, or to particular proceedings, those statutes or special rules govern.

(4) **Emergency situations.** In the event of a state of emergency, and for good cause shown, the commission may enter an order on its own motion, or upon the motion of any person or public service company affected by the rule, exempting public service companies, the commission and all affected persons, from complying with the requirements of specific rules in this title.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 08-18-012 (Docket A-072162, General Order R-550), § 480-07-110, filed 8/22/08, effective 9/22/08; 06-16-053 (Docket A-050802, General Order R-536), § 480-07-110, filed 7/27/06, effective 8/27/06; 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-110, filed 11/24/03, effective 1/1/04.]

WAC 480-07-120 Office hours. "Business day," as used in this chapter, means any day when the commission's offices are open to the public. Commission offices are open to the public between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, except on official state holidays, as defined in RCW 1.16.050, Legal holidays and legislatively recognized days.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-120, filed 11/24/03, effective 1/1/04.]

WAC 480-07-125 Physical address; telephone; fax; web portal; e-mail; internet. The information included in this section is current at the time of rule adoption, but may change. Current information and additional contact information are available on the commission's internet site, in person at the commission offices, or by a telephone call to the commission's main public number.

Location and mailing address:	Washington Utilities and Transportation Commission 1300 S. Evergreen Park Drive S.W. P.O. Box 47250 Olympia, WA 98504-7250
Telephone: Public number Records center number Consumer inquiries, comments and informal complaints	 360-664-1160 360-664-1234 1-800-562-6150
Fax: Public and records center	 360-586-1150
Web portal	www.utc.wa.gov/e-filing
Records center e-mail	records@utc.wa.gov
Internet web site	www.utc.wa.gov

[Statutory Authority: RCW 80.01.040 and 80.04.160. 08-18-012 (Docket A-072162, General Order R-550), § 480-07-125, filed 8/22/08, effective 9/22/08; 06-16-053 (Docket A-050802, General Order R-536), § 480-07-125, filed 7/27/06, effective 8/27/06; 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-125, filed 11/24/03, effective 1/1/04.]

WAC 480-07-130 Time periods specified for acts governed by this chapter. (1) **Computation of time.** "Day" means calendar day whenever used in this chapter, unless otherwise specified. The period of time for doing an act governed by this chapter is determined by excluding the first day and including the last day, unless the last day is an official state holiday, Saturday, or Sunday, in which event the period runs until the end of the next day that is not an official state holiday, Saturday, or Sunday. For example, if a formal complaint is served on the first day of the month, any answer to the complaint must be filed by the twenty-first day of the same month, unless the twenty-first day is an official state holiday, in which case the answer will be timely if filed on the next business day after the holiday.

(2) **Variation from time limits.** The commission may modify the time limits stated in chapter 34.05 RCW, subject to the requirements of RCW 34.05.080. The commission may modify the time limits stated in a commission rule, subject to other requirements of law. WAC 480-07-385 sets out procedures for and governs when the commission will grant continuances or extensions of time in adjudicative proceedings.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-130, filed 11/24/03, effective 1/1/04.]

WAC 480-07-140 Communicating with the commission. (1) **Scope of rule.** This rule includes general requirements for effective communication with the commission.

The commission encourages use of the commission's records center web portal for filing and submitting documents with the commission. Customers of regulated companies who have a complaint about their service provider are encouraged to contact the commission as described in WAC 480-07-910. Anyone wishing to comment on a matter before the commission may submit comments by telephone, letter, fax, e-mail or by using the comment form available on the commission's web site.

(a) **Electronic filing, limitations.** You may ***file*** documents electronically using the commission's records center web portal (see WAC 480-07-125) if you are submitting documents that are not part of an adjudicative proceeding. Examples include registration applications, tariffs, contracts, rule-making comments, and comments on open meeting items. Electronic filing means the commission accepts the electronic version of the document as the official filing and does not require a paper copy of the documents.

(b) **Electronic submission, adjudications.** You may ***submit*** documents electronically using the commission's records center web portal (see WAC 480-07-125) or e-mail if you are submitting documents in an adjudicative proceeding. Electronic submission means the commission allows submission of electronic versions of documents, but requires a paper copy of the document as the official filing. Except for testimony and exhibits filed in general rate cases, parties may submit one paper copy of documents of less than twenty-five pages, but must follow the filing requirements in WAC 480-

07-510(1) (nineteen copies) and WAC 480-07-150 (3)(a) (twelve copies) for documents exceeding twenty-five pages.

(c) **Electronic filing of public records requests.** You may file requests for public records electronically using the commission's records center web portal (see WAC 480-07-125). You do not have to file a paper copy of the public records request if it is filed electronically.

(d) **Use of e-mail for electronic filing or submission.** The commission encourages you to use its records center web portal for filing or submitting electronic documents, because it is more reliable and secure than e-mail. If you are unable to use the records center web portal to file or submit documents, the commission will accept a filing or submission received via e-mail addressed to the records center.

(e) You must also comply with other requirements when submitting certain documents, as shown below.

Submissions in these dockets or filings:	Must comply with these rules:
Rule-making dockets	This rule, WAC 480-07-143, and Part II of this chapter
Adjudicative dockets	This rule, WAC 480-07-145, and Part III of this chapter, *plus* any requirements in the specific adjudication
Utility tariffs and contracts	This rule, chapter 480-80 WAC, and WAC 480-07-141
Transportation tariffs and time schedules (i) For auto transportation companies (ii) For commercial ferry companies (iii) For solid waste collection companies	This rule, WAC 480-07-141; and Chapters 480-30 and 480-149 WAC; Chapters 480-51 and 480-149 WAC; Chapter 480-70 WAC
For public records requests	Chapter 42.56 RCW and chapter 480-04 WAC

(2) **Content of letters and e-mail messages to the commission.** Letters and e-mail messages to the commission should include only one subject.

(3) **Where to send letters and e-mail messages.** WAC 480-07-125 includes the commission's mailing address and other contact information current at the time of rule publication. Persons who communicate with the commission are encouraged to do so by e-mail to the commission's records center. The commission's internet site includes current and additional contact information.

(4) **Cover letters.** Persons submitting or filing documents with the commission must include a cover letter with the filing, unless the letter or document is one page and includes the information identified in subsection (5) of this section.

(5) **Identification of sender; identification of permit, license, or certificate; identification of proceeding.** The following requirements will make sure your message to the commission is delivered promptly to the person or persons who need to receive it, and to allow a prompt response. If you do not include the necessary information, we may not be able to promptly handle your message or provide a prompt response.

(a) ***Identification of sender.*** All persons who communicate with the commission must provide their full name and are asked to provide a mailing address, telephone, fax, and e-mail address to assist the commission in responding. Persons who communicate with the commission on behalf of a business, organization, or other entity must state their name and title or position, and the name of the entity on whose behalf the communication is sent, in addition to the contact information described above.

(b) ***Identification of permit, license, or certificate held by sender.*** Any person or entity that holds a commission-issued permit, license, or certificate must identify the permit, license, or certificate number (if any), including the exact name under which the authority is held, when communicating with the commission concerning the permit, license, or certificate.

(c) ***Identification of proceeding.*** Persons who communicate with the commission concerning a formal commission proceeding (e.g., rule-making or adjudication) must identify the proceeding to the best of their ability, including the docket number and name of the proceeding, if known.

(6) **Electronic file format requirements.** The commission requires electronic versions of all documents filed with the commission, including confidential versions of documents that include confidential information.

(a) ***Acceptable media.*** You may submit documents electronically through the commission's records center web portal, by e-mail file attachment addressed to the commission's records center, or submitted to the records center on a 3 1/2 inch IBM formatted high-density disk or compact disc (CD) labeled with the docket number of the proceeding, if a number has been assigned, the name of the entity and the name of the individual submitting the document, and a description of the contents (e.g., "direct evidence," "motion to dismiss," etc.).

(b) ***Acceptable format.*** Electronic versions of all documents, including confidential versions of documents that include confidential information, must be filed in .pdf (Adobe Acrobat) format, supplemented by a separate file in .doc, .docx, .docm (MS Word), .xls, .xlsx, .xlsm (Excel), or .ppt, .pptx, .pptm (Power Point) formats, so that spreadsheets displaying results of calculations based on formulas include all formulas, and do not include locked, password protected or hidden cells.

(i) The following documents are exempt from the requirement in (b) of this subsection for formatting other than .pdf (Adobe Acrobat):

(A) Documents not created by, for, or on behalf of a party to or a witness in the proceeding for which no version in the required formatting is available; and

(B) Published, copyrighted material and voluminous material not originally prepared in the required format.

(ii) Any person who requests a document to be provided in a format other than .pdf (Adobe Acrobat), whose request is denied, may request relief from the commission.

(iii) ***Confidential and redacted versions.***

(A) Parties must separately submit and clearly identify electronic versions of confidential and redacted documents

when submitting documents via e-mail or the commission's web portal.

(B) Redacted versions of electronic documents that mask confidential information should be filed exclusively in .pdf format. Parties who cannot create Adobe Acrobat files directly must provide a copy of the document converted to Adobe Acrobat via scanning or other available technology.

(c) ***File naming conventions.*** Electronic files must be named in a way that describes the file contents. Parties should use the format identified in the following examples, identifying the docket number, the nature of the document, and the party submitting it:

Testimony	UE-010101 Smith direct (name of party) (date) UT-020202 Jones rebuttal attachment 1 (name of party) (date)
Motions	UG-030303 motion to dismiss (name of party) (date) UW-040404 answer to motion to dismiss (name of party) (date)
Correspondence	TG-010203 (name of party) request for continuance (date)

(d) ***Acceptable organization.*** Each party must submit all files to meet a single deadline at the same time and in the same message or diskette. When a party submits two or more files at the same time, the files must be organized into folders, and the party must provide a printed index. The index may be included in a cover letter or provided as an attachment to a cover letter. The index also must be provided in the form of an electronic file.

***Example*:**

Folder and diskette name	I. U-020304 (name of party) direct evidence (date)
Subfolders	A. U-020304 (name of party) (name of witness) direct (date) B. U-020304 (name of party) (name of witness) direct (date)
Files	1. U-020304 (name of witness) direct (name of party) (date) 2. U-020304 (name of witness) direct att 1 (name of party) (date)

[Statutory Authority: RCW 80.01.040 and 80.04.160. 08-18-012 (Docket A-072162, General Order R-550), § 480-07-140, filed 8/22/08, effective 9/22/08; 06-16-053 (Docket A-050802, General Order R-536), § 480-07-140, filed 7/27/06, effective 8/27/06; 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-140, filed 11/24/03, effective 1/1/04.]

WAC 480-07-141 Receiving and filing a document is not acceptance. The commission assigns docket numbers to a filing or proceeding and receives documents under docket numbers for administrative purposes and not to denote legal acceptance. Receipt of a document for filing in a docket, or the assignment of a docket number to a document, does not mean that the commission has accepted the document, or waived any deficiencies that would allow the commission to reject the document. After a receiving a document, the commission may address any deficiencies in the document, may require the document to be resubmitted with deficiencies corrected, or may reject the document.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-16-053 (Docket A-050802, General Order R-536), § 480-07-141, filed 7/27/06, effective 8/27/06.]

WAC 480-07-143 Submitting documents in rule-making proceedings. (1) **Scope of rule.** This section governs communications to the commission in rule-making proceedings. These rules are in addition to the general rules for communicating with the commission in WAC 480-07-140.

(2) **Submitting comments.** All written comments submitted in a rule making must be addressed to the commission secretary.

(3) **Methods for delivering comments and other communications.** The commission encourages communication through the records center web portal rather than e-mail or fax.

(a) ***Through the web portal.*** A person may submit comments in rule-making proceedings by sending them to the commission through the records center web portal, without providing a paper copy.

(i) *How to use the web portal*. Persons using the web portal to submit filings should first view the following web page: www.wutc.wa.gov/e-filing.

(ii) *When deemed received*. A document submitted through the web portal is deemed received only when the sender receives notification from the commission that the document has been received. Documents received electronically through the commission's records center web portal after 5:00 p.m. are not considered officially received or filed until the next business day.

(b) ***By e-mail message or fax.*** A person may submit comments in rule-making proceedings by e-mail, e-mail file attachment, or fax transmission without providing a paper copy.

(i) *Where to send electronic documents.* All e-mail and fax transmissions made under this rule should be directed to the commission's records center as noted in WAC 480-07-125. Courtesy or informational copies may be sent to other e-mail addresses or fax numbers for individual commission staff members. When a person files a document by e-mail or fax, the document should not be sent more than once except to cure transmission or receiving errors.

(ii) *When deemed received.* A document submitted by e-mail or fax is deemed received only when the entire document sent via e-mail successfully reaches the commission's records center electronic mailbox or fax machine. Documents wholly or partly received via fax or e-mail in the commission's records center after 5:00 p.m. are not considered officially received or filed until the next business day when they are stamped with the date and time.

(c) ***By mail or hand delivery (e.g., courier delivery service).*** A person may submit comments or otherwise communicate with the commission concerning rule-making proceedings by mail or by hand delivery (e.g., courier delivery service).

(i) *When deemed received/filed.* A document submitted in a rule-making proceeding by mail or hand delivery is deemed received or filed when physically received by the commission records center and stamped with the date and time. Documents delivered to the commission's records center after 5:00 p.m. are not considered officially received or

filed until the next business day when they are stamped with the date and time.

(ii) *Electronic file supplement.* The commission encourages parties who submit written comments in rule-making proceedings to supplement any paper filing delivered by mail or courier with an electronic version, as specified in WAC 480-07-140(5).

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-16-053 (Docket A-050802, General Order R-536), § 480-07-143, filed 7/27/06, effective 8/27/06; 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-143, filed 11/24/03, effective 1/1/04.]

WAC 480-07-145 Filing documents in adjudicative proceedings. (1) **Scope of rule.** This section governs communications to the commission by parties in adjudicative proceedings. These rules are in addition to the general rules for communicating with the commission in WAC 480-07-140 and any requirements in a specific adjudication.

(2) **Mail or hand delivery service is required for all documents.** Parties to adjudicative proceedings before the commission must file original, signed documents and paper copies by mail or hand delivery (e.g., courier delivery service) as provided in this rule to satisfy official filing requirements and meet the commission's administrative needs. The commission provides for the expedited exchange of documents among parties and the commission by e-mail and fax transmission in adjudicative proceedings.

(a) ***When deemed received/filed.*** A document submitted in an adjudicative proceeding is officially received for filing only when the original document, including the required certificate of service under subsection (6) of this section, and the required number of copies, are physically received at the commission's records center by mail or in-hand delivery and stamped with the date and time. The date-stamped time will determine whether a document meets any deadline that applies and will determine the timing of any later deadlines based on filing. Documents that are delivered to the commission's records center after 5:00 p.m. are not considered officially received or filed until the next business day when they are stamped with the date and time.

(b) ***Exception for documents offered and received at hearing.*** When authorized by the presiding officer in an adjudicative proceeding before the commission, a document may be officially received for purposes of the proceeding when the presiding officer receives the document for the record at hearing. The presiding officer may also require that a copy be filed in the commission records center.

(c) ***Where to mail/deliver.*** All written communications mailed or hand-delivered to the commission must be addressed to the commission's secretary at the address specified in WAC 480-07-125.

(d) ***Filings must be supplemented by an electronic version of the document.*** Parties filing pleadings, motions, prefiled testimony and exhibits, and briefs must supplement their filing by submitting the document in electronic form, as specified in WAC 480-07-140(5), unless excused from the obligation by the presiding officer.

(3) **Number of copies; failure to file sufficient number of copies.**

(a) ***Number of copies.*** Unless the commission specifies a different number of copies, every pleading, motion, response, and brief submitted to the commission by mail or courier must be filed with twelve copies. A party for whom providing the required number of copies would be a hardship may describe the hardship and request permission to file fewer copies.

(b) ***Failure to file sufficient number of copies.*** If a person files fewer than the required number of copies of a document, the commission may reject the filing or the commission may make the additional copies for distribution and processing within the commission. If the commission makes copies to meet the total number required, the commission will bill the filing person at a rate of thirty cents per page, plus sales tax. This rate compensates for the loss of the worker's attention to assigned duties, the unscheduled use of equipment, and the cost of materials.

(4) **Filing and service are separate requirements.** Filing documents with the commission under this rule and service of the documents to parties under WAC 480-07-150 are both required in all adjudicative proceedings. Filing a document with the commission does not constitute service upon the assistant attorney general or any other party. Likewise, service upon the assistant attorney general does not constitute a filing with the commission.

(5) **Service and certificate of service are required.** Filing a pleading, motion, response, or brief with the commission in an adjudicative proceeding is not complete unless service has been made upon all parties to the proceeding pursuant to WAC 480-07-150. Service must be confirmed by submitting with the filing a valid certificate of service, or its equivalent, as provided in WAC 480-07-150(9).

(6) **Web portal, e-mail or fax transmission may be used to expedite the filing process.**

(a) ***Paper copy required.*** Parties may submit documents to the commission electronically through the web portal, e-mail or fax on the date established for paper filing under the procedural schedule in an adjudicative proceeding, subject to the following conditions:

(i) *Timing*. Electronic submissions must be completed by 3:00 p.m. on the date established for filing. The commission encourages the use of the web portal rather than via e-mail or fax.

(ii) *Paper copy required.* The commission must physically receive the original and required number of copies by 12:00 noon on the first business day following the filing deadline established under the procedural schedule.

(iii) *Exact copy is required.* The original and paper copies of the document delivered to the commission on the day following the filing deadline must conform exactly in form and content to the electronic version or the document will not be considered to have been timely filed and may be rejected on that basis.

(iv) *Simultaneous delivery to all parties and presiding officer is required.* All electronic documents submitted to the commission through the web portal, by e-mail message or fax transmission on a filing deadline date must be simultaneously delivered to all parties by e-mail or fax. You must also provide courtesy copies via e-mail to the presiding officer. Service by other required means is not excused, subject to the requirements of WAC 480-07-150.

(b) ***Where to send web portal or e-mail message or fax transmission.*** Persons using the commission's records center

web portal to submit filings electronically should access the following web page: www.utc.wa.gov/e-filing. All e-mail and fax transmissions made under this rule should be directed to the commission's records center. Courtesy or informational copies may be sent to other e-mail addresses for the presiding officer or other individual commission employees. When a person submits a document through the web portal, by e-mail or fax, the document should not be sent more than once except to cure transmission or receiving errors.

(c) ***When deemed received.*** A document submitted through the commission's records center web portal is deemed received only when the sender receives notification from the commission that the document has been received. A document submitted by e-mail or fax is deemed received when the entire document successfully reaches the commission's records center electronic mailbox or fax machine. Documents submitted electronically are not considered officially received or filed until the commission receives the original and paper copies the next business day, when they are stamped with the date and time received.

(7) **Additional rules regarding adjudicative proceedings.** Rules relating to general rate proceedings (subpart B of this chapter) and abbreviated adjudicative proceedings (subpart C of this chapter) govern filing requirements in those proceedings.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 08-18-012 (Docket A-072162, General Order R-550), § 480-07-145, filed 8/22/08, effective 9/22/08; 06-16-053 (Docket A-050802, General Order R-536), § 480-07-145, filed 7/27/06, effective 8/27/06; 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-145, filed 11/24/03, effective 1/1/04.]

WAC 480-07-150 Service of documents in adjudicative proceedings. (1) **Service defined.** Service means sending or delivering, in accordance with RCW 34.05.010(19) and this rule, documents relating to commission adjudications, to parties and any other persons to whom service may be required by statute. Service includes the formal exchange of documents among parties to adjudicative proceedings.

(2) **Designation of person to receive service.**

(a) Each party in an adjudicative proceeding must designate one person to receive service of documents relating to the adjudication.

(b) When any party has appeared by an attorney or other authorized representative in a proceeding before the commission, the party must name the representative, or one of the representatives if there is more than one, to receive service of documents. Service on the representative is valid service upon the party, except as provided by law. When an individual party appears on his or her own behalf, she or he must be the person to receive service.

(c) The commission may order different arrangements for service in individual proceedings.

(3) **Person to receive service of orders.**

The commission will serve orders in adjudicative proceedings upon the party's representative and also on the party. Therefore, all parties must provide the name and mailing address of a person for purposes of direct service on the party.

(4) **Contact information.** Each party must supply the following information about every individual that it names to receive service:

(a) Name.

(b) Mailing address.

(c) Telephone number.

(d) Fax number, if any.

(e) E-mail address, if any.

(f) Relationship to party (e.g., executive director, etc.).

(5) **Waiver of service by statutory means.**

(a) A party may choose to waive service of process by means of personal delivery, United States mail or parcel delivery service, in whole or in part, and elect to receive service by electronic means.

(b) Waiver must be made in writing, filed with the commission, and must specify alternative methods of communication to effect service. Alternates may include fax or e-mail.

(c) Waiver excuses other parties and the commission from the obligation to use methods of service specified in rule or statute.

Neither the commission nor any party is foreclosed from making service by statutory means upon a party who has waived such service, and timely service by a method specified in the statute will satisfy legal requirements for service when it is used.

(6) **Service by parties.** Parties must serve documents by delivering one copy to each other party by one of the following methods:

(a) In person.

(b) By mail, properly addressed with first class postage prepaid.

(c) By delivering to a commercial parcel delivery company and making or arranging payment of the pertinent fee.

(d) By fax transmission, if other forms of service are waived.

(e) By e-mail, if other forms of service are waived.

(7) **Service by commission.** All notices, complaints, petitions, findings of fact, opinions, and orders required to be served by the commission may be served by one of the following methods:

(a) In person.

(b) By mail, properly addressed with first class postage prepaid.

(c) By commercial parcel delivery company.

(d) By fax transmission, when a paper copy is simultaneously mailed or tendered to a commercial parcel delivery company.

(e) By e-mail if originals are simultaneously mailed or sent by commercial parcel delivery company.

(8) **When service is deemed complete.** Unless otherwise ordered by the commission in a particular proceeding, service is complete as follows:

(a) Service by mail is complete when a copy of the document is properly addressed, stamped, and deposited in the United States mail.

(b) Service by commercial parcel delivery is complete when the parcel delivery company accepts a copy of the document for delivery.

(c) Service by fax transmission is complete when the party receiving service has filed a waiver of service by statutory methods and requested service by fax transmission, and the document being served has been entirely received in the recipient's fax machine.

(d) Service by e-mail is complete when the party receiving service has filed a waiver of service by statutory methods

and requested service by e-mail, and the document being served has been entirely received at the recipient's designated e-mail address.

(e) Proof of service by electronic means. Parties effecting service by electronic means are encouraged to secure electronic return receipts or otherwise confirm successful delivery.

(9) **Certificate of service.** Each person filing a pleading, motion, response, or brief with the commission must include with or on the original of the document either an acknowledgment of service or the following certificate:

"I hereby certify that I have this day served this document upon all parties of record in this proceeding, by (state the authorized method of service selected under WAC 480-07-150)"

Dated at . . . . . this . . . . . day of . . . . . .

(signature of person who served the document)

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-16-053 (Docket A-050802, General Order R-536), § 480-07-150, filed 7/27/06, effective 8/27/06; 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-150, filed 11/24/03, effective 1/1/04.]

WAC 480-07-160 Confidential information. The commission will provide special handling and limited access to confidential information submitted in compliance with this rule. This rule applies to any information submitted under a claim of confidentiality under RCW 80.04.095. Title 81 RCW does not contain a similar statute. See also, WAC 480-07-420 regarding protective orders in adjudicative proceedings.

(1) **Implementation.**

(a) ***Designated official.*** The commission's secretary is the designated official responsible for the commission's compliance with the Public Records Act, chapter 42.56 RCW, and for the implementation of this rule. The secretary may designate one or more persons to serve as public records officer to assist in the implementation and application of this rule.

(b) ***Provider.*** Any person who submits information to the commission or commission staff under a claim of confidentiality pursuant to this rule is a "provider," as that term is used in this rule.

(c) ***Requester.*** Any person who submits a request for public records under the Public Records Act, chapter 42.56 RCW, or a data request in an adjudicative proceeding is a "requester," as that term is used in this rule.

(2) **Confidential information defined.** Confidential information is information that meets any of the following criteria:

(a) Information protected from inspection or copying under an exemption from disclosure requirements under the Public Records Act, chapter 42.56 RCW.

(b) Information protected under the terms of a protective order in an adjudicative proceeding.

(c) Valuable commercial information, including trade secrets or confidential marketing, cost, or financial information, or customer-specific usage and network configuration and design information, as provided in RCW 80.04.095.

(3) **How to designate and seek protection of confidential information under this section.** A provider may claim the protection of this rule only by strict compliance with the following requirements. Any failure to comply with these requirements may result in the submission not being accepted as one including confidential information.

(a) ***Contents.*** The provider must submit the claim of confidentiality in writing, in the same form (i.e., paper or electronic) and at the same time the information claimed to be confidential is submitted. The provider must state the basis upon which the information is claimed to be confidential under this rule, and must identify any person (other than the provider) that might be directly affected by disclosure of the confidential information.

(b) ***Marking.***

(i) *Paper copies.* When the document is in paper format, and there is no protective order in place, the provider must clearly mark each copy with the designation "confidential per WAC 480-07-160." The provider must place this mark on the first page of a multipage document and each specific page where the provider claims there is confidential information.

(ii) *Electronic copies.* When the document is in electronic format, such as an e-mail message, or a word processing or spreadsheet file, the "confidential per WAC 480-07-160" mark must be inserted in the e-mail message or on the disk or diskette, on the first page in the file and on each page that the provider claims contains confidential information. The provider must follow the requirements in (c) of this subsection and the format requirements in WAC 480-07-140(6) for submitting electronic documents. Specifically, parties must separately submit and clearly identify electronic versions of confidential and redacted documents when submitting documents via e-mail or the commission's web portal.

(iii) *Protective order, if any, must be cited.* If the provider submits confidential information under the provisions of a protective order, the "confidential" identification on the disk, diskette, or e-mail, on the first page of the document and each page that includes confidential information must state: "Confidential per protective order in WUTC Docket [insert docket number]." When the provider submits confidential information in an electronic format, the provider must mark the document as with a paper copy and follow the format requirements in WAC 480-07-140(6) for submitting electronic documents.

(c) ***Unredacted version under seal; redacted version.*** The provider must submit an original and the required number of complete copies of the version of the document as to which confidentiality is claimed (unredacted version) and an original and one complete copy of the version of the document with the information claimed to be confidential masked (redacted version). If the provider submits a document under a claim that the entire document is confidential, the provider may submit only the first page of the redacted version if the page indicates that the entire document is claimed to contain confidential information.

(i) *Sealing and labels.* The redacted version must be so labeled and submitted along with a set of any confidential documents. The confidential unredacted version must be so labeled and submitted in a sealed envelope or similar wrapping. A party submitting multiple confidential documents must collate the documents into sets and, to the extent feasi-

ble, must enclose each set of confidential documents in a separate envelope and each set of highly confidential documents for filing in a separate envelope.

(ii) *Marking*. Each page of the unredacted version that includes information claimed to be confidential must be printed on yellow or canary paper with the confidential information clearly designated (e.g., by highlighting text with no more than twenty percent grey shading, outlining the confidential information in a box or border, or setting the text off with asterisks). Similarly, each page of the unredacted version that contains information designated highly confidential under a protective order, must be printed on light blue paper with the highly confidential information clearly designated (e.g., by highlighting text with no more than twenty percent grey shading, outlining the highly confidential information in a box or border, or setting the text off with asterisks). The redacted version will be available for public disclosure if requested. The redacted and unredacted versions must have the same pagination and line numbering.

(iii) *Number of copies*. The provider must submit an original and ***one*** redacted copy of each confidential or highly confidential document and an original and ***twelve*** copies of the unredacted version of each confidential or highly confidential document, unless the commission has required a different number of copies to be filed. If a document includes both confidential and highly confidential information, the provider must submit unredacted copies including both the confidential and highly confidential information in the same document.

(4) **Challenges to claims of confidentiality.** The commission or a party to a proceeding in which a provider submits a document with a claim of confidentiality may challenge the claim. When a challenge is made, the commission will provide an opportunity to respond before ruling on the challenge. If a confidential designation is challenged, the provider of the confidential information bears the burden to show that part or all of a document should be protected from disclosure under chapter 42.56 RCW, RCW 80.04.095, or a protective order. The commission may express its ruling orally on the record in an adjudicative proceeding, or in a written order.

(5) **Requests for "confidential" information.** Subject to subsections (6) and (7) of this section, the commission will release information designated confidential in response to a request properly filed under the following requirements:

(a) The requester must submit a written request to the commission's secretary on a form provided by the commission or in a letter containing equivalent supporting information, including the requester's name and address and the name and address of any organization on whose behalf or for whose benefit the request is being made. The requester must state whether the information sought is to be used for a commercial purpose.

(b) The request must be sufficiently specific to allow the secretary to readily identify the document or other material that contains the requested information. Following receipt of a request for confidential information, the secretary will notify the requester of any deficiency in the request. The requester is required to correct the request and resubmit it pursuant to this rule. The commission will take no action pending resubmission.

(c) If a requester wants copies of any documents identified in response to a request, the requester must make arrangements with the commission's secretary to pay the designated copying fees, if any.

(6) **Informal resolution.** When the secretary and the requester agree that the secretary can satisfy the requester's need for information without disclosing confidential information, the secretary will make the information available.

(7) **Notice of request for information designated confidential; release of information designated confidential.** The commission will provide written notice of any request for information designated confidential to the provider and any person identified by the provider as a person who might be directly affected by release of the information. This is to permit any person asserting confidentiality or who might be affected by the release of the information to invoke the statutory procedures for securing a court order to protect the records from disclosure or to take similar steps in compliance with a protective order in an adjudicative proceeding. The commission will issue such notice not more than two days after the requested materials are located and it determines that they contain information claimed to be confidential. The commission will send a copy of the notice to the requester at the same time it sends a copy to the provider.

If the provider consents in writing to the release of the information, or does not restrain disclosure by way of court order within ten days following notice, the commission will consider the information public, remove the confidential designation from its files, and release the information to the requester.

(8) **Judicial intervention by the commission.** The commission need not assist any person in seeking or resisting judicial intervention, but may participate in any such proceeding.

(9) **Designation or redesignation of confidential information in adjudications.** At the conclusion of an adjudication in which confidentiality was asserted as to documents or portions of the record, the party originally asserting confidentiality must, no later than the time for filing briefs or, if no briefs are filed, within ten days after the close of the record, do the following:

(a) Verify the accuracy of all confidential designations in the record and in the exhibit list for the proceeding, and submit any proposed corrections or changes. Absent a statement of proposed corrections or changes, the designations in the record and in the exhibit list are final and will be changed only if the party asserting confidentiality voluntarily removes, or is required to remove, a confidential designation. If there is conflict between designations, the designation that is least restrictive to public access will be adopted.

(b) File a redacted and unredacted copy of any document as to which confidentiality was asserted during the proceeding but which is not reflected in the record or exhibit list as a document designated confidential.

(c) File an unredacted version of any document designated as confidential during the proceeding, but as to which the party claiming confidentiality wishes to remove the confidential designation, or as to which the confidential designation was terminated by order. In the case of briefs, testimony, and similar documents, the authoring party must file the unredacted version.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 08-18-012 (Docket A-072162, General Order R-550), § 480-07-160, filed 8/22/08, effective 9/22/08; 06-16-053 (Docket A-050802, General Order R-536), § 480-07-160, filed 7/27/06, effective 8/27/06; 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-160, filed 11/24/03, effective 1/1/04.]

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

WAC 480-07-170 Official communications from the commission. A communication from the commission is not an "official communication" unless the commissioners, the commission's secretary, or the secretary's designee signs it. In addition, the presiding administrative law judge or the administrative law judge's designee may sign official communications relating to an adjudicative proceeding.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-170, filed 11/24/03, effective 1/1/04.]

WAC 480-07-180 Incorporated and referenced materials in commission rules and orders. Any document that is incorporated by reference in a commission rule or order is available for public inspection at the commission unless exempt from the public disclosure requirements in chapter 42.56 RCW, or under a protective order in an adjudicative proceeding. The commission's secretary will provide a copy of a referenced document upon request, allowing reasonable time for any necessary copying, subject to any pertinent charge, and subject to copyright restrictions or statutory exemptions from public disclosure. The commission incorporates or references the version of the incorporated or referenced material that is current on the day the commission adopts a rule or enters an order that makes the incorporation or reference, unless the commission specifies another version or unless another version is apparent from the reference. In most instances, such information is available to the public on the commission's web site (see WAC 480-07-125).

[Statutory Authority: RCW 80.01.040 and 80.04.160. 08-18-012 (Docket A-072162, General Order R-550), § 480-07-180, filed 8/22/08, effective 9/22/08; 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-180, filed 11/24/03, effective 1/1/04.]

PART II: RULE-MAKING PROCEEDINGS

WAC 480-07-200 Scope of Part II. The rules in this part apply to all rule-making proceedings before the commission.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-200, filed 11/24/03, effective 1/1/04.]

WAC 480-07-210 Administrative Procedure Act requirements. The commission conducts rule-making proceedings in compliance with the requirements of RCW 34.05.310 through 34.05.395.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-210, filed 11/24/03, effective 1/1/04.]

WAC 480-07-220 Monitoring rule-making proceedings; lists of interested persons. (1) **Internet.** The commission's internet web site includes information about pending rule-making proceedings.

(2) **Mail or e-mail.** The commission maintains lists of persons interested in potential rule-making proceedings that concern particular regulated industries and other areas of potential interest. The commission sends notice of rule-making proceedings to persons on these lists. Any person may request in writing that the commission's records center include them on the relevant list or lists for the person's area(s) of interest. The commission may establish a fee for this service.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-16-053 (Docket A-050802, General Order R-536), § 480-07-220, filed 7/27/06, effective 8/27/06; 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-220, filed 11/24/03, effective 1/1/04.]

WAC 480-07-230 Inquiring about rule-making proceedings. Persons who wish to inquire about rules being proposed or considered by the commission may contact the commission's rules coordinator, whose contact information is available on the commission's internet web site.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-230, filed 11/24/03, effective 1/1/04.]

WAC 480-07-240 Petitions for rule making, amendment, or repeal. Any interested person may petition the commission to request that the commission adopt, amend, or repeal any rule. RCW 34.05.330 and chapter 82-05 WAC govern petitions for new rules or for the amendment or repeal of existing rules.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-240, filed 11/24/03, effective 1/1/04.]

PART III: ADJUDICATIVE PROCEEDINGS

Subpart A: Rules of General Applicability

WAC 480-07-300 Scope of Part III. (1) **Scope.** The rules in this subpart apply to all adjudicative proceedings described in this chapter, except to the extent of any conflict with special rules that govern general rate proceedings (subpart B of this chapter) or abbreviated adjudicative proceedings (subpart C of this chapter). An "adjudicative proceeding," for purposes of this chapter, is a proceeding in which an opportunity for hearing is required by statute or constitutional right before or after the commission enters an order, or as to which the commission voluntarily enters an adjudication, and as defined and described in chapter 34.05 RCW.

(2) **Examples of adjudicative proceedings before the commission.** The following are examples of proceedings that are adjudicative proceedings for purposes of this chapter, if set for hearing:

(a) Formal complaint proceedings commenced pursuant to RCW 80.04.110 or 81.04.110.

(b) General rate proceedings.

(c) Applications for authority (e.g., certificates, licenses, and permits).

(d) Petitions for enforcement of interconnection agreements.

(e) Objections to closures of highway-railroad grade crossings.

(f) Declaratory order proceedings.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-300, filed 11/24/03, effective 1/1/04.]

WAC 480-07-305 Commencement of an adjudicative proceeding. (1) **Commencement.** The commission may commence an adjudicative proceeding at any time with respect to any matter within its jurisdiction and within the scope of its authority. An adjudicative proceeding begins when the commission or presiding officer notifies a party that a prehearing conference, hearing, or other stage of an adjudicative proceeding will be conducted.

(2) **Who may file a pleading seeking to initiate an adjudicative proceeding.** A person involved in an actual case or controversy subject to the commission's jurisdiction may apply to the commission for an adjudicative proceeding by filing the appropriate form of pleading.

(3) **Types of pleadings that may initiate an adjudicative proceeding.** The following pleadings, when properly and timely filed, constitute applications for adjudicative proceedings:

(a) Formal complaints.

(b) Petitions, when the action sought requires adjudication.

(c) Petitions for declaratory orders under RCW 34.05.-240, when the commission determines that an adjudicative process is necessary to provide parties the opportunity to resolve contested issues.

(d) Filings for general rate increases, as defined in this chapter.

(e) Applications for authority that are not protested, if the commission is required by law to conduct a hearing or determines, in its discretion, that it should set the matter for hearing.

(f) Petitions for review of the denial of unprotested authority and petitions for mitigation of penalties assessed without hearing.

(g) Protests to applications for authority.

The commission will not initiate an adjudicative proceeding in response to such an application when contrary to statute or rule, when the application is presented during an existing adjudication (except pursuant to the commission's discretion under RCW 34.05.413(1)), or when the subject raised by the application is not required to be resolved in an adjudicative proceeding, as defined in chapter 34.05 RCW.

(4) **Commission notification of any deficiencies in a pleading.** Within thirty days after receiving an application for an adjudicative proceeding, the commission may notify the applicant of any obvious errors or omissions, request any additional information it requires regarding the application for adjudicative proceeding, and notify the applicant of the name, mailing address, and telephone number of a person on the commission staff that may be contacted regarding the application.

(5) **Commission determination to conduct adjudicative proceeding.** Within ninety days after a party files and serves a pleading or a party files and serves a response, whichever comes later, the commission will:

(a) Commence an adjudicative proceeding by serving the parties with a notice of hearing pursuant to RCW 34.05.434; or

(b) Decide not to conduct an adjudicative proceeding and furnish the applicant with a copy of its written decision, which will include a brief statement of reasons and notice of any administrative review available.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-305, filed 11/24/03, effective 1/1/04.]

WAC 480-07-307 Probable cause determinations. An administrative law judge will review the information or evidence supporting a proposed complaint or penalty assessment and determine whether probable cause exists to issue the complaint or assess penalties. If the judge determines that the information would support the proposed penalties or sustain the complaint, if proved at hearing and if not rebutted or explained, the judge will sign the complaint or penalty assessment on behalf of the commission. The existence of a finding of probable cause may not in any later stage of the proceeding be considered as support for the proposed penalties or the complaint.

[Statutory Authority: 2006 c 246, RCW 80.01.040 and 80.04.160. 06-17-126 (Docket A-060357, General Order No. R-538), § 480-07-307, filed 8/21/06, effective 9/21/06.]

WAC 480-07-310 Ex parte communication. (1) **General.** RCW 34.05.455 and this section govern ex parte communications. After an adjudicative proceeding begins and before a final determination, no person who has a direct or indirect interest in the outcome of the proceeding, including the commission's advocacy, investigative, or prosecutorial staff, may directly or indirectly communicate about the merits of the proceeding with the commissioners, the administrative law judge, or the commissioners' staff assistants, legal counsel, or consultants assigned to advise the commissioners in that proceeding, unless reasonable notice is given to all parties to the proceeding, so that they may participate in, or respond to, the communication.

(2) **Communications not considered ex parte for purposes of this section.** The following communications are not considered ex parte:

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

(b) ***Commissioners.*** The commissioners may communicate with one another regarding the merits of any adjudicative proceeding.

(c) ***Commission employees and consultants.*** A presiding officer may receive legal counsel, or consult with staff assistants or consultants who are subject to the presiding officer's supervision or who have not participated in the proceeding in any manner, and who are not engaged in any investigative or prosecutorial functions in the same or a factually related case.

(3) **Communication prior to service as presiding officer.** If, before serving as presiding officer in an adjudica-

tive proceeding, a person receives an ex parte communication of a type that could not properly be received while serving, the presiding officer must disclose the communication as prescribed in subsection (4) of this section promptly after starting to serve.

(4) **What is required if an ex parte communication occurs.** A presiding officer who receives any communication that appears to violate RCW 34.05.455, or this section, will place on the record of the pending matter any such written communication received, any written response to the communication, and a memorandum stating the substance of any such oral communication received, any response made, and the identity of each person from whom the presiding officer received an ex parte communication. The presiding officer will advise all parties that these matters have been placed on the record. Upon request made within ten days after notice of the ex parte communication, any party who wants to respond to the communication may place a written rebuttal statement on the record. Portions of the record pertaining to ex parte communications or rebuttal statements do not constitute evidence of any fact at issue in the proceeding unless a party moves to admit any portion of the record for purposes of establishing a fact at issue and that portion is admitted pursuant to RCW 34.05.452.

(5) **Sanctions.** The commission may prescribe appropriate sanctions, including default, for any violation of RCW 34.05.455 or this section. The commission will, and any party may, report any violation of this section to appropriate authorities for any disciplinary proceedings provided by law.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-310, filed 11/24/03, effective 1/1/04.]

WAC 480-07-320 Consolidation of proceedings. The commission, in its discretion, may consolidate two or more proceedings in which the facts or principles of law are related. Parties may request consolidation or may request the severance of consolidated matters by motion to the commission. The commission may act on its own motion to consolidate matters for hearing, or to sever consolidated matters.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-320, filed 11/24/03, effective 1/1/04.]

WAC 480-07-330 Presiding officers. (1) **Commissioners.** The commissioners may preside in any adjudicative proceeding with or without the assistance of an administrative law judge. When the commissioners preside, they are "presiding officers" as that term is used in chapter 34.05 RCW and in this chapter. When the commissioners preside with the assistance of an administrative law judge, the administrative law judge also is a presiding officer, except for purposes of making final decisions on substantive matters in the proceeding. The administrative law judge may enter procedural and other interlocutory orders. When the commissioners preside, they may enter procedural and other interlocutory orders and will enter one or more final orders in the proceeding to resolve the substantive matters presented.

(2) **Administrative law judge.** The supervisor of the administrative law judge function within the agency will designate one or more administrative law judges to preside in individual proceedings, subject to the commissioners' approval. An administrative law judge may be designated to assist the commissioners in their role as presiding officers as described in subsection (1) of this section, or may be designated to serve alone as presiding officer. When serving alone as the presiding officer, the administrative law judge will enter one or more initial orders, unless the parties and the commission agree to waive an initial order, or law prohibits entry of an initial order. The commissioners will enter a final order following the opportunity for administrative review of an initial order, upon waiver of an initial order, or as otherwise provided by law.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-330, filed 11/24/03, effective 1/1/04.]

WAC 480-07-340 Parties—General. (1) **Definitions.**

(a) ***Person.*** As defined in RCW 34.05.010(14), a "person" is any individual, partnership, corporation, association, governmental subdivision or unit thereof, or public or private organization or entity of any character.

(b) ***Party.*** As defined in RCW 34.05.010(12), a "party" is a person to whom the agency action is specifically directed; or a person named as a party to the agency proceeding or allowed to intervene or participate as a party in the agency proceeding.

(c) ***Interested person.*** An "interested person" is a person who does not want to participate in a pending docket as a party or is not permitted to do so, but who wants to receive copies of all documents that the commission serves on parties, simultaneous with service, as well as documents served on the commission and other parties. The commission may charge for this service.

(d) ***Docket monitor.*** A "docket monitor" is a person who would like to receive orders entered by the commission in a docket.

(2) **Appearance requirement.** The commission will not grant party status to a person who fails to appear at the earliest prehearing conference, if one is held, or hearing session, if there is no prehearing conference, unless the party is excused from appearing by the presiding officer or shows good cause for failing to timely appear. The commission staff and the public counsel section of the attorney general's office become parties to an adjudicative proceeding for all purposes upon entering an appearance. When the commission's regulatory staff appears as a party it will be called "commission staff" or "staff." When the public counsel section of the office of the Washington attorney general appears as a party, it will be called "public counsel."

(3) **Classification of parties.** Parties to proceedings before the commission will be called applicants, complainants, petitioners, respondents, intervenors, or protestants, according to the nature of the proceeding and the relationship of the parties, as follows:

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

(b) ***Complainants.*** Persons who file a formal complaint with the commission are "complainants." When the commission commences an adjudicative proceeding on its own complaint seeking to impose a penalty or other sanction based

upon alleged acts or omissions of the respondent, the commission is the "complainant."

(c) ***Petitioners.*** Persons petitioning for relief other than by complaint are "petitioners."

(d) ***Movants.*** Persons filing a motion for relief are "movants" or "moving parties."

(e) ***Respondents.*** Persons against whom any formal complaint, petition, or motion is filed are "respondents." In general rate proceedings that are set for hearing on the commission's motion or complaint, the party seeking to increase rates is a "respondent," but bears the burden of proof in the proceeding pursuant to RCW 80.04.130 or 81.04.130.

(f) ***Intervenors.*** Persons, other than the original parties, that are permitted to appear and participate as parties are "intervenors."

(g) ***Protestants.*** Persons that file a protest to oppose an application are "protestants."

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-16-053 (Docket A-050802, General Order R-536), § 480-07-340, filed 7/27/06, effective 8/27/06; 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-340, filed 11/24/03, effective 1/1/04.]

WAC 480-07-345 Appearance and practice before the commission. (1) **Minimum qualifications.** No person may appear before the commission as a representative of a party to an adjudicative proceeding without meeting one of the following qualifications:

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

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

(c) Status as an officer or employee of a party or person seeking party status, if granted permission by the presiding officer to represent the party;

(d) Status as a legal intern admitted to limited practice under Rule 9 of the Washington state supreme court's admission to practice rules. No legal intern, however, may appear without the presence of a supervising lawyer unless the presiding officer approves the intern's appearance in advance.

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

(2) **Written notice of appearance and withdrawal by counsel or other representative is required.** Attorneys or other authorized representatives that wish to appear on behalf of a party or person seeking party status, or to withdraw from a proceeding, must immediately provide separate written notice to the commission and all parties to the proceeding. Parties must supplement the written notice by submitting the document in electronic form as specified in WAC 480-07-140(5). A party's initial pleading filed in the proceeding must designate the party's representative. Later changes to the designation of authorized representative must be made by written notice to the commission, and a copy must be served on each other party in the proceeding. The party's initial pleading must also designate one person as its representative to accept service for the party itself.

(3) **Unethical conduct is not permitted.** Persons appearing in proceedings before the commission in a representative capacity must conform to the standards of ethical conduct required of attorneys before the courts of Washington. Representatives are required to be familiar with, and conform to, the requirements of the rules of professional conduct that are part of the Washington court rules. If any representative fails to conform to those standards, the commission may exclude the person from the proceeding, may report the ethical violation to any appropriate licensing authority, and may refuse to permit the person to appear before it in a representative capacity in any future proceeding.

(4) **Former employees.** Former employees of the commission are subject to the provisions of RCW 42.52.080, which governs employment after public service.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-345, filed 11/24/03, effective 1/1/04.]

WAC 480-07-350 Access for limited-English speakers and hearing-impaired persons. (1) **Interpreters.** The commission incorporates WAC 10-08-150 (rules of procedure governing interpreters) by reference in this rule so that limited-English-speaking and hearing-impaired persons have equal access to the administrative process and the opportunity for full and equal participation in adjudicative proceedings.

(2) **Notice to limited-English-speaking parties.** When the commission knows that a limited-English-speaking person is a party in an adjudicative proceeding, it will serve on that party a version of all notices concerning the hearing, including notices of hearing, continuances, and dismissals, in the primary language of the party or will include in the service of each notice a supplemental notice in the party's primary language that describes the significance of the notice and how the party may receive assistance in understanding and responding to the notice.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-350, filed 11/24/03, effective 1/1/04.]

WAC 480-07-355 Parties—Intervention. (1) **Petition to intervene.**

(a) ***Who may petition; when petitions must be filed.*** Any person (other than the original parties to any proceeding before the commission, commission staff, and public counsel) who desires to appear and participate as a party should file a written petition for leave to intervene at least three business days before the initial hearing date or prehearing conference date, whichever occurs first. A person may petition orally for leave to intervene at the time of the initial hearing or prehearing conference, unless the commission requires written petitions to intervene in a notice prior to the first hearing or prehearing date. The commission may extend the period for filing timely petitions to intervene.

(b) ***Late-filed petition to intervene.*** Any petition to intervene made after the deadline for filing or presenting the petition is a "late-filed petition to intervene." The commission will grant a late-filed petition to intervene only on a showing of good cause, including a satisfactory explanation of why the person did not timely file a petition.

(c) ***Contents of petition.*** Any petition to intervene must disclose:

(i) The petitioner's name and address.

(ii) The petitioner's interest in the proceeding.

(iii) The petitioner's position(s) with respect to the matters in controversy.

(iv) Whether the petitioner proposes to broaden the issues in the proceeding and, if so, a statement of the proposed issues and an affidavit or declaration that clearly and concisely sets forth the facts supporting the petitioner's interest in broadening the issues.

(v) The name and address of petitioner's attorney or other representative, if any. Attorneys and other party representative must separately file their notice of appearance as required by WAC 480-07-345(2).

(2) **Response.** Parties may respond to any petition to intervene. Responses may be written, or may be heard orally at a prehearing conference or at hearing. A party's written response to a petition to intervene must be filed and served at least two business days before the next prehearing conference or hearing date, or at such other time as the commission may establish by notice.

(3) **Disposition of petitions to intervene.** The commission may consider petitions to intervene at hearings or prehearing conferences, or, if persons have responded to a petition, before or after a hearing or prehearing conference. If the petition discloses a substantial interest in the subject matter of the hearing or if the petitioner's participation is in the public interest, the presiding officer may orally grant the petition at a hearing or prehearing conference, or in writing at any time. The presiding officer may impose limits on an intervenor's participation in accordance with RCW 34.05.443(2). If the commission grants intervention, the petitioner becomes a party to the proceeding as an "intervenor."

(4) **Dismissal of intervenor.** The commission may dismiss an intervenor from a proceeding after notice and a reasonable opportunity to be heard if the commission determines at any time that the intervenor has no substantial interest in the proceeding, or that the public interest will not be served by the intervenor's continued participation.

(5) **Interlocutory review by commission.** The commission may review a decision regarding a petition to intervene or dismissal of an intervenor pursuant to WAC 480-07-810.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-355, filed 11/24/03, effective 1/1/04.]

WAC 480-07-360 Parties—Master service list. The commission will maintain a master service list for each adjudicative proceeding. It will be available upon request and if feasible, on the commission's web site. The list will contain the name, mailing address, e-mail address, telephone number, and fax number of each party to the proceeding and of each party's representative. The commission will provide a courtesy copy to the parties of contact information provided by each party at the initial prehearing conference. Parties must designate persons to receive service in accordance with WAC 480-07-150.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-16-053 (Docket A-050802, General Order R-536), § 480-07-360, filed 7/27/06, effective 8/27/06; 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-360, filed 11/24/03, effective 1/1/04.]

WAC 480-07-370 Pleadings—General. (1) **Types of pleadings permitted.** Pleadings include formal complaints, petitions, answers, replies, counterclaims, answers to counterclaims, cross-claims, answers to cross-claims, third-party complaints, answers to third-party complaints, applications for authority, and protests. The commission may allow other pleadings upon written motion or on the commission's own motion.

(a) ***Formal complaints.***

(i) *Defined.* "Formal complaints" are complaints filed in accordance with RCW 80.04.110 and 81.04.110, complaints filed under RCW 80.54.030, and commission complaints in proceedings designated by the commission as formal commission proceedings.

(ii) *Contents.* A formal complaint must be in writing and must clearly and concisely set forth the ground(s) for the formal complaint and the relief requested. A formal complaint must state:

(A) The name and address of the complainant and the name and address of complainant's attorney or other representative, if any;

(B) The full name and address of the person complained against;

(C) Facts that constitute the basis of the formal complaint, including relevant dates; and

(D) Citations to relevant statutes or commission rules.

(iii) *Proceedings under RCW 80.04.110 or 81.04.110.* In proceedings under RCW 80.04.110 or 81.04.110, the provisions of the respective statute will also apply.

(b) ***Petitions.***

(i) *Defined.* Except for formal complaints and applications, as defined in this section, all original pleadings that seek relief and all pleadings that seek relief from a commission order are "petitions." Examples of petitions are petitions to intervene, petitions for declaratory orders that the commission converts into adjudications under RCW 34.05.310, petitions for enforcement of interconnection agreements under WAC 480-07-650, petitions for accounting orders, petitions for crossing or alteration of railroad crossings under RCW 81.53.030 and 81.53.060 and petitions for exemptions from or waiver of commission rules. Petitions that seek relief from a commission order include petitions for administrative review of an initial order, petitions for reconsideration of a final order, petitions for rehearing of a final order, and petitions for stay of the effectiveness of a final order. The commission may undertake an action that would be the proper subject of a party's petition, such as authorizing exemption from a commission rule, without receiving a petition from a party. The commission will provide written notice and allow for appropriate process when it acts in the absence of a party's petition.

(ii) *Contents.* A petition must be in writing and must clearly and concisely set forth the ground(s) for the petition and the relief requested. A petition must state:

(A) The petitioner's name and address and the name and address of the petitioner's attorney or other representative, if any;

(B) Facts that constitute the basis of the petition, including relevant dates;

(C) Citations to relevant statutes or commission rules.

(c) ***Answer to formal complaint or petition.***

(i) *Defined.* A response to a formal complaint or petition is an answer. Answers must admit or deny specifically, and in detail, all material allegations of the formal complaint or petition and must fully and completely disclose the nature of the respondent's affirmative defenses, if any. A respondent must separately state and number each affirmative defense asserted.

(ii) *When required.* A named respondent must file an answer to a complaint brought by any party other than the commission.

(iii) *When optional; when prohibited.* A party may file an answer in any case, but an answer may not be filed in response to petition for reconsideration unless the commission expressly requests an answer be filed.

(iv) *Timing of answer.* A respondent must answer a formal complaint within twenty days after the commission serves the formal complaint on the respondent or such shorter time as the commission specifies in its notice. A person who desires to respond to a petition must file the answer within twenty days after the petition is filed. The presiding officer will establish the time for answers to interlocutory petitions. The commission may alter the time allowed for any answer to be filed.

(d) ***Reply.***

(i) *Defined.* The pleading responding to an answer is a "reply." A party must not file a reply without authorization from the commission, upon a showing of cause.

(ii) *Motion for permission to reply.* A party that wishes to respond to an answer must file a motion requesting permission to reply within five business days after the answer is served. Motions for permission to reply should address whether the answer raises new material requiring a response, or state other reason(s) why a reply is necessary. A party may file a proposed reply as an attachment to its motion. If the commission grants a motion to file a reply and no reply is attached to the motion, the commission will set the time for filing the reply. Unless the commission grants a motion for permission to reply within five business days after filing, it is deemed denied.

(iii) *Commission direction or invitation for a reply.* The commission may require or invite a party to file a reply.

(e) ***Application.*** An "application" is a request for authority, license, or a certificate authorizing a person to provide a service regulated by the commission. The term also includes a request to transfer or amend any such authority, license, or certificate. Examples of applications are requests for certificates of convenience and necessity under Title 81 RCW and requests for transfers of property under chapter 80.12 or 81.12 RCW.

(f) ***Protest.*** A person who asserts that its interests would be adversely affected if an application is granted may file a "protest." A protest to an application must conform to the requirements of any special rules that apply to the type of application being protested. A protestant must serve a copy of the protest upon the applicant.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-370, filed 11/24/03, effective 1/1/04.]

WAC 480-07-375 Motions. (1) **Defined.** A party's written or oral request for commission action in the context of an adjudicative proceeding is a "motion." Persons who file motions are "movants" or "moving parties." Motions should be in writing unless made during a hearing session before the presiding officer. The commission may require an action that would be the proper subject of a party's motion, such as the rejection of proffered evidence without receiving a motion from a party. The commission will provide oral or written notice and allow for appropriate process when it acts in the absence of a party's motion. The commission recognizes four basic categories of motion:

(a) ***Dispositive motions.*** Dispositive motions request the commission to determine one or more of the issues in a proceeding or to terminate a party's participation. Examples of dispositive motions are motions to dismiss all or part of a complaint, petition, or application (see WAC 480-07-380(1)); motions for summary determination (see WAC 480-07-380(2)); and motions to dismiss an intervenor (see WAC 480-07-355(4) and 480-07-450) or find a party in default (see WAC 480-07-450).

(b) ***Procedural motions.*** Procedural motions request establishment of or modifications to process or the procedural schedule in a proceeding. Examples of procedural motions are motions for continuance (see WAC 480-07-385), motions for extensions of time (see WAC 480-07-385), and motions to reopen the record (see WAC 480-07-830).

(c) ***Discovery motions.*** Discovery motions are requests to promote or limit the exchange of information among parties during the discovery phase of a proceeding. Examples of discovery motions are motions to compel (see WAC 480-07-405(3) and 480-07-425), motions for sanctions (see WAC 480-07-425), and motions for protective orders (see WAC 480-07-420).

(d) ***Evidentiary motions.*** Motions related to evidence are requests to limit or add to the record in a proceeding. Examples of motions related to evidence are motions to strike, motions in limine, and motions requesting authority to file supplemental or additional testimony.

(2) **Written motions must be filed separately.** Parties must file motions separately from any pleading or other communication with the commission. The commission will not consider motions that are merely stated in the body of a pleading or within the text of correspondence. The commission may refer to the Washington superior court rules for civil proceedings as guidelines for handling motions.

(3) **Oral motions.** A party may bring an oral motion during a hearing, unless foreclosed from doing so by rule or in the presiding officer's discretion. The presiding officer will provide an opportunity for other parties to respond to any oral motion. The presiding officer may require that an oral motion be reduced to writing and may provide an opportunity for written response.

(4) **Responses to written motions.** A party who opposes a written motion, other than a dispositive motion (WAC 480-07-380) or a motion for continuance (WAC 480-07-385), may file a written response within five business days after the motion is served, or may make an oral or written response at such other time as the presiding officer may set.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-375, filed 11/24/03, effective 1/1/04.]

WAC 480-07-380 Motions that are dispositive—Motion to dismiss; motion for summary determination; motion to withdraw. (1) **Motion to dismiss.**

(a) ***General.*** A party may move to dismiss another party's claim or case on the asserted basis that the opposing party's pleading fails to state a claim on which the commission may grant relief. The commission will consider the standards applicable to a motion made under CR 12 (b)(6) and 12(c) of the Washington superior court's civil rules in ruling on a motion made under this subsection. If a party presents an affidavit or other material in support of its motion to dismiss, and the material is not excluded by the commission, the commission will treat the motion as one for summary determination as provided in subsections (2) and (3) of this section.

(b) ***Time for filing motion to dismiss.*** A party that opposes a pleading must file any motion directed to the pleading no later than the time the responsive pleading is due, or within twenty days after the pleading is served, whichever time is less, unless the party shows good cause for delay. Filing a motion to dismiss a pleading, or seeking a similar remedy, does not extend the time for answering the pleading.

(c) ***Response.*** A party who opposes a written motion to dismiss may file a response within ten days after service of the motion, or at such other time as may be set by the commission or the presiding officer. The commission may allow oral argument.

(2) **Motion for summary determination.**

(a) ***General.*** A party may move for summary determination of one or more issues if the pleadings filed in the proceeding, together with any properly admissible evidentiary support (e.g., affidavits, fact stipulations, matters of which official notice may be taken), show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. In considering a motion made under this subsection, the commission will consider the standards applicable to a motion made under CR 56 of the Washington superior court's civil rules.

(b) ***Time for filing motion for summary determination.*** A party must file any motion for summary determination at least thirty days before the next applicable hearing session, unless the commission establishes by order a different specific date for any such motion to be filed.

(c) ***Response.*** A party who answers a motion for summary determination must file its answer and any cross-motion for summary determination within twenty days after the motion is served, unless the commission establishes a different specific date for a response to be filed.

(d) ***Continuance not automatic.*** Filing a motion for summary determination will not automatically stay any scheduled procedures. The commission may order a continuance of any procedure and may order that an oral or written response to a motion for summary determination be made at a time that is consistent with any established hearing schedule in the proceeding.

(3) **Motion to withdraw.** A party may withdraw from a proceeding only upon permission granted by the commission in response to a written motion if:

(a) In the case of a matter initiated by a tariff filing, the commission has entered a complaint and order suspending the filing; or

(b) In all other cases, the commission has issued a hearing notice or otherwise commenced an adjudicative proceeding pursuant to chapter 34.05 RCW.

The commission will grant a party's motion to withdraw from a proceeding when the party's withdrawal is in the public interest.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-16-053 (Docket A-050802, General Order R-536), § 480-07-380, filed 7/27/06, effective 8/27/06; 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-380, filed 11/24/03, effective 1/1/04.]

WAC 480-07-385 Motion for continuance, postponement, or extension of time. (1) **Definitions.**

(a) "Continuance," means any postponement or extension of time.

(b) A continuance to which all parties agree is an "agreed request."

(2) **Procedure.** Any party may request a continuance by oral or written motion. The commission may require a confirmation letter if a party makes an oral request. The presiding officer may rule on such motions orally at a prehearing conference or hearing session, or by letter, notice, or order. The commission will grant a continuance if the requesting party demonstrates good cause for the continuance and the continuance will not prejudice any party or the commission. The commission will grant a timely request to which all parties expressly agree unless it is inconsistent with the public interest or the commission's administrative needs.

(3) **Timing.**

(a) A party must file any written motion for continuance at least five business days prior to the deadline as to which the continuance is requested and must serve the motion by means that ensure its receipt by other parties the next business day after filing. Parties must file any written response within three business days after the motion is served, or two days prior to the deadline that is sought to be continued, whichever is earlier. Parties may orally respond when a hearing session is held prior to the stated deadline for a written response.

(b) A party must make any oral request for continuance on the record in a proceeding at least two business days prior to the deadline as to which the continuance is requested. The commission will permit oral responses at the time the oral request is made.

(c) The commission may consider requests for continuance that are made after the deadlines stated in this rule if the requester demonstrates good cause that prevented a timely request.

(4) **Date certain.** The commission will grant continuances only to a specified date.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-385, filed 11/24/03, effective 1/1/04.]

WAC 480-07-390 Briefs; oral argument; findings and conclusions. The commission may require the parties to a proceeding to present their arguments and authority orally at the close of the hearing, by written brief, or both. The commission may require parties to file proposed findings of fact

and conclusions of law. The first brief filed following the close of hearing, if any, should be captioned "initial brief of [party]." A responding brief, if any, should be captioned "reply brief of [party]."

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-390, filed 11/24/03, effective 1/1/04.]

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

WAC 480-07-395 Pleadings, motions, and briefs—Format requirements; citation to record and authorities; verification; errors; construction; amendment. (1) **Format.** All pleadings, motions, and briefs must meet the following format requirements:

(a) ***Paper size; legibility; margins.*** All pleadings, motions, and briefs must be:

• Submitted on three-hole punched (oversize holes are preferred) 8 1/2 x 11 inch paper.

• Presented in double-spaced, 12-point, palatino, times new Roman, or an equally legible serif font, with footnotes in the same font and of at least 10-point type.

• Presented with paragraphs numbered.

• Printed with margins at least one inch from each edge of the page.

Documents that are electronically filed must meet these requirements when printed.

(b) ***Length.*** Pleadings, motions, and briefs must not exceed sixty pages (exclusive of exhibits, appended authorities, supporting affidavits and other documents). The presiding officer may alter the page limit, either shortening or lengthening the number of pages allowed, considering the number and complexity of the issues.

(c) ***Organization.*** Every pleading, motion, and brief must be organized as follows:

(i) *Caption.* At the top of the first page must appear the phrase, "before the Washington utilities and transportation commission." On the left side of the page, the caption of the proceeding must be set out or, if no caption exists, the following: "In the matter of the (complaint, petition, motion, etc.) of (name of the pleading party) for (identify relief sought)." On the right side of the page, opposite the caption, the pleading party must include the docket number if one has been assigned, identify the name of the document (e.g., petition, motion, answer, reply, etc., of (role of party: E.g., petitioner, respondent, protestant, etc., and name of the party if more than one party has the same role in the proceeding)). The caption also must briefly state the relief sought (e.g., "petition for an accounting order"; "motion for continuance").

(ii) *Body of pleading.* The body of the pleading must be set out in numbered paragraphs. The first paragraph must state the pleading party's name and address and if it is the party's initial pleading, the name and address of its representative, if any. The second paragraph must state all rules or statutes that the pleading puts in issue. Succeeding paragraphs must set out the statement of facts relied upon in a form similar to complaints in civil actions before the superior courts of this state. The concluding paragraphs must state the relief the pleading party requests.

(iii) *Body of motion.* A motion must include the following information:

(A) *Relief requested.* A statement of the specific relief the commission is requested to grant or deny.

(B) *Statement of facts.* A succinct statement of the facts that the moving party contends are material to the requested remedy.

(C) *Statement of issues.* A concise statement of the legal issue or issues upon which the commission is requested to rule.

(D) *Evidence relied upon.* Any evidence on which the motion or opposition is based must be specified. Any affidavits, depositions or portions of affidavits or depositions relied upon must be specified. If a party relies on affidavits, deposition transcripts, or documentary evidence, the party must quote the cited material verbatim or attach a photocopy of relevant pages to an affidavit that identifies and verifies the documents. Parties should highlight or otherwise clearly identify the portions of the cited evidence upon which they place substantial reliance.

(iv) *Body of brief.* Unless excused by the presiding officer, the parties must include in their briefs a table of contents in outline format. The commission may require parties to organize their briefs according to a common outline. The presiding officer, in consultation with the parties, will establish the elements of any common outline taking into account the issues in the proceeding, the parties' preferences, and the commission's needs.

(v) *Citation to record.* Portions of the record relied on or quoted in the body of a brief must be cited using footnotes.

(A) *Transcript.* Transcript references should be as follows: [witness's surname], TR. [page]: [line(s)]. If the transcript reference spans multiple pages, the reference should be as follows: [witness's surname], TR. [page]: [line] - [page]: [line]. Examples: Smith, TR. 21:5-14; Jones, TR. 356:4 - 357:21.

(B) *Exhibits.* Exhibit references should be as follows: Exh. No. [insert number assigned at hearing]. In the case of prefiled testimony offered or received as an exhibit, page number(s), line number(s), and the witness's surname should be added following the style specified in this section for transcript references. In other exhibits, references to page(s), line(s) for text, row(s) and column(s) for tables, or other specific references may be added to clarify the information cited.

(vi) *Citation to authority.* Parties must use the citation formats specified in the current edition of the style sheet of the Washington supreme court reporter of decisions. The presiding officer may require parties to file copies of the text of authorities that are cited in parties' briefs and upon which parties place substantial reliance. Unless excused by the presiding officer, parties must include a table of cited authorities, with the full citation of each reference and its location in the brief.

(vii) *Attachments or appendices.* If a party attaches more than two attachments or appendices to a pleading, the party must individually separate the attachments by blank sheets with tabs.

(2) **Verification.** All pleadings and motions, except complaints brought by the commission or matters raised by the commission on its own motion must be dated and signed by at least one attorney or representative of record in his or her individual name, stating his or her address, or by the party, if the party is not represented. Parties who are not rep-

resented by an attorney must include a statement in any pleading that the facts asserted in the pleading are true and correct to the best of the signer's belief. Parties who bring certain complaints under RCW 80.04.110 or 81.04.110 that challenge the reasonableness of the rates or charges of jurisdictional utilities must provide additional verification as specified in those statutes.

(3) **Errors in pleadings or motions.** The commission may return a pleading or motion to a party for correction when the commission finds the pleading or motion to be defective or insufficient. The commission may disregard or correct obvious typographical errors, errors in captions, or errors in spelling of names of parties.

(4) **Liberal construction of pleadings and motions.** The commission will liberally construe pleadings and motions with a view to effect justice among the parties. The commission, at every stage of any proceeding, will disregard errors or defects in pleadings, motions, or other documents that do not affect the substantial rights of the parties.

(5) **Amendments.** The commission may allow amendments to pleadings, motions, or other documents on such terms as promote fair and just results.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 08-18-012 (Docket A-072162, General Order R-550), § 480-07-395, filed 8/22/08, effective 9/22/08; 06-16-053 (Docket A-050802, General Order R-536), § 480-07-395, filed 7/27/06, effective 8/27/06; 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-395, filed 11/24/03, effective 1/1/04.]

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

WAC 480-07-400 Discovery. (1) **General.**

(a) ***No limitation on commission authority to audit and inspect.*** Nothing in this section imposes any limitation on the commission's ability to audit or obtain the books and records of public service companies, or the public service companies' obligation to provide information to the commission, whether or not in the context of an adjudicative proceeding.

(b) ***Informal discovery procedures.*** Parties in an adjudicative proceeding may agree to informal discovery procedures in addition to, or in place of, the procedures contained in this section.

(c) ***Definitions.*** For purposes of WAC 480-07-400 through 480-07-425, the following terms have the following meanings:

(i) *Party.* Any party as defined by WAC 480-07-340.

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

(iii) *Data request.* A party's written request that calls for another party to produce data in connection with an adjudicative proceeding is a "data request." Generally, data requests seek documents, an analysis, compilation or summary of documents into a requested format, a narrative response explaining a policy, position, or a document, or the admission of a fact asserted by the requesting party. If a party relies on a cost study, it is expected that the party will, on request, rerun the study based on different assumptions, subject to the standards in subsection (5) of this section. The commission will not order a party to respond to a data request that seeks production of a new cost study unless there is a compelling need for such production.

(iv) *Record requisition.* A request for data made on the record during a conference or hearing session or during a deposition is a "record requisition."

(v) *Bench request.* A request for data made by or on behalf of the presiding officer is a "bench request."

(vi) *Depositions.* Depositions are described in WAC 480-07-410.

(2) **When discovery available.**

(a) ***Subpoenas always available.*** Subpoenas are available as a means of discovery as provided in Title 80 or 81 RCW and chapter 34.05 RCW.

(b) ***When other discovery methods available.*** If the commission finds that an adjudicative proceeding meets one of the following criteria, the methods of discovery described in subsections (1)(c)(iii) through (vi) of this section and in WAC 480-07-410 and 480-07-415 will be available to parties:

(i) Any proceeding involving a change in the rate levels of an electric company, natural gas company, pipeline company, telecommunications company, water company, solid waste company, low-level radioactive waste disposal site, or a segment of the transportation industry;

(ii) Any proceeding that the commission declares to be of a potentially precedential nature;

(iii) Any complaint proceeding involving claims of discriminatory or anticompetitive conduct, unjust or unreasonable rates, violations of provisions in Titles 80 and 81 RCW; or

(iv) Any proceeding in which the commission, in its discretion, determines that the needs of the case require the methods of discovery specified in this rule.

(3) **Frequency, extent, and scope of discovery.** Data requests must seek only information that is relevant to the issues in the adjudicative proceeding or that may lead to the production of information that is relevant. A party may not object to a data request on grounds that the information sought will be inadmissible at the hearing, if the information sought appears reasonably calculated to lead to discovery of admissible evidence. Parties must not seek discovery that is unreasonably cumulative or duplicative, or is obtainable from some other source that is more convenient, less burdensome, or less expensive. A discovery request is inappropriate when the party seeking discovery has had ample opportunity to obtain the information sought or the discovery is unduly burdensome or expensive, taking into account the needs of the adjudicative proceeding, limitations on the parties' resources, scope of the responding party's interest in the proceeding, and the importance of the issues at stake in the adjudicative proceeding. Discovery through data requests or otherwise must not be used for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the costs of litigation. The commission may impose sanctions for abusive discovery practice.

(4) **Schedule.** The commission may establish and set forth in a prehearing order a schedule for discovery. Any such schedule will provide deadlines sufficient to allow a timely opportunity for responses and for disputes to be resolved. The presiding officer may impose or modify time limits to the extent necessary to conform to the commission's hearing schedule.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-16-053 (Docket A-050802, General Order R-536), § 480-07-400, filed 7/27/06, effective 8/27/06; 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-400, filed 11/24/03, effective 1/1/04.]

WAC 480-07-405 Discovery—Data requests, record requisitions, and bench requests. (1) **Grouping and numbering.**

(a) ***Grouping.*** Parties must group their data requests by subject or witness and present data requests in an electronic format agreed upon by the parties whenever possible, unless the parties agree to a different procedure or the presiding officer orders a different procedure. Requests not presented in electronic format must include no more than one request per page. Parties with similar interests are encouraged, and may be required, to coordinate their issuance of data requests to avoid duplication.

(b) ***Numbering.*** Each party must number sequentially its data requests, as submitted. The presiding officer will ensure that record requisitions and bench requests are adequately described on the record and consecutively numbered.

(2) **Service of data requests, records requisitions, and responses to parties.**

(a) Written data requests must be sent to the party to whom the request is made, with copies to all other parties. The commission staff copy must be sent to the assistant attorney general who represents the commission staff. The commission encourages parties to agree to exchange data in electronic format by e-mail, on diskette, or by other mutually acceptable electronic means.

(b) If parties agree to the service of data requests and responses to requests by e-mail, the party serving the data requests or responses must serve copies electronically on all parties, including the assistant attorney general who represents the commission staff.

(c) Except when appropriate for other purposes, parties must not file data requests or responses to data requests with the commission, or provide them to any person who is presiding or advising the presiding officer. Responses that are later offered in evidence must be distributed as required for other proposed exhibits.

(3) **Motion to compel.** A party's motion to compel must include the relevant data request, any objection, and any response.

(4) **Limitation on numbers of data requests.** The presiding officer may limit the number of data requests that a party may submit and may require parties to certify that they have coordinated discovery with other parties of similar interest and that no substantial duplication exists with other parties' submissions.

(5) **Responding party to seek clarification.** If a party to whom a data request is submitted finds the meaning or scope of a request unclear, the responding party must immediately contact the requesting party for clarification. Lack of clarity is not a basis for objection to a data request unless the responding party has made a good faith effort to obtain clarification.

(6) **Objections; consequence of failure to object.**

(a) ***Data request.*** A party who wishes to object to a data request must present the objection to the requesting party in writing by the time the response is due, or at such other time as may be ordered. A party objecting to a data request must state the objection and explain the basis for the objection. A party who fails to interpose a timely objection to providing a full response to a data request waives any right to object for purposes of discovery and must provide a full response. A party who fails to make an objection when responding to data requests does not lose the opportunity to raise an objection at hearing if another party seeks to introduce as evidence all or part of the party's response to a data request.

(b) ***Records requisition.*** A party to whom a record requisition is addressed may object to the request at the time it is made or, if it later discovers a reason for objection not reasonably known at the time of the record requisition, within five days after discovering the reason. A party may object to the admission of its response to a records requisition at the time the response is offered into evidence.

(c) ***Bench request.*** Any party may object to the issuance of, or response to, a bench request. A party may object at the time the bench request is made, or if made in writing or the party later discovers a reason for an objection not reasonably known at the time the bench request was made in hearing, within five days after discovery. A party may raise an objection based on the content of a bench request response within five days after distribution of the response. Responses to bench requests will be received in evidence unless a party objects to the bench request or response, or the commission rejects the response.

(7) **Responses.**

(a) ***Data requests and record requisitions.*** Parties must serve responses to data requests and record requisitions on the requesting party and on any other party who requests a copy, consistent with the terms of any protective order entered in the proceeding. Parties must send the commission staff copy to the assistant attorney general who represents the commission staff unless the attorney requests an alternative method. Parties may agree to serve responses to data requests and record requisitions through e-mail.

(b) ***Timing.*** A party to whom a data request is directed must provide a full response to the data request within ten business days after the request is received. If the data cannot be supplied within ten business days, the responding party must give written notice to the requesting party no later than two business days before the response is due. The notice must state why the ten-day limit cannot be met. The responding party must also provide a schedule by which it will produce the requested data and must explain why any portion of the data cannot be supplied. The presiding officer may modify these time limits.

(c) ***Identification of respondent and witness.*** Each data response must state the date the response is produced, the name of the person who prepared the response, and the name of any witness who is knowledgeable about and can respond to questions concerning the response.

(d) ***Bench requests.*** Parties must file responses to bench requests with the commission and serve all parties within ten business days after the request is made, unless the presiding officer specifies another schedule.

(8) **Supplementation.** Parties must immediately supplement any response to a data request, record requisition, or bench request upon learning that the prior response was incorrect or incomplete when made or upon learning that a

response, correct and complete when made, is no longer correct or complete.

(9) **Use of responses to data requests, record requisitions or bench requests.** The commission will not consider or treat as evidence any response to a data request, record requisition, or bench request unless and until it is entered into the record.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-16-053 (Docket A-050802, General Order R-536), § 480-07-405, filed 7/27/06, effective 8/27/06; 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-405, filed 11/24/03, effective 1/1/04.]

WAC 480-07-410 Discovery—Depositions. (1) **Who may be deposed.** A party may depose any person identified by another party as a potential witness. A party may depose a person who has not been identified as a potential witness, if the presiding officer approves the deposition on a finding that the person appears to possess information significant to the party's case.

(2) **Required notice; deposition conference.** A party who intends to depose one or more persons must give notice to the commission and all parties. The presiding officer will consult with the parties and may schedule a deposition conference to facilitate the deposition process. The deposition conference schedule will be adjusted as needed considering any changes in the case schedule. Deposition conferences will be convened at the commission's offices in Olympia unless the parties and the presiding officer agree to another location.

(3) **How conducted.** Parties should use CR 30 of the Washington superior court civil rules as a guide when conducting depositions. Parties must limit the scope of questioning in a deposition to the same standard set forth in WAC 480-07-400(4). A court reporter provided by the party requesting the deposition will record the deposition. Each party will be responsible for the attendance of any of its prospective witnesses, or any of its employees, who have been scheduled for deposition. A party may interrupt a deposition, if necessary, to present a dispute regarding the deposition process to the presiding officer. However, to avoid interruption, such disputes should be reserved to the conclusion of the deposition, if possible.

(4) **Use of depositions.** Parties may use depositions for any lawful purpose, subject to the requirements of this subsection. A party may use a deposition to impeach a witness. If a party seeks to offer into evidence the deposition of a witness who is available to testify to the matters addressed in the witness's deposition, the party must do the following:

(a) Offer only those portions of the deposition on which the party intends to rely; and

(b) Provide five business-days' written notice to other parties and to the presiding officer prior to the hearing session at which the witness is expected to appear. The party must attach to the notice the portion(s) of the deposition that the party proposes to offer so that the presiding officer can mark it for identification as in the case of all other proposed hearing exhibits.

If portions of a deposition are admitted into evidence, other parties may offer additional portions of the deposition when necessary to provide a balanced representation of the witness's testimony.

(5) **Correcting/supplementing deposition testimony.**

(a) ***Correction.*** A party may file a motion to correct a transcription error in a deposition transcript within ten days after the deposition transcript is delivered.

(b) ***Supplementation.*** Every witness must supplement any response given in a deposition immediately upon learning that the prior response was incorrect or incomplete when made, or upon learning that a response, correct and complete when made, is no longer correct or complete.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-410, filed 11/24/03, effective 1/1/04.]

WAC 480-07-415 Discovery conference. The purpose of a discovery conference is to allow witnesses and others who have knowledge relating to the proceeding (e.g., consultants or employees) to talk directly and informally, to reduce or avoid the need for written data requests and time for their preparation, to allow discussions of potential stipulations regarding individual facts and settlement of individual issues to occur in an informal setting, to discuss the availability of supporting information, and to enhance the parties' ability to acquire or expand their knowledge about the case of one or more designated other parties. The commission may request or require the parties to attend a discovery conference along with designated witnesses to discuss with each other questions about the party's position or evidence and the availability of supporting information. Discovery conferences will not be reported and statements made by participants at discovery conferences are not admissible as evidence unless the parties agree otherwise. The commission may designate a person to facilitate a discovery conference. The designated facilitator must not be associated with any party or with a member of the commission advisory staff who is involved in the proceeding.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-415, filed 11/24/03, effective 1/1/04.]

WAC 480-07-420 Discovery—Protective orders. (1) **Standard form.** The commission may enter a standard form of protective order designed to promote the free exchange of information when parties reasonably anticipate that discovery in a proceeding will call for the production of confidential information.

(2) **Amendment.** The commission may, upon motion by a party, or on its own initiative, amend its standard form of protective order to meet the parties' and the commission's needs in individual cases.

(3) **Special order.** Upon motion by a party or by the person from whom discovery is sought that establishes a need to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, the presiding officer may make any order, including one or more of the following, that:

(a) The discovery will not be allowed;

(b) The discovery will be allowed only on specified terms and conditions;

(c) The discovery will be allowed only by a method of discovery other than the method selected by the party seeking discovery;

(d) Certain matters may not be inquired into, or that the scope of the discovery will be limited to certain matters;

(e) Discovery will be conducted with no one present except persons designated by the commission or the presiding officer;

(f) The contents of a deposition will not be disclosed or will be disclosed only in a designated way;

(g) A trade secret or other confidential research, development, or commercial information will not be disclosed or will be disclosed only in a designated way; or

(h) The parties must file specified documents or information enclosed in sealed envelopes to be opened as directed by the commission or the presiding officer.

The presiding officer may order that any party or person provide or permit discovery on such terms and conditions as are just, if the commission denies a motion for a protective order in whole or in part.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-420, filed 11/24/03, effective 1/1/04.]

WAC 480-07-423 Discovery—Protective orders—Submission requirements for documents. (1) **General.** Protective orders entered in individual proceedings may allow for parties to designate portions of documents exchanged during discovery or submitted during a proceeding (e.g., by filing, or by offering as an exhibit) as "confidential" or "highly confidential." Parties must strictly limit the amount of information they designate as confidential or highly confidential.

(2) **Standard for highly confidential designation.** A party who wishes to designate information as highly confidential may file the documents designated as highly confidential, but must also file a motion for an amendment to the standard protective order, supported by a sworn statement that sets forth the specific factual and/or legal basis for the requested level of protection and an explanation of why the standard protective order is inadequate. The motion and sworn statement must identify specific parties, persons, or categories of persons, if any, to whom a party wishes to restrict access, and state the reasons for such proposed restrictions.

(3) **Designations.**

(a) The "confidential" designation is intended to protect information that might compromise a company's ability to compete fairly or that otherwise might impose a business risk if disseminated without the protections provided in the commission's protective order.

(b) The "highly confidential" designation is reserved for information the dissemination of which, for example, imposes a highly significant risk of competitive harm to the disclosing party without enhanced protections provided in the commission's protective order.

(4) **Submission.** Parties must follow the instructions in WAC 480-07-160(3) for properly marking and submitting documents with the commission as confidential or highly confidential in a proceeding governed by a protective order.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-16-053 (Docket A-050802, General Order R-536), § 480-07-423, filed 7/27/06, effective 8/27/06; 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-423, filed 11/24/03, effective 1/1/04.]

WAC 480-07-425 Discovery disputes. (1) **Procedure for resolving disputes.** Parties must make good faith efforts to resolve informally all discovery disputes. The commission may designate a person to assist the parties to resolve discovery issues, at the request or with the consent of the disputants. A party may file a written motion, or move orally at prehearing conference, to compel discovery if a dispute cannot be informally resolved. The presiding officer will hear discovery disputes, on shortened notice, at the earliest reasonable time. The presiding officer may conduct telephone hearings or conferences for the argument of discovery disputes. The presiding officer may make discovery rulings orally on the record or by written order. The presiding officer's discovery rulings are subject to review under WAC 480-07-810.

(2) **Sanctions for failure to comply.** Any party may by motion, or the commission may on its own motion, propose that sanctions be imposed if a party fails or refuses to comply with an oral or written order resolving a dispute under this section. The commission may impose sanctions including, but not limited to, default, dismissal, striking of testimony, evidence, or cross-examination, or monetary penalties as provided by law.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-425, filed 11/24/03, effective 1/1/04.]

WAC 480-07-430 Prehearing conferences. (1) **General.** The commission may require, by written notice or by oral notice on the record of the hearing, that all parties and all persons who seek to intervene attend a prehearing conference. The following topics are proper subjects for discussion at a prehearing conference:

(a) Identification and simplification of the issues;

(b) The necessity or desirability of amendments to the pleadings;

(c) The possibility of obtaining stipulations of fact and to documents that might avoid unnecessary proof;

(d) Limitations on the number of witnesses;

(e) Coordinated examination of witnesses;

(f) Procedure at the hearing;

(g) The need for, and timing of, distribution of written testimony and exhibits to the parties and the bench prior to the hearing;

(h) Disposition of petitions for leave to intervene;

(i) Resolution of discovery disputes;

(j) Resolution of pending motions; and

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

(2) **Notice.** The commission will provide reasonable notice of the time and place established for a prehearing conference and the matters to be addressed. The notice may provide that failure to attend may result in a party being dismissed, being found in default, or the commission's refusal to consider a later petition for intervention except upon a showing of good cause for the failure to attend. A party's failure to attend a prehearing conference constitutes the party's waiver of all objections to any order or ruling arising out of the conference or any agreement reached at conference, unless the party shows good cause for its failure to attend.

(3) **Oral statement or written order.** The presiding officer may make an oral statement on the record or may enter an order describing the actions taken at the prehearing conference and agreements among the parties concerning all of the matters considered. Parties may object to the oral statement on the record at the time the oral statement is made, or may object to any written prehearing conference order within ten days after the date the order is served. The results of the prehearing conference will control the course of the proceeding unless modified by subsequent order or decision of the presiding officer to accommodate the needs of the case.

(4) **Prehearing conferences to facilitate evidentiary hearing.** The presiding officer may require parties to attend a prehearing conference prior to an evidentiary or other hearing session, or may recess an evidentiary or other hearing session to conduct a prehearing conference.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-430, filed 11/24/03, effective 1/1/04.]

WAC 480-07-440 Hearing notice. (1) **Initial hearing notice.**

(a) ***Timing.*** The commission will set the time and place of the first hearing session or prehearing conference in any adjudication in a notice served to all parties twenty days before the hearing or conference. The commission may shorten the notice period to seven days, as provided by RCW 34.05.434. The commission will set all hearings sufficiently in advance so that all parties will have a reasonable time to prepare, considering the procedural schedule, other pending matters, and the need to minimize continuances.

(b) ***Provisions for appointment of interpreter.*** The initial notice of hearing must state that if a limited-English-speaking or hearing-impaired party needs an interpreter, a qualified interpreter will be appointed at no cost to the party or witness. The notice will include a form for a party to indicate whether an interpreter is needed and to identify the primary language or hearing-impaired status of the party.

(2) **Notice of continued hearing sessions.**

(a) ***Permitted forms of notice.*** When a hearing is not concluded as scheduled, the time and place for continued hearing sessions may be set:

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

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

(iii) By letter or formal notice from the presiding officer.

(b) ***Timing.*** There are no specific timing requirements for giving prior notice of continued hearing sessions.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-440, filed 11/24/03, effective 1/1/04.]

WAC 480-07-450 Hearing—Failure to appear. (1) **Dismissal or default.** The commission may dismiss a party or find a party in default for failure to appear at the time and place set for hearing. The presiding officer may recess a hearing for a brief period to provide an additional opportunity for the party to appear. If the party is not present or represented when the hearing resumes, the commission may dismiss the party or find the party in default. When the commission dismisses a party or finds a party in default, it will implement the dismissal or default by a written order. When a party is found in default, the commission's order stating that finding may also dispose of the issues in the proceeding, as provided by RCW 34.05.440.

(2) **Review of order of dismissal or default.** A party who is dismissed from a proceeding or found in default may contest the order of dismissal or default by written motion filed within ten days after service of the order. A dismissed party or party found in default may request that the order be vacated and, if the order is dispositive of the proceeding, that the proceeding be reopened for further process.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-450, filed 11/24/03, effective 1/1/04.]

WAC 480-07-460 Hearing—Predistribution of exhibits and prefiled testimony. (1) **Predistribution of evidence.** The commission may require parties to distribute their proposed evidence to other parties before the start of the evidentiary hearing. In general rate proceedings for electric, natural gas, pipeline, and telecommunications companies, the petitioner must prefile its proposed direct testimony and exhibits at the time it files its rate increase request, in accordance with WAC 480-07-510. The commission may convene a prehearing conference shortly before a scheduled hearing and require all parties to predistribute their proposed cross-examination exhibits.

(a) ***Number of copies to be filed or submitted; service.*** When predistribution of evidence other than proposed exhibits for use in cross-examination is required, each party must file the original plus twelve copies of its evidence with the commission unless the commission specifies a different number. When the commission requires parties to predistribute their proposed exhibits for use in cross-examination, each party must submit six copies to the bench if the commissioners are sitting as presiding officers and three copies if the commissioners are not sitting. The presiding officer may change the number of copies required. All proposed evidence must be served on all other parties to a proceeding whenever predistribution of evidence is required.

(b) ***Changes or corrections.***

(i) *Substantive corrections.* Prefiled testimony may be revised to correct mistakes of fact asserted by a witness. Such mistakes may arise from a variety of causes such as scrivener's error, error in calculation, or error of misreported fact. Each party must advise all other parties of substantive corrections to any prefiled evidence as soon as the need for correction is discovered.

(ii) *Substantive changes.* Parties must seek leave from the presiding officer by written motion if they wish to submit testimony that includes substantive changes other than to simply correct errors of fact asserted by a witness. A party proposing such changes may submit the proposed revisions with its motion.

(iii) *Minor corrections.* Minor revisions to prefiled testimony and exhibits may be made to correct typographical errors, printing errors, and nonsubstantive changes (e.g., a change in a witness's address or employment). Counsel should not ask a witness on the stand to correct obvious typographical errors in the prefiled testimony or to make more

than three minor substantive corrections. If more than three minor revisions are required, parties must prepare an errata sheet or a revised exhibit for submission at least one business day prior to the hearing to show such corrections to the prefiled evidence.

(iv) *Format requirements for revisions*. Parties who submit revisions to predistributed or previously admitted testimony or exhibits must prominently label them "REVISED" and indicate the date of the revision. The revised portions must be highlighted, in legislative style or other manner that clearly indicates the change from the original submission. This practice must be followed even with minor changes that involve only one page of an exhibit. If one or more pages of multiple page testimony or exhibits are revised, the header or footer of the affected pages must be labeled "REVISED" and indicate the date of the revision. Parties may indicate changes to spreadsheets by providing a description of the change and how the change affects other related spreadsheets. For revisions to spreadsheets, counsel must identify partial revisions by page and date when an exhibit is presented for identification, sponsored, or offered into evidence, as appropriate.

(c) ***Distribution at hearing.*** When a party offers new exhibits, revised exhibits, or errata sheets at a hearing, the party must provide sufficient copies for all parties and for the commission's distribution requirements. When the commission requires parties to predistribute their exhibits, a party may be required to establish good cause for any failure to predistribute a proposed exhibit, other than an exhibit offered solely for impeachment of the witness's testimony on the stand, or the exhibit may be excluded.

(2) **Prefiled testimony.**

(a) ***Exhibit numbers—Official record.*** The presiding officer will assign exhibit numbers to all prefiled testimony and exhibits at the final prehearing conference prior to hearing, or at hearing. These assigned numbers will be the exhibit numbers for purposes of the official record in the proceeding.

(b) ***Parties are required to mark prefiled testimony and exhibits for identification.*** Parties must mark all written testimony and exhibits for identification in the upper right-hand corner of the first page prior to submission as follows:

(i) State "Exhibit No.," followed by a blank underline. Then, on the same line, identify the sponsoring witness by including the witness's initials.

(ii) Place a hyphen after the witness's initials and insert a number, beginning with Arabic numeral 1, and sequentially number each subsequent exhibit (including any subsequent written testimony) throughout the proceeding.

(iii) Place the capital letter "C" after the number if the testimony or exhibit includes information asserted to be confidential under any protective order that has been entered in the proceeding.

(iv) Place the capital letter "T" after the number if the exhibit is a witness's prefiled testimony.

For example, John Q. Witness's prefiled testimony and accompanying exhibits must be marked as follows:

Testimony or Exhibit	Marked for Identification
John Q. Witness's prefiled direct testimony	Exhibit No. ___ (JQW-1T)
First exhibit to John Q. Witness's prefiled direct testimony (nonconfidential)	Exhibit No. ___ (JQW-2)
Second exhibit to John Q. Witness's prefiled direct testimony (confidential)	Exhibit No. ___ (JQW-3C)
Third exhibit to John Q. Witness's prefiled direct testimony (nonconfidential)	Exhibit No. ___ (JQW-4)
John Q. Witness's prefiled rebuttal testimony (with portions marked confidential)	Exhibit No. ___ (JQW-5CT)
First exhibit to John Q. Witness's prefiled rebuttal testimony (nonconfidential)	Exhibit No. ___ (JQW-6)

Counsel and other party representatives who are unfamiliar with this method of identification may ask the presiding officer for further guidance.

(c) ***Summary of testimony.*** Each witness must present a short summary of his or her prefiled testimony on the opening page or two of the testimony. Counsel or other party representative will be expected to ask as a foundation question when the witness takes the stand the subjects that will be covered by the witness. This foundation question should request, and the witness's response should include, only a statement of the subject(s) to be covered by the witness (e.g., rate of return on equity, cost of debt, prudence) and not a summary of the witness's positions on the subject(s) identified.

(d) ***Form of testimony and exhibits.*** All prefiled testimony and exhibits must be paginated. In addition, line numbers must be set out on all prefiled testimony to facilitate transcript or exhibit references. All copies of prefiled testimony and exhibits must be provided on 8 1/2 x 11 inch, three-hole punched paper (oversize holes are preferred), double-spaced, 12-point type, using palatino, times new Roman, or an equally legible serif font, with footnotes in the same font and of at least 10-point type, with margins of at least one inch on all sides. Preprinted documents and spreadsheets need not conform to these typeface and type size requirements, but must be legible. Oversized documents may be used at the hearing for illustrative purposes but must be provided on 8 1/2 x 11 inch paper if offered into evidence and reduction to that format is feasible.

(e) ***Submission requirements.*** All prefiled exhibits, both direct examination and cross-examination exhibits, must be individually separated by blank sheets with tabs.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-16-053 (Docket A-050802, General Order R-536), § 480-07-460, filed 7/27/06, effective 8/27/06; 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-460, filed 11/24/03, effective 1/1/04.]

WAC 480-07-470 Hearing guidelines. These guidelines are of a general nature and are provided to assist the presiding officer in regulating the course of the proceeding. The presiding officer may suspend or modify the guidelines or use measures not specified in this rule.

(1) **Starting times.** Starting times will be strictly observed. The proceeding may go forward in the absence of

counsel, parties, or witnesses who are late. Counsel may advise the bench by message to the records center when an emergency prevents timely arrival.

(2) **Appearances.** All persons who will be representing a party in a formal proceeding must give their names and addresses in writing to the court reporter immediately before the first hearing session in which they appear. The presiding officer conducting the hearing or prehearing conference will require appearances to be stated orally at the initial prehearing or hearing session, and may also ask for oral appearances at subsequent sessions in the same proceeding, so that all persons attending the hearing will know the identity and interest of all parties present. Oral appearance at hearing does not substitute for the requirement for written notice of appearance in WAC 480-07-345(2).

(3) **Matters to be handled at beginning of session.** Parties must notify the presiding officer no later than the start of the hearing session of any motion that a party anticipates may be presented during the hearing, such as one that may require foundation regarding the admissibility of evidence. The presiding officer will give the parties an appropriate opportunity to state and argue any motions related to evidence or to the procedural course of the hearing.

(4) **Summary by public counsel.** At the beginning of a hearing session during which the commission will hear testimony from members of the public, the commission may provide public counsel an opportunity to inform the public of the major contested issues and to state public counsel's positions on those issues. The commission will give other parties an opportunity to respond.

(5) **Evidence; exhibits; stipulations of fact.** The presiding officer may receive evidence as provided by RCW 34.05.452.

(6) **Order of presentation.** Evidence will ordinarily be received in the following order:

(a) Party having the burden of proof;

(b) Parties supporting the party having the burden of proof;

(c) Parties opposing the party having the burden of proof;

(d) Rebuttal by the party having the burden of proof;

The presiding officer may direct a modified order of presentation considering the needs of the parties, the commission, and the proceeding, and the parties' preferences.

(7) **Testimony under oath.** The presiding officer will administer an oath or affirmation to each witness before the witness testifies in an adjudicative proceeding. When members of the public testify, they will be sworn in the same fashion as other witnesses.

(8) **Addressing the presiding officer or witnesses.** All counsel and other party representatives must address all comments, objections, and statements to the presiding officer and not to other counsel. Questions that concern testimony or exhibits sponsored by a witness must be addressed to the witness and not to counsel or other party representatives.

(9) **Resolving matters off the record.** Counsel or other party representatives who request off-the-record discussions must ask leave to go off the record and state the purpose for the request. Extended colloquies regarding procedural issues may be conducted off the record, but will be summarized for the record by the presiding officer subject to comments from party representatives.

(10) **Witness panels.** The commission may direct or allow two or more witnesses to take the stand simultaneously when doing so allows a benefit such as the integrated response to a line of questions, minimizing referral of questions from one witness to another, or comparing witnesses' positions. The presiding officer will also allow cross-examination of each witness upon matters within the witness's direct evidence.

(11) **Cross-examination.** Counsel and other party representatives should be prepared to provide time estimates for cross-examination of witnesses. The presiding officer will limit cross-examination to one round unless good cause exists for allowing additional questions. Witnesses must not be asked to perform detailed calculations or extract detailed data while on the stand. Any such questions must be provided to the witness at least two business days prior to the date the witness is expected to testify, must ask the witness to provide the answer for the record later in the hearing session, or must provide an answer and ask the witness to accept it "subject to check." Witnesses must not be asked to accept information "subject to check" if the information is included in a prefiled exhibit or testimony, or is already in evidence. When a witness accepts information "subject to check," the witness must perform the "check" as soon as possible. A response given "subject to check" will be considered accurate unless the witness disputes it on the witness stand or by filing an affidavit, stating reasons, within five business days following the date of receipt of the hearing transcript.

(12) **Redirect examination.** A party whose witness has been cross-examined may conduct redirect examination of the witness on issues raised during cross-examination.

(13) **Post-hearing planning.** The presiding officer will confer with the parties concerning post-hearing process. The presiding officer will determine whether oral argument, briefs, or both will be required, taking into consideration the needs of the commission and the parties' preferences. The presiding officer may determine a common format or outline to be used by all parties if briefs are required. Briefs must comply with the requirements of WAC 480-07-395.

(14) **Transcript.** Each party will bear its own costs for transcripts or tape recordings, including charges for expedited service when a party requests it.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-16-053 (Docket A-050802, General Order R-536), § 480-07-470, filed 7/27/06, effective 8/27/06; 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-470, filed 11/24/03, effective 1/1/04.]

WAC 480-07-480 Hearing—Stipulation of facts. A stipulation is an agreement among parties intended to establish one or more operative facts in a proceeding. The commission encourages parties to enter stipulations of fact. The parties to any proceeding or investigation before the commission may agree to all of the facts or any portion of the facts involved in the controversy. The parties to a stipulation may file it in writing or enter it orally into the record. A stipulation, if accepted by the commission, is binding on the stipulating parties. The parties may present the stipulation as evidence at the hearing. The commission may reject the stipula-

tion or require proof of the stipulated facts, despite the parties' agreement to the stipulation.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-480, filed 11/24/03, effective 1/1/04.]

WAC 480-07-490 Hearing—Exhibits and documentary evidence. (1) **Designation of part of document as evidence.** A party who offers evidence that consists of a portion of a document must designate the portion that is offered. If irrelevant matter included in the document would unnecessarily encumber the record, the document will not be received in evidence, but the relevant or material matter may be read into the record, or the presiding officer may receive a copy of the excerpt as an exhibit. If only a portion is offered or received, other parties may examine the document and offer other portions into evidence.

(2) **Official records.** An official document prepared and issued by any governmental authority may be introduced in the form of a certified copy. Official records contained in official publications or nationally recognized reporting service publications that are in general circulation and readily accessible to all parties may be introduced by reference, provided that the party offering the document clearly identifies the record and its source. The presiding officer may require the party offering such evidence to provide a copy for the record and to each party.

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

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

(5) **Documents from the public.** When a member of the public presents a document in conjunction with his or her testimony, the commission may receive the document as an illustrative exhibit. The commission may receive as illustrative exhibits any letters that have been received by the secretary of the commission and by public counsel from members of the public regarding a proceeding. Documents a public witness presents that are exceptional in their detail or probative value may be separately received into evidence as proof of the matters asserted after an opportunity for cross-examination.

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

(7) **Objections.** Any evidence offered is subject to appropriate and timely objection. The presiding officer need not specifically ask each representative whether that party objects to an offer of evidence or other motion or proposed action. Parties that have objections must state them. Failure to object constitutes a waiver of the right to object.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-490, filed 11/24/03, effective 1/1/04.]

WAC 480-07-495 Hearing—Rules of evidence; official notice. (1) **Admissibility; exclusion; offer of proof.** All relevant evidence is admissible if the presiding officer believes it is the best evidence reasonably obtainable, considering its necessity, availability, and trustworthiness. The presiding officer will consider, but is not required to follow, the rules of evidence governing general civil proceedings in nonjury trials before Washington superior courts when ruling on the admissibility of evidence.

The presiding officer may exclude evidence that is irrelevant, repetitive, or inadmissible, whether or not a party objects to the evidence. Parties objecting to the introduction of evidence must state the grounds for the objection at the time the evidence is offered. The presiding officer may permit the party offering rejected evidence to describe briefly for the record its nature and purpose as an offer of proof. A written offer of proof may be required.

(2) **Official notice.**

(a) The commission may take official notice of:

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

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

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

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

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

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

(b) The commission may, in its discretion upon notice to all parties, inspect physical conditions that are at issue and take official notice of the results of its inspection.

(c) The presiding officer will notify parties of material officially noticed and its source. The presiding officer will afford parties an opportunity to contest facts and material so noticed. The presiding officer may require a party proposing that official notice be taken to provide copies of officially noted matter to the record and to all other parties.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-495, filed 11/24/03, effective 1/1/04.]

WAC 480-07-498 Hearing—Public comment. The commission will receive as a bench exhibit any public comment filed, or otherwise submitted by nonparties, in connection with an adjudicative proceeding. The exhibit will be treated as an illustrative exhibit that expresses public sentiment received concerning the pending matter. The commis-

sion may convene one or more public comment hearing sessions to receive oral and written comments from members of the public who are not parties in the proceeding. When the commission conducts a public comment hearing, the presiding officer will make an opening statement explaining the purpose of the hearing and will briefly summarize the principal issues in the matter. The presiding officer will administer an oath to those members of the public that indicate a desire to testify concerning their views on the issues. The presiding officer will call each member of the public who wishes to testify, will inquire briefly into the identity and interests of the witness, and will provide an opportunity for a brief statement by the party. Typically, public witnesses may expect to have three to five minutes to make an oral statement. Oral statements may be supplemented by written comments.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-498, filed 11/24/03, effective 1/1/04.]

Subpart B: General Rate Proceedings

WAC 480-07-500 General rate proceedings—Statement of policy. (1) **Scope of this subpart.** This subpart explains the special requirements for certain rate increase filings by electric, natural gas, pipeline, telecommunications, and water companies, low-level radioactive waste sites, and solid waste collection companies.

(2) **Inconsistencies with subpart A requirements.** If there is any inconsistency between the requirements in subpart B and those in subpart A, the requirements in subpart B control.

(3) **Purpose of special rules.** The special requirements in subpart B are designed to standardize presentations, clarify issues, and speed and simplify processing.

(4) **Summary rejection for failure to comply.** The commission may summarily reject any filing for a general rate proceeding that does not conform to the requirements of subpart B. If the commission summarily rejects a filing for a general rate, it will provide a written statement of its reasons and will provide an opportunity for the case to be refiled in conformance with these rules.

(5) **Less than statutory notice.** The commission may grant requests to alter tariffs on less than statutory notice for good cause shown, in accordance with RCW 80.28.060 and 81.28.050. A company that seeks to implement general rate proceeding tariff changes on less than statutory notice must include with its filing a complete explanation of the reasons that support such treatment.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-500, filed 11/24/03, effective 1/1/04.]

WAC 480-07-505 General rate proceedings—Definition. (1) **Rate filings that are considered general rate proceedings.** A general rate proceeding filing is a filing by any regulated company specified in WAC 480-07-500 for an increase in rates that meets any of the following criteria:

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

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

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

(d) The company is a solid waste company regulated under chapter 81.77 RCW, except for filings specified under subsection (3)(a) of this section.

(2) **Rate filings under Title 80 RCW that are not considered general rate proceedings.** The following proceedings are not considered general rate increases even though the revenue requested may exceed three percent of the company's gross annual revenue from Washington regulated operations:

(a) Periodic rate adjustments for electric and natural gas companies that may be authorized by the commission (e.g., power cost adjustments and purchased gas cost adjustments).

(b) Emergency or other short-notice increases caused by disaster or weather-related conditions unexpectedly and substantially increasing a public service company's expense.

(c) Rate increases designed to recover government-imposed increases in costs of doing business such as changes in tax laws or ordinances.

(d) Other increases designed to recover increased expenses arising on short notice and beyond a public service company's control.

(3) **Rate filings under chapter 81.77 RCW that are not considered general rate proceedings.** The following filings are not considered general rate proceedings for solid waste companies regulated under chapter 81.77 RCW even though the request may meet one or more criteria identifying general rate proceedings:

(a) Filings by companies that provide neither traditional residential or commercial solid waste operations. This category includes specialized carriers generally hauling specific waste products for specific customers and carriers providing only on-call or nonscheduled service (i.e., "class C" companies, as defined in WAC 480-70-041).

(b) Disposal fee pass-through charges for drop-box service, provided there are no affiliated interest relationships.

(c) Filings for collection of per-customer pass-through surcharges and taxes imposed by the jurisdictional local government based on the current year customer count either as a specified dollar amount or percentage fee amount.

(d) Filings by existing solid waste companies for the implementation of new solid waste collection programs.

(4) **Commission discretion.** The commission may require that any filing or proposal by a regulated company to increase rates for any customer class, or to restructure rates, is subject to the procedures and protections of subpart B of these rules.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-505, filed 11/24/03, effective 1/1/04.]

WAC 480-07-510 General rate proceedings—Electric, natural gas, pipeline, and telecommunications companies. General rate proceeding filings for electric, natural gas, pipeline, and telecommunications companies must include the information described in this section. The commission may reject a filing that fails to meet these minimum

requirements, without prejudice to the company's right to refile its request in conformance with this section. For purposes of this rule, "file with the commission," means filed with the commission's executive secretary under WAC 480-07-140 at the time the company files its general rate case; whereas "serve" or "provide" to commission staff or another party, means delivery to such persons, not filed with the commission.

(1) **Testimony and exhibits.** The company must file with the commission nineteen paper copies of all testimony and exhibits that the company intends to present as its direct case if the filing is suspended and a hearing held, unless the commission preapproves the filing of fewer copies. In addition, the company must provide one electronic copy of all filed material in the format identified in WAC 480-07-140 (6). Material that the company has not produced under its direction and control and that is not reasonably available to it in electronic format, such as generally available copyrighted published material, need not be provided in electronic format. The company must serve a copy of the materials filed under this section on public counsel at the time of filing with the commission in any proceeding in which public counsel will appear. The utility must provide an exhibit that includes a results-of-operations statement showing test year actual results and the restating and pro forma adjustments in columnar format supporting its general rate request. The utility must also show each restating and pro forma adjustment and its effect on the results of operations. The testimony must include a written description of each proposed restating and pro forma adjustment describing the reason, theory, and calculation of the adjustment.

(2) **Tariff sheets.** The company must file with the commission and provide to public counsel a copy of the proposed new or revised tariff sheets in legislative format, with strikethrough to indicate any material to be deleted or replaced and underlining to indicate any material to be inserted, in paper and electronic format, unless already provided as an exhibit under subsection (1) of this section. The company must also file with the commission copies of any tariff sheets that are referenced by new or amended tariff sheets.

(3) **Work papers and accounting adjustments.**

(a) At the time the company makes its general rate case filing, the company must provide one copy of all supporting work papers of each witness to public counsel and three copies to staff in a format as described in this subsection. Staff and each other party must provide work papers to all other parties within five days after the filing of each subsequent round of testimony filed (e.g., response, rebuttal). If the testimony, exhibits, or work papers refer to a document, including, but not limited to, a report, study, analysis, survey, article or decision, that document must be included as a work paper unless it is a reported court or agency decision, in which case the reporter citation must be provided in the testimony. If a referenced document is voluminous, it need not be provided, but the company must identify clearly the materials that are omitted and their content. Omitted materials must be provided or made available if requested. The following information is required for work papers:

(b) *Organization*. Work papers must be plainly identified and well organized, and must include an index and tabs. All work papers must be cross referenced and include a description of the cross referencing methodology.

(c) *Electronic documents*. Parties must provide all electronic files supporting their witnesses' work papers. The electronic files must be fully functional and include all formulas and linked spreadsheet files. Electronic files that support the exhibits and work papers must be provided using logical file paths, as necessary, by witness, and using identifying file names. A party may file a document with locked, hidden or password protected cells only if necessary to protect the confidentiality of the information within the cells or proprietary information in the document. The party shall designate that portion of the document as confidential under RCW 80.04.-095, WAC 480-07-160, and/or a protective order, and the party shall provide it to any person requesting the password who has signed an appropriate confidentiality agreement.

(d) A detailed portrayal of the development of any capital structure and rate of return proposal and all supporting work papers in the format described in this subsection.

(e) *Restating and pro forma adjustments*. Parties must provide work papers that contain a detailed portrayal of restating actual and pro forma adjustments that the company uses to support its filing or that another party uses to support its litigation position, specifying all relevant assumptions, and including specific references to charts of accounts, financial reports, studies, and all similar records relied on by the company in preparing its filing, and by all parties in preparing their testimony and exhibits. All work papers must include support for, and calculations showing, the derivation of each input number used in the detailed portrayal and for each subsequent level of detail. The derivation of all interstate and multiservice allocation factors must be provided in the work papers.

(i) *Change in methodologies for adjustments*. If a party proposes to calculate an adjustment in a manner different from the method that the commission most recently accepted or authorized for the company, it must also present a work paper demonstrating how the adjustment would be calculated under the methodology previously accepted by the commission, and a brief narrative describing the change. Commission approval of a settlement does not constitute commission acceptance of any underlying methodology unless so specified in the order approving the settlement.

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

(iii) "Pro forma adjustments" give effect for the test period to all known and measurable changes that are not offset by other factors. The work papers must identify dollar values and underlying reasons for each proposed pro forma adjustment.

(f) A detailed portrayal of revenue sources during the test year and a parallel portrayal, by source, of changes in revenue

produced by the filing, including an explanation of how the changes were derived.

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

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

(i) Supplementation of the annual affiliate and subsidiary transaction reports as provided in rules governing reporting requirements for each industry, as necessary, to include all transactions during the test period. The company is required to identify all transactions that materially affect the proposed rates.

(4) **Summary document.** The company must file with the commission a summary document that briefly states the following information on an annualized basis, if applicable. In presenting the following information, the company must itemize revenues from any temporary, interim, periodic, or other noncontinuing tariffs. The company must include in its rate change percentage and revenue change calculations any revenues from proposed general rate change tariffs that would supersede revenue from noncontinuing tariffs. The summary document must also include:

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

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

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

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

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

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

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

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

(i) Requested capital structure.

(j) Requested net operating income.

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

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

(5) **Required service of summary document.** The company must serve the summary document on public counsel and mail the summary document described in subsection (4) of this section to the persons designated below on the same date it files the summary document with the commission:

(a) All intervenors on the commission's master service list for the company's most recent general rate proceeding;

(b) All intervenors on the master service list for any other rate proceeding involving the company during the five years prior to the filing, if the rates established or considered in that proceeding may be affected in the company's proposed general rate filing;

(c) All persons who have informed the company in writing that they wish to be provided with the summary document required under this section. The company must enclose a cover letter stating that the prefiled testimony and exhibits and the accompanying work papers, diskettes, and publications specified in this rule are available from the company on request or stating that they have been provided. This provision does not create a right to notice in persons named to receive the summary.

(6) **Cost studies.** The company must file with the commission any cost studies it performed or relied on to prepare its filing, identify all cost studies conducted in the last five years for any of the company's services, and describe the methodology used in such studies.

(7) **Other.** The company must file with the commission its most recent annual report to shareholders, if any, and any subsequent quarterly reports to shareholders; the most recent FERC Form 1 and FERC Form 2, if applicable; and the company's Form 10K's, Form 10Q's, any prospectuses for any issuances of securities, and quarterly reports to stockholders, if any, for the most recent two years prior to the filing date.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 08-18-012 (Docket A-072162, General Order R-550), § 480-07-510, filed 8/22/08, effective 9/22/08; 06-16-053 (Docket A-050802, General Order R-536), § 480-07-510, filed 7/27/06, effective 8/27/06; 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-510, filed 11/24/03, effective 1/1/04.]

WAC 480-07-520 General rate proceedings—Solid waste collection companies. General rate increase filings by class A and B haulers as defined in WAC 480-70-041 must include the information described in this rule. The commission may reject a filing that fails to meet these minimum requirements, without prejudice to the company's right to refile its request in conformance with this section.

(1) **Proposed tariff.** The proposed tariff sheets may be filed in electronic form supplemented by one paper copy. The proposed tariff sheets should be in legislative format, with strike-through to indicate any material to be deleted or replaced and underlining to indicate any material to be inserted. The electronic copy must be submitted in the format identified in WAC 480-07-140(6).

(2) **Local government ordinances and notices.** A copy of every local government ordinance related to the request in compliance with WAC 480-70-326, and a copy of the customer notices issued in compliance with the provisions of WAC 480-70-271.

(3) **Transmittal letter.** A transmittal letter prepared in compliance with the provisions of WAC 480-70-326.

(4) **Work papers.** One paper and one electronic copy of all supporting work papers for the test period, which is the most recent or most appropriate consecutive twelve-month period for which financial data are available. The electronic copy must be submitted in the format identified in WAC 480-07-140(6). Work papers must include:

(a) A detailed pro forma income statement separated among solid waste, single family residential recycling, multi-family recycling, and yard waste, with restating actual and pro forma adjustments, including all supporting calculations and documentation for all adjustments.

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

(ii) "Pro forma adjustments" give effect for the test period to all known and measurable changes that are not offset by other factors. The filing must identify dollar values and underlying reasons for each proposed pro forma adjustment.

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

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

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

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

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

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

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

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

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

(5) **Annual report.** The most recent consolidated annual report to shareholders, if any.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-16-053 (Docket A-050802, General Order R-536), § 480-07-520, filed 7/27/06, effective 8/27/06; 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-520, filed 11/24/03, effective 1/1/04.]

WAC 480-07-530 General rate proceedings—Water companies. General rate increase filings by water companies must include the information described in this section. The commission may summarily reject a filing that fails to meet these minimum requirements, without prejudice to the company's right to refile its request in conformance with this section.

(1) **Cover letter.** The cover letter must:

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

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

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

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

(c) Describe each service that is impacted and the dollar and percentage change for each service as well as the net impact of all changes on the company's total regulated revenue.

(2) **Tariff.** The proposed tariff must include explanatory markings.

(3) **Customer notice.** A copy of the notice mailed to customers.

(4) **Work papers.** The supporting work papers for the test period including:

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

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

(c) Depreciation schedule;

(d) Adjustments proposed including a schedule showing adjustments to the statement of revenues and expenses, including any restating adjustments and/or pro forma adjustments including the effect of proposed rates;

(e) Work papers that explain both restating and pro forma adjustments that the company proposes, specifying all relevant assumptions, and including specific references to charts of accounts, financial reports, studies, and all similar records relied on by the company in preparing its filing, and its supporting testimony and exhibits.

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

(ii) "Pro forma adjustments" give effect for the test period to all known and measurable changes that are not offset by other factors. The filing must identify dollar values and underlying reasons for each proposed pro forma adjustment.

(f) Usage statistics verifying test year revenues and proposed revenues.

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

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

(i) Information about every transaction with an affiliated interest or subsidiary that directly or indirectly affects the proposed rates. This must include: A full description of the relationship, terms and amount of the transaction, the length of time the relationship has been ongoing, and an income statement and balance sheet for every affiliated entity.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-530, filed 11/24/03, effective 1/1/04.]

WAC 480-07-540 General rate proceedings—Burden of proof. Public service companies bear the burden of proof in general rate proceedings that propose changes that would increase any rate, charge, rental, or toll, as provided in RCW 80.04.130 or 81.04.130. The burden of proof includes the burden of going forward with evidence and the burden of persuasion. The commission will consider the company's prefiled evidence to be its full direct case in support of its rate filing for purposes of deciding any prehearing motion to dismiss under WAC 480-07-380.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-540, filed 11/24/03, effective 1/1/04.]

WAC 480-07-550 General rate proceedings—Compliance filings and other resulting filings. WAC 480-07-880 and 480-07-883 govern compliance filings and other filings that the commission authorizes or requires in a general rate proceeding.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-550, filed 11/24/03, effective 1/1/04.]

Subpart C: Abbreviated and Specialized Forms of Adjudicative Proceedings

WAC 480-07-600 Scope. Subpart C of this chapter establishes rules for abbreviated and specialized adjudicative proceedings, including brief adjudicative proceedings, emergency adjudicative proceedings, proceedings under the Telecommunications Act of 1996, and proceedings concerning the closure of highway-railroad grade crossings.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-600, filed 11/24/03, effective 1/1/04.]

WAC 480-07-610 Brief adjudicative proceedings. (1) **When permitted.** The commission may use brief adjudicative proceedings under RCW 34.05.482 when doing so is consistent with other provisions of law, when protection of the public interest does not require the commission to give notice and an opportunity to participate to persons other than the parties, and when the commission believes that the brief adjudication is consistent with the public interest. In exercising its discretion to conduct a brief adjudication, the commission will consider the preferences of the parties, the possible benefits to be gained from a brief adjudication, and the nature of issues involved.

(2) **Matters suitable for brief adjudication.** Categories of proceedings suitable for brief adjudication include, but are not necessarily limited to:

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

(b) Contested applications for temporary authority.

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

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

(e) Petitions for mitigation of penalty assessments under RCW 80.04.405 and 81.04.405, including any challenge to the validity of a penalty assessment or the existence of an underlying violation.

(3) **How to request brief adjudication.** Any person may apply for a brief adjudicative proceeding by filing with the secretary of the commission a letter stating reasons why a brief adjudication should be used and a certificate of service upon all other identified or necessary parties. The commission may set a matter for brief adjudication on its own motion when doing so will not prejudice the rights of any person. Each applicant for a brief adjudicative proceeding must submit a written explanation of its view of the issues along with its application. Parties may file written submissions as provided in the commission's notice that it will conduct the brief adjudicative proceeding.

(4) **Assignment of presiding officer.** If the commission grants the request for a brief adjudication, it will designate a person to serve as a presiding officer consistent with the requirements of RCW 34.05.485.

(5) **Requesting and presenting oral comments.**

(a) ***Request.*** A party to a brief adjudicative proceeding may request to make an oral statement in the application or in a response to the application. The presiding officer may grant a request to make an oral statement or may ask the parties to make oral statements if the presiding officer believes an oral statement will help in reaching a decision.

(b) ***Notice.*** The commission will serve upon the parties a notice of the time and place for the brief adjudicative proceeding and the name and telephone number of the designated presiding officer at least seven days before the proceeding.

(6) **Initial order.** The presiding officer may make an oral statement of the reasons for the decision during the brief adjudication if the party affected is present at the proceeding. The presiding officer will enter an initial order that addresses the issues raised by the application within ten days after the date of the brief adjudication. The initial order will be served on the parties pursuant to WAC 480-07-150 (3) and (7).

(7) **Review of initial orders.**

(a) ***Timing.*** Any party may file a written petition for review of an initial order in a brief adjudication within twenty-one days after service of the initial order and the commission will review the initial order. The commission may review an initial order on its own motion.

(b) ***Format for petition for review.*** The commission encourages written petitions for review so parties will have the greatest opportunity to state reasons for their views. A written request for review of an initial order must contain an explanation of the party's view of the matter, with a statement of reasons why the initial order is incorrect, and a certificate of service. Oral petitions for review are permitted under RCW 34.05.488.

(c) ***Response.*** The commission encourages written responses. Any written response to a petition for review must be filed with the commission and served to the other parties within seven days after service of the petition for review, or on a schedule set by the presiding officer. The commission may hear orally any response to an oral petition for review.

(8) **Final order on review.** The commission may adopt, modify, reject, or remand the initial order for further proceedings consistent with the terms of its final order. The final order on review will be in writing, will include a brief statement of the reasons for the decision, and will be entered within twenty days after the deadline for requesting review or of the request for review, whichever is later. The order must include a notice of any further available administrative review or, if none is available, a notice that judicial review may be available.

(9) **Final order without review.** If no party seeks review of the initial order, the commission may enter an order adopting the initial order as its final order.

(10) **Record.** The record in a brief adjudicative proceeding consists of any documents regarding the matter that were considered or prepared by the presiding officer for the brief adjudicative proceeding or by the reviewing officer for any review. The agency's record need not constitute the exclusive basis for action, unless otherwise required by law.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-610, filed 11/24/03, effective 1/1/04.]

WAC 480-07-620 Emergency adjudicative proceedings. (1) **When permitted.** The commission may conduct an emergency adjudicative proceeding pursuant to RCW 34.05.479 to suspend or cancel authority, to require that a dangerous condition be terminated or corrected, or to require immediate action in any situation involving an immediate danger to the public health, safety, or welfare requiring immediate action by the commission. Such situations include, but are not limited to:

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

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

(2) **Complaint.** If time permits, the commission or a complainant must prepare a complaint and serve it on the respondent using a method that best provides actual notice of the adjudication. If a majority of the commissioners are not available to authorize a complaint, one commissioner or, if no commissioner is available, the secretary or executive director of the commission or an administrative law judge may authorize a complaint.

(3) **Who presides.** The commissioners will sit as presiding officers, hear the matter, and enter an order, if a majority of the commissioners are available. Any available commissioner will sit as presiding officer, hear the matter, and enter an order, if a majority of the commissioners is not available. The supervisor of the commission's administrative law judge function will assign an administrative law judge to sit as presiding officer, hear the matter, and enter an order, if no commissioner is available.

(4) **Record and decision.** The official record will include any written submissions of the parties; oral comments by the parties, if the presiding officer has allowed oral comments; and any documents regarding the matter that were considered or prepared by the commission. The agency's record need not constitute the exclusive basis for action, unless otherwise required by law.

(5) **Emergency order.** The presiding officer will enter an emergency order as soon as practicable under the circumstances. The order will include a brief statement of findings of fact, conclusions of law, and justification for the determination of an immediate danger to the public health, safety, or welfare. The order is effective when entered. The commission will serve the order pursuant to WAC 480-07-150 (3) and (7).

(6) **Post-order process.** After entering an emergency order under this section, the commission will proceed as quickly as feasible to complete any proceedings that would be required if the matter did not involve an immediate danger to the public health, safety, or welfare, and will enter a final order.

(7) **Review or reconsideration of emergency order.** Any party to an emergency adjudicative proceeding may seek immediate review by the full commission in the case of any order entered by a single commissioner or by an administrative law judge. In the case of any order entered by a majority of the commissioners, any party may seek immediate reconsideration. If either review or reconsideration is requested, the commission will establish appropriate process to complete its review or reconsideration within ten days of the date of any petition for review or reconsideration. A party seeking immediate review or reconsideration is not automatically entitled to a stay of the emergency order.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-16-053 (Docket A-050802, General Order R-536), § 480-07-620, filed 7/27/06, effective 8/27/06; 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-620, filed 11/24/03, effective 1/1/04.]

WAC 480-07-630 Telecommunications companies—Arbitration under the Telecommunications Act of 1996. (1) **Scope.** This rule implements the arbitration provisions of sections 251 and 252 of the Telecommunications Act of 1996, 47 U.S.C. §§ 251 and 252.

(2) **Nature of the proceeding.** Arbitrations that the commission conducts pursuant to 47 U.S.C. § 252 are subject to judicial review. Arbitration under this section, however, is not an adjudicative proceeding under the Washington Administrative Procedure Act, chapter 34.05 RCW. Arbitration decisions are binding only upon the parties to the arbitration. Arbitration under this section should be characterized by fairness, cooperation and openness between or among the

parties, and is designed to resolve disputes efficiently and economically.

(3) **Intervention; public counsel.** Arbitrations typically involve only the parties to the negotiation. Others may ask to participate but will be allowed to do so only upon a showing of compelling public interest. The public counsel section of the office of attorney general may elect to participate pursuant to RCW 80.04.510.

(4) **Filing and service of a petition for arbitration.**

(a) ***When allowed.*** During the period from the 135th to the 160th day (inclusive) after the date on which an incumbent local exchange carrier receives a request for negotiation under 47 U.S.C. § 252 (b)(1), any party to the negotiation may petition the commission to arbitrate all issues that remain unresolved. Parties may continue to negotiate in good faith and may continue to participate in mediation to resolve the disputed issues after arbitration is requested.

(b) ***Filing.*** Parties must file petitions for arbitration under section 252 (b)(2) as provided for other petitions under WAC 480-07-145, and must follow the format requirements for pleadings in WAC 480-07-395.

(c) ***Service.*** A party that files a petition for arbitration must deliver a complete copy of the petition and all accompanying documentation to the other party or parties to the negotiation on the same day that the petition is filed with the commission.

(5) **Contents of petition and documentation.** A petition for arbitration filed under this section must:

(a) State the date on which the original request for negotiation was received, and the dates one hundred thirty-five days and one hundred sixty days after the request was received;

(b) Include a brief statement of each unresolved issue and a summary of each party's position with respect to each issue;

(c) State all proposed rates or charges, if prices are in dispute, and all relevant cost studies and related supporting materials that are available to the petitioner;

(d) State any conditions that the petitioning party requests be imposed;

(e) Recommend any information that the arbitrator should request from the parties pursuant to 47 U.S.C. § 252 (b)(4)(B), including an explanation of why the information is necessary for the arbitrator to reach a decision on the unresolved issues; and

(f) Be accompanied by all relevant documentation including:

(i) A current draft of the interconnection agreement, if available, with all agreed provisions in standard typeface and all unresolved issues in bold typeface;

(ii) A legal brief that addresses the disputed issues, including discussion of how the parties' positions, and any conditions requested, meet or fail to meet the requirements of 47 U.S.C. §§ 251 and 252, any applicable FCC regulations, and any applicable regulation, order, or policy of this commission; and

(iii) Any other documents relevant to the dispute, including copies of all documents the petitioner relies on to support its positions or that it intends to introduce as exhibits at the hearing.

(6) **Filing and service of an answer to a petition for arbitration.**

(a) ***When allowed.*** Any party to the negotiation may respond to a petition for arbitration and may file with the commission such additional information as it wishes within twenty-five days after the petition is filed.

(b) ***Filing.*** Answers to petitions for arbitration under section 252 (b)(2) must be filed with the commission in the manner provided for answers to other petitions under WAC 480-07-145, and must follow the format requirements for pleadings under WAC 480-07-395.

(c) ***Service.*** A party responding to a petition for arbitration must deliver to the petitioner and any other party or parties to the negotiation a complete copy of the answer and all accompanying documentation on the same day that the response is filed with the commission.

(7) **Contents of answer and required documentation.** An answer to a petition for arbitration filed under this section must:

(a) State whether the respondent disputes the date the petitioner asserts was the date on which the respondent received the original request for negotiation, or disputes any subsequent dates stated in the petition in conformance with subsection (5)(a) of this section;

(b) Include a brief statement of each unresolved issue and a summary of each party's position with respect to each issue;

(c) State all proposed rates or charges, if prices are in dispute, and all relevant cost studies and related supporting materials that are available to the respondent;

(d) State any conditions that the responding party requests be imposed;

(e) Recommend any information that the arbitrator should request from the parties pursuant to 47 U.S.C. § 252 (b)(4)(B), including an explanation of why the information is necessary for the arbitrator to reach a decision on the unresolved issues; and

(f) Be accompanied by all relevant documentation including:

(i) A current draft of the interconnection agreement, if available and different from any draft agreement submitted with the petition, with all agreed provisions in standard typeface and all unresolved issues in bold typeface;

(ii) A legal brief that addresses the disputed issues, including discussion of how the parties' positions, and any conditions requested, meet or fail to meet the requirements of 47 U.S.C. §§ 251 and 252, any applicable FCC regulations, and any applicable regulation, order, or policy of this commission; and

(iii) Any other documents relevant to the dispute, including copies of all documents the respondent relies on to support its positions or that it intends to introduce as exhibits at the hearing.

(8) **Verification.** The petition, answer, and all documentation filed must be verified as provided by WAC 480-07-395, or submitted by affidavit or declaration.

(9) **Confidentiality; protective order.** Petitions, answers, and any documents a party provides to the commission pursuant to a request under section 252 (b)(4)(B) are subject to Washington's public disclosure laws, including chapter 42.56 RCW and RCW 80.04.095. Confidential infor-

mation submitted with a petition for arbitration or answer is subject to the protections and procedures set out in WAC 480-07-160. A party may include in its petition or response a request that the commission enter a protective order.

(10) **Discovery.** Parties must cooperate in good faith in the voluntary, prompt and informal exchange of all documents and other information relevant to the disputed issues, subject to claims of privilege or confidentiality. A party's failure to cooperate in discovery may be treated as a failure to negotiate in good faith. The arbitrator will schedule a discovery conference for a date ten days after the deadline for responses to the petition for arbitration, subject to rescheduling or cancellation if all parties agree. During the conference, the arbitrator will review the asserted need for any additional discovery, including requests for information by the arbitrator pursuant to 47 U.S.C. § 252 (b)(4)(B). Parties may submit to the arbitrator any discovery requests not responded to by the time of the conference and request that the arbitrator order the discovery. The arbitrator or the commission may request information from the parties pursuant to 47 U.S.C. § 252 (b)(4)(B) at any time.

(11) **Appointment and authority of arbitrator.**

(a) ***Appointment.*** One or more commissioners, one or more commission employees appointed by the commission, or one or more persons under contract with the commission may be designated as arbitrator(s) when a petition for arbitration is filed. The commission will not appoint an arbitrator who previously mediated a dispute between the same parties concerning the same interconnection agreement, unless the parties consent in writing or no other arbitrator is available to the commission. The commission will advise the parties of the appointment by entry of an order on arbitration procedure. The commission, in its discretion, may permit parties to comment on the selection of the arbitrator.

(b) ***Authority.*** Arbitrators will exercise all authority reasonable and necessary to conduct arbitration under the provisions of this rule, the commission's orders on arbitration procedure, and other provisions of law. Other members of the commission's staff may assist an arbitrator, but a staff member who has acted as a mediator with respect to the same interconnection agreement between the same parties may not be consulted. The arbitrator will issue the arbitrator's report within one hundred ten days after the date on which the petition for arbitration was filed. The arbitrator's report satisfies the commission's responsibility to resolve the disputed issues under 47 U.S.C. § 252 (b)(4)(C).

(12) **Consolidation.** The commission or an arbitrator may consolidate arbitration proceedings to reduce burdens on telecommunications carriers, parties to arbitration proceedings, and the commission.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 08-18-012 (Docket A-072162, General Order R-550), § 480-07-630, filed 8/22/08, effective 9/22/08; 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-630, filed 11/24/03, effective 1/1/04.]

WAC 480-07-640 Telecommunications companies—Review and approval of interconnection agreements under the Telecommunications Act of 1996. (1) **Scope.** This rule implements the commission review and approval process provisions of section 252 of the Telecommunications Act of 1996, 47 U.S.C. § 252.

(2) **Review and approval of agreements by the commission.**

(a) ***Filing and service of agreements for approval.***

(i) *Negotiated agreements.* Parties to a negotiated interconnection agreement must submit a complete, signed copy of their agreement to the commission for approval under 47 U.S.C. § 252(e) within thirty days after the agreement is signed. Any appendices or attachments to the agreement must be included. The request for approval must summarize the agreement's main provisions. The request for approval must affirm that the agreement does not discriminate against nonparty carriers, is consistent with state and federal law, and is in the public interest. The commission will reject a request for approval that does not include all of the information required in this section but will allow it to be refiled when complete. The timelines established for commission review of requests for approval under 47 U.S.C. § 252 do not begin until a complete request is properly filed.

(ii) *Arbitrated agreements—Petition for review; answer.* Any party may petition for commission review of an arbitrator's report and decision within thirty days after the arbitrator's report is issued, or at such other time as is established by notice or order. Other parties to the arbitration proceeding must file an answer within ten days after the petition is served, or at such other time as is established by notice or order. Both petition and answer must be in the form of a brief of the issues, and must address all legal and factual bases in support of the parties' respective arguments that the arbitrator's report and decision should, or should not, be modified.

(iii) *Arbitrated agreements—Request for approval.* The parties must also file, on the date established for answering any petition for review, their request for approval of an arbitrated interconnection agreement and a complete, signed copy of their interconnection agreement including all negotiated terms, all terms requested under section 252(i) of the Telecommunications Act of 1996, and all terms drafted to implement the arbitrator's report and decision. Arbitrated terms must be in bold font style and identify by footnote the arbitrated issue that relates to the text. Any appendices or attachments to the agreement must be included. The request for approval must summarize the agreement's main provisions. The request for approval must affirm that the agreement does not discriminate against nonparty carriers, is consistent with state and federal law, and is in the public interest. The commission will reject a request for approval that does not include all of the information required in this section but will allow it to be refiled when complete. The timelines established for commission review of requests for approval do not begin until a complete request is properly filed.

(iv) *Filing and service.* Parties must file requests for approval with the commission secretary, as provided in WAC 480-07-145. Parties must serve the request for approval on all other parties not filing jointly, as provided in WAC 480-07-150.

(b) ***Commission consideration of requests for approval and petitions for review.*** The commission will consider a request for approval of a fully negotiated interconnection agreement at a regularly or specially scheduled open public meeting. The commission will consider any petition for review of an arbitrator's report and decision at hearing, which may, in the commission's discretion, be scheduled coincident

with a regularly or specially scheduled open public meeting. The commission may hear oral argument by the parties, oral comment from members of the public, or both. The commission will enter an order approving or rejecting a fully negotiated agreement within ninety days after the date on which the request for approval and interconnection agreement are filed. The commission will enter an order resolving a partially or fully arbitrated agreement within thirty days after the request for approval and interconnection agreement are filed.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-640, filed 11/24/03, effective 1/1/04.]

WAC 480-07-650 Petitions for enforcement of telecommunications company interconnection agreements. The purpose of this rule is to provide a speedy and enforceable means to resolve disputes when one party to an interconnection agreement contends that the other party is violating the terms of the agreement.

(1) **Petitions for enforcement.** A telecommunications company that is party to an interconnection agreement with another telecommunications company may petition under this rule for enforcement of the agreement.

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

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

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

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

(b) ***How to serve the petition.*** The petitioner must serve the petition for enforcement on the responding party on the same day the petition is filed with the commission. If the petitioner chooses to serve the respondent by mail or parcel delivery service, it must deliver a copy of the petition and all supporting documents by hand delivery, fax, or e-mail (to the e-mail address specified by the recipient for the purpose of receiving a copy of the petition) on the same day as filed with the commission. For purposes of this section, service must be effected on:

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

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

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

(c) ***Prefiling notice of petition.*** The petitioner must give at least ten days' written notice to the respondent that the petitioner intends to file a petition for enforcement. The notice must identify each specific provision of the agreement that the petitioner alleges was violated, and the exact behavior or failure to act that petitioner alleges violates the agreement. The written notice must be served as provided in (b) of this subsection. The petitioner must include a copy of this notice with its petition for enforcement. The written notice shall be valid for thirty days from the date of service. If the petitioner wishes to file a petition for enforcement after the thirty-day period, the petitioner must serve another notice to the respondent at least ten days prior to filing the petition.

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

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

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

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

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

(a) ***Schedule; mandatory attendance.*** The presiding officer will issue notice of a prehearing conference within five business days after the petition is filed. Both the petitioner and the respondent must attend the prehearing conference. The prehearing conference may be conducted by telephone.

(b) ***Procedural determination.*** The presiding officer will determine at the prehearing conference whether the issues raised in the petition can be determined on the pleadings, submissions, and any oral statements without further proceedings. When determining whether to schedule an oral enforcement hearing session, the presiding officer will consider the parties' preferences and the reasons they advance, the need to clarify statements by asking questions, whether the issues are largely factual, largely legal, or involve questions of fact and law, the apparent complexity of facts and issues, the need for speedy resolution, and the completeness of information presented. The presiding officer may require the parties to submit written briefs on the issues.

(c) ***Means of obtaining additional information.*** If the presiding officer determines that further proceedings are necessary, the presiding officer will establish a schedule for receiving additional facts or evidence and may schedule an enforcement hearing session to explore the facts and issues raised in the petition and the answer. The party filing the petition or answer may file with the petition or answer a request for discovery, stating the matters to be inquired into and their relationship to matters directly at issue. The presiding officer may allow limited discovery requiring only the disclosure of facts relating directly to matters at issue, and only if discovery is shown to be essential to the requesting party. The presiding officer will establish a shortened discovery schedule to comply with the timelines of this rule.

(d) ***Consideration as a complaint.*** If the matter at issue involves policy, technical or accounting issues that require extensive analysis or discovery, the commission may convert the proceeding to a complaint proceeding under RCW 80.04.-110 to allow adequate time and process for the demands of the proceeding.

(5) **Powers of the presiding officer; conversion of proceeding; recommended or final decision.**

(a) ***Conduct of proceeding.*** The presiding officer has broad discretion to conduct the proceeding in a manner that best suits the nature of the petition, including, but not limited to, converting the proceeding into a complaint proceeding under RCW 80.04.110. Matters may be appropriate for conversion when their complexity requires that they cannot be completed on the schedule provided in this rule; when the petitioner requires discovery beyond a disclosure of facts directly related to the matters at issue; when extensive policy argument or legal briefing is required; or when participation by parties other than the petitioner and the respondent is necessary. The presiding officer may limit the record to written submissions or may schedule an enforcement hearing session. The presiding officer may limit the number of exhibits and witnesses and the time for their presentation.

(b) ***Recommended decision.*** The presiding officer, if other than the commissioners, will serve a recommended decision on the parties within seventy-five days of the date the petition for enforcement was filed, or twenty-one days after the last hearing session or submission, whichever is later. The recommended decision is subject to approval by the commission. If the commissioners preside over the enforcement proceeding, they may enter a final decision within the time requirements applicable to recommended decisions.

(c) ***Review of the recommended decision.*** Any party may file a petition for administrative review of a recommended decision within seven days after the order is entered. A party opposing review may file an answer within five days after a petition for review is filed. The commission may hear the parties' arguments regarding any recommended decision on the written pleadings or during oral argument, which may, in the commission's discretion, be scheduled coincident with a regular or special open public meeting. The commission may request commission staff to make a presentation at the argument. The commission will conduct this session within ten days after the date of the recommended decision, or as soon thereafter as the commissioners' schedules permit. If no party files a petition for administrative review, the commission may adopt the recommended decision without material change. If the commission considers making a material change in a recommended order to which no petition for review has been filed, the commission must first seek the views of the parties on the issue.

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

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

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

(c) ***Petition for reconsideration.*** The parties may petition for reconsideration within ten days after the commission serves its order on the petition for enforcement. If a party petitions for reconsideration, the commission may request that an answer be filed. The commission may request additional comments, briefing, evidence, or argument from the parties. Filing a petition for reconsideration of the order does not stay the effect of the order. A petition for reconsideration is deemed denied unless the commission grants or denies it by written order within ten days after the date on which petition for reconsideration is filed or the date established for filing an answer or additional comments, briefing, evidence, or argument, whichever is later. The commission may alter the time for entering its order on a petition for reconsideration by notice or letter.

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

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-16-053 (Docket A-050802, General Order R-536), § 480-07-650, filed 7/27/06, effective 8/27/06; 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-650, filed 11/24/03, effective 1/1/04.]

WAC 480-07-660 Railroad grade-crossing closures—Objections. (1) **Filing.** Anyone who objects to a highway-railroad grade crossing closure under RCW 81.53.-060 must file an objection in writing within twenty days after publication of notice of the proposed closure. The objection must:

(a) Identify the person or persons who object by full name and mailing address;

(b) Identify the particular crossing that is the subject of the objection;

(c) State the commission docket number, if known; and

(d) Explain the basis for the objection.

If a communication does not meet these requirements, the commission will not treat the communication as an objection when determining whether a hearing is required under RCW 81.53.060.

(2) **Party status; appearances; service of final order.** Filing an objection does not make a person a party to a proceeding under RCW 81.53.060. A person who wishes to participate as a party must enter an appearance at the first hearing session, as prescribed by WAC 480-07-340. A person who fails to establish party status by appearance may file a "late-filed petition to intervene" as provided in WAC 480-07-355. A person must establish party status to be entitled to service of any initial order or the commission's final order in the matter. Persons who are not parties may receive a courtesy copy of any initial or final order on request.

(3) **Other interested persons.** Interested persons who are not parties will be provided an opportunity to be heard and offer evidence, as required by RCW 81.53.060. Interested persons who are not parties may not call witnesses, cross-examine witnesses, or otherwise participate as a party. Interested persons who are not parties do not have standing to file petitions for administrative review of initial orders or to file petitions for reconsideration of final orders.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-660, filed 11/24/03, effective 1/1/04.]

Subpart D: Alternative Dispute Resolution

WAC 480-07-700 Alternative dispute resolution. The commission supports parties' informal efforts to resolve disputes without the need for contested hearings when doing so is lawful and consistent with the public interest, and subject to approval by commission order. Alternative dispute resolution (ADR) includes any mechanism to resolve disagreements, in whole or in part, without contested hearings.

(1) **No delegation of commission authority.** The commission cannot delegate to parties the power to make final decisions in any adjudicative proceeding. The commission retains and will exercise its authority in every adjudicative proceeding to consider any proposed settlement or agreement for approval.

(2) **Forms of ADR.** Parties to a dispute that is within the commission's jurisdiction may agree to negotiate with any other parties at any time without commission oversight. The commission may direct parties to meet or consult as provided in subsection (3) of this section, or may establish or approve a collaborative process as provided in WAC 480-07-720. The commission may assign commission staff trained in ADR principles and techniques to serve as neutral third parties (e.g., mediator or facilitator) to assist the parties. The commission may assign a settlement judge to assist the parties in appropriate circumstances. The commission may provide an arbitrator whose decision is subject to commission review in matters for which arbitration is authorized.

(3) **Settlement conference.** A settlement conference means any discussion or other communication, in person or otherwise, intended to resolve one or more disputed issues (whether actual or anticipated) between two or more parties in an adjudicative proceeding. Settlement conferences do not include requests for information or clarification, or communications to identify whether a dispute exists or whether another party is willing to negotiate resolution of a disputed issue, or in aid of discovery. Settlement conferences must be informal and without prejudice to the rights of the parties. The procedural requirements of this section relating to settlement conferences may be waived if all parties and the commission agree. Any party and any person who has filed a petition to intervene may participate in an initial or early initial settlement conference. An intervenor's participation in a settlement conference is limited to the interests supporting its intervention, except by agreement of other participants in the conference. No party is required to attend.

(a) **Initial settlement conference.** The commission will set in the procedural schedule for each adjudicative proceeding the date for an initial settlement conference. Parties wishing to reschedule the initial settlement conference must seek modification of the schedule by the presiding officer upon notice to all other parties.

(b) **Early initial settlement conference.** Any party that wishes to initiate a settlement conference with any other party between the filing of the docket and the initial prehearing conference must have included in its notice to customers, if otherwise required, a statement indicating that an early initial settlement conference might be scheduled. In addition, the party proposing an early initial settlement conference must provide ten days prior notice of any such conference to the commission, public counsel, any party, any person that has filed a petition to intervene and any person that was a party in the most recent proceeding of the same type, involving the same filing party and respondent, if any. Such persons may participate in an early initial settlement conference in the docket if they file a petition to intervene prior to the early initial settlement conference.

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

(a) The parties, as their first joint act, will consider the commission's guidelines for negotiations, set out in a policy statement adopted pursuant to RCW 34.05.230, and determine the ground rules governing the negotiation;

(b) No statement, admission, or offer of settlement made during negotiations is admissible in evidence in any formal hearing before the commission without the consent of the participants or unless necessary to address the process of the negotiations;

(c) Parties may agree that information exchanged exclusively within the context of settlement negotiations will be treated as confidential, subject to the requirements of RCW 5.60.070; and

(d) Participants in a commission-sanctioned ADR process must periodically advise any nonparticipating parties and the commission of any substantial progress made toward settlement. Participants must immediately advise the commission if a commission-sanctioned ADR process is without substantial prospects of resolving the issue or issues under discussion (i.e., if the participants agree that an impasse has been reached or an impasse is declared by any neutral third party who is assisting the participants in the ADR process).

(e) Any mediator, facilitator, or settlement judge who assists the participants in an ADR process will not participate in any adjudication, arbitration, or approval process for the same proceeding, unless all parties consent in writing.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-16-053 (Docket A-050802, General Order R-536), § 480-07-700, filed 7/27/06, effective 8/27/06; 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-700, filed 11/24/03, effective 1/1/04.]

WAC 480-07-710 Mediation. (1) **Scope.** This rule applies generally to settlement negotiations in which the commission agrees to assign a qualified mediator to assist the parties. This rule applies specifically to implement the mediation provisions of sections 251 and 252 of the Telecommunications Act of 1996, 47 U.S.C. §§ 251 and 252.

(2) **Commission participation.** The parties to a negotiation, including a negotiation under 47 U.S.C. §§ 251 and 252, may ask the commission to mediate any differences that arise during the negotiation. A request for mediation must include a brief statement of the nature of the dispute and the names, postal and e-mail addresses, telephone and fax numbers of the parties and their representatives. Copies of the request must be served on all parties to the negotiation. All parties are required to participate in good faith if the commission agrees to mediate.

(3) **Mediators.** The commission may assign one or more qualified employees to serve as mediator(s). The commission may require the parties to retain the services of a professional mediator acceptable to all parties.

(4) **Process.** Mediators have discretion to regulate the course of the mediation, including scheduling mediation sessions, in consultation with the parties. The following general procedures apply:

(a) The mediator may not impose a settlement but may offer proposals for settlement;

(b) The mediator may meet individually with the parties or attorneys during mediation;

(c) Only the parties to the negotiation and the mediator may attend the mediation session(s), unless all parties and the mediator consent to the presence of others;

(d) Parties must provide the mediator with a brief statement of position and relevant background information prior to the first mediation session;

(e) The mediator may ask for supplemental information;

(f) The mediator may not provide legal advice to the parties, nor are any mediator's stated opinions as to law or policy binding on the commission, unless later adopted by the commission;

(g) The mediation process is confidential to the extent permitted by law, subject to the requirement for a written agreement or other record indicating an expectation that mediation communications will be privileged against disclosure as required under RCW 7.07.020; and

(h) No stenographic or electronic record will be kept.

(5) **Fees and costs.** Each party must bear its own fees and costs. Each party must pay any fees imposed by commission rule or statute.

(6) **Notice to commission.** Parties must advise the commission if they reach a full, partial, or multiparty settlement and may suggest preferred procedural alternatives for review of the settlement, subject to the requirements of WAC 480-07-640 (commission approval of interconnection agreements) or WAC 480-07-740, as appropriate. The commission will determine the appropriate procedure in each proceeding consistent with the requirements of WAC 480-07-640 or 480-07-740.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-16-053 (Docket A-050802, General Order R-536), § 480-07-710, filed 7/27/06, effective 8/27/06; 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-710, filed 11/24/03, effective 1/1/04.]

WAC 480-07-720 Collaboratives. (1) **Defined; membership.** A collaborative is a commission-sanctioned negotiation in which interested persons work with each other and representatives of commission staff to achieve consensus on one or more issues, within the commission's jurisdiction, assigned to or identified by the collaborative participants. Any person whose interests may be substantially affected by the result of the collaborative must be given an opportunity to participate. Collaborative participants must inform the commission and seek approval if a collaborative seeks to change its membership or redefine the issues it will address.

(2) **Procedure.** Participants must develop procedural guidelines for their negotiations when beginning a collaborative and should refer to any commission policy statement(s) that relate to ADR for guidance.

(3) **Communication with commission.** Communication between the commission and collaborative participants may be through commission staff assigned to serve as a neutral third party in the collaborative, or through the commission secretary, subject to agreement among the participants to the form and substance of any such communication.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-720, filed 11/24/03, effective 1/1/04.]

WAC 480-07-730 Settlement. A settlement is an agreement among two or more parties to a proceeding, filed with the commission as a proposed resolution of one or more issues. Parties must submit an electronic copy of the settlement agreement in the format identified in WAC 480-07-140(6).

(1) **Full settlement.** An agreement of all parties that would resolve all issues in a proceeding may be presented as a full settlement for commission review. Parties who file a full settlement should file supporting evidence at the same time as the settlement agreement, or within a reasonable time following filing of the settlement agreement.

(2) **Partial settlement.** An agreement of all parties on some issues may be presented as a partial settlement for commission review, and remaining matters may be litigated. Parties who file a partial settlement should file supporting evidence at the same time as the settlement agreement, or within a reasonable time following filing of the settlement agreement.

(3) **Multiparty settlement.** An agreement of some, but not all, parties on one or more issues may be offered as their position in the proceeding along with the evidence that they believe supports it. Nonsettling parties may offer evidence and argument in opposition.

(4) **Notice to commission.** Parties must advise the commission if they reach a full, partial, or multiparty settlement and may suggest preferred procedural alternatives for review of the settlement, subject to the requirements of WAC 480-07-740. The commission will determine the appropriate procedure in each proceeding consistent with the requirements of WAC 480-07-740.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-16-053 (Docket A-050802, General Order R-536), § 480-07-730, filed 7/27/06, effective 8/27/06; 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-730, filed 11/24/03, effective 1/1/04.]

WAC 480-07-740 Settlement consideration procedure. The commission must determine whether a proposed settlement meets all pertinent legal and policy standards. The commission must have a reasonable opportunity to hear parties' views on why the settlement should be approved and adopted, to ask questions of the parties, and to conduct its processes in an orderly fashion. Parties must, therefore, consider the timing and the content of the settlement presentation to the commission.

(1) **Settlement presentation timing.** Parties must file a proposed settlement with a recommended effective date that allows the commission sufficient time to schedule a formal settlement hearing and provide an opportunity for public comment when the commission, after consulting the parties, determines that such comment is needed. The commission must have sufficient time to deliberate and to prepare an order responding to the proposal. The parties must allow sufficient time for the filing, review, and approval of any required compliance filing.

(a) ***General rate proceedings.*** In general rate proceedings or matters of comparable complexity, parties must allow at least thirty days between filing a proposed settlement agreement and the requested effective date of any tariff changes or other terms and conditions of the settlement.

(b) ***Less complex matters.*** In matters that are less complex, parties must allow at least twenty-one days between filing a proposed settlement agreement and the requested effective date for any tariff changes or other terms and conditions of the settlement.

(c) ***Notice to commission; inquiries regarding arrangements for review.*** Parties should inform the commission at the earliest opportunity when it appears that they may reach a settlement and ask the commission to make tentative arrangements for review. Parties may direct informal inquiries to the supervisor of the commission's administrative law function or the supervisor's designee.

(d) ***Hearing.*** The commission will schedule a hearing to consider a proposed settlement if the commission believes that a hearing will assist it to decide whether to adopt the proposal.

(e) ***Timing; requested effective date.*** The commission will endeavor to meet the parties' requested effective date, but cannot guarantee that it will be able to do so.

(2) **Settlement presentation contents.** When filing a proposed settlement agreement, parties must also file supporting documentation sufficient to demonstrate to the commission that the proposal is consistent with law and the public interest and that it is appropriate for adoption.

(a) ***Narrative.*** Supporting documentation should include a narrative outlining the scope of the underlying dispute; the scope of the settlement and its principal aspects; a statement of parties' views about why the proposal satisfies both their interests and the public interest; and a summary of legal points that bear on the proposed settlement. The documentation may be in the form of a memorandum, supporting prefiled testimony, brief, or other form that serves the same functions.

(b) ***Testimony.*** Each party to a settlement agreement must offer to present one or more witnesses to testify in support of the proposal and answer questions concerning the settlement agreement's details, and its costs and benefits. Proponents of a proposed settlement must present sufficient evidence to support its adoption under the standards that apply to its acceptance. Counsel must make a brief presentation of the settlement, and address any legal matters associated with it. Counsel must be available to respond to questions from the bench regarding those subjects.

(c) ***Rights of opponents of a proposed settlement.*** Parties opposed to the commission's adoption of a proposed settlement retain the following rights: The right to cross-examine witnesses supporting the proposal; the right to present evidence opposing the proposal; the right to present argument in opposition to the proposal; and the right to present evidence or, in the commission's discretion, an offer of proof, in support of the opposing party's preferred result. The presiding officer may allow discovery on the proposed settlement in the presiding officer's discretion.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-740, filed 11/24/03, effective 1/1/04.]

WAC 480-07-750 Commission discretion to accept settlement, impose conditions, or reject a proposed settlement. (1) The commission may decide whether or not to consider a proposed settlement. The commission will approve settlements when doing so is lawful, when the settlement terms are supported by an appropriate record, and when the result is consistent with the public interest in light of all the information available to the commission.

(2) If the commission considers a proposed settlement, it may accept the proposed settlement, with or without conditions, or may reject it.

(a) If the commission rejects a proposed settlement, the litigation returns to its status at the time the settlement was offered and the time for completion of the hearing will be extended by the elapsed time for consideration of the settlement and may take into account the need to address other pending business before the commission.

(b) If the commission accepts a proposed settlement upon conditions not proposed in the settlement, the parties may seek reconsideration of the decision and the settling parties must within the time for reconsideration state their rejection of the conditions. If a party rejects a proposed condition, the settlement is deemed rejected and (a) of this subsection applies.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-16-053 (Docket A-050802, General Order R-536), § 480-07-750, filed 7/27/06, effective 8/27/06; 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-750, filed 11/24/03, effective 1/1/04.]

Subpart E: Orders and Post-order Process

WAC 480-07-800 General; definitions. (1) "Entry" of an order means the signing of the order by all persons who are to sign the order, as an official act indicating that the order is to be effective. Each order will state the date on which it is entered.

(2) An order is effective when entered, unless an effective date other than the date the order is entered is specified in the order.

(3) "Service" of an order means placing copies of the order in the U.S. mail, postage prepaid, addressed to all par-

ties and any other persons required by law to be served. Each order will state the date on which it is served. The service date of an order governs the determination of time limits for further administrative procedure or for judicial review.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-800, filed 11/24/03, effective 1/1/04.]

WAC 480-07-810 Interlocutory orders. (1) **Defined.** Orders entered during the course of an adjudicative proceeding are "interlocutory orders," as distinguished from initial orders that may be entered by an administrative law judge at the conclusion of a proceeding and final orders entered by the commission at the conclusion of a proceeding. Examples of interlocutory orders are orders concerning a party's participation in a proceeding, orders concerning discovery, and orders that relate to proposed evidence.

(2) **When review is available.** Interlocutory review is discretionary with the commission. The commission may accept review of interim or interlocutory orders in adjudicative proceedings if it finds that:

(a) The ruling terminates a party's participation in the proceeding and the party's inability to participate thereafter could cause it substantial and irreparable harm;

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

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

(3) **Process for seeking review.** Any party may petition for review of an interlocutory order. Petitions for interlocutory review must be filed and served on other parties within ten days after service of the order or issuance of the ruling for which review is requested. The petition must state why the ruling is in error or should be changed and why interlocutory review is necessary, and must cite reasons that support the petition. Answers must be filed within ten days after the petition is filed. The commission may alter these filing deadlines when doing so is consistent with the public interest.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-810, filed 11/24/03, effective 1/1/04.]

WAC 480-07-820 Initial and final orders. (1) **Defined.**

(a) ***Initial orders.*** "Initial orders" dispose of the merits in a proceeding that is conducted before an administrative law judge and are entered over the signature of the administrative law judge. Initial orders include those that grant dispositive motions (e.g., motions to dismiss and motions for summary determination) and orders that resolve contested issues on the basis of the official record in a proceeding. All initial orders are subject to further action by the commission as provided in WAC 480-07-825.

(b) ***Final orders.*** "Final orders" dispose of the merits of a proceeding following consideration by the commissioners and are entered over the signatures of a majority of the commissioners. Final orders include those that grant dispositive motions (e.g., motions to dismiss and motions for summary determination) and orders that resolve contested issues on the basis of the official record in a proceeding. Final orders may be entered whenever:

(i) The commissioners personally preside over a proceeding;

(ii) The commissioners enter an order following administrative review of an initial order in response to a timely petition for administrative review;

(iii) The commissioners enter an order after the period available for petitions for administrative review and no such petition has been filed;

(iv) All of the parties to a proceeding waive their right to an initial order; or

(v) The commissioners enter an order following the timely filing of a petition for reconsideration of a final order or a petition for rehearing of a final order.

(2) **Service.** The commission will serve a copy of any initial order and the commission's final order to each party of record and to the party's attorney or other authorized representative pursuant to RCW 34.05.461(9) and WAC 480-07-150(3).

(3) **Timing.** The presiding officer will enter an initial order within sixty days after the commission receives transcripts following the close of the record, hears oral argument (if allowed or required), initial briefs are filed, or reply briefs are filed, whichever occurs last. The commission will enter its final order within ninety days after the commission receives transcripts following the close of the record, hears oral argument (if allowed or required), initial briefs are filed, or reply briefs are filed, or the commission receives a petition for administrative review or an answer to a petition for review, whichever occurs last. The presiding officer or the commission may alter the time for entry of an initial or final order by notice to the parties.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-820, filed 11/24/03, effective 1/1/04.]

WAC 480-07-825 Initial orders—Petitions for administrative review. (1) **When a petition for administrative review is appropriate.** A party who wishes to challenge any finding of fact, conclusion of law, remedy, or result proposed by an initial order may file a petition for administrative review. A party also may file a petition for administrative review to challenge the reasons stated in support of any result reached in an initial order. The commission will accept only one petition for administrative review from any party.

(2) **Timing of petition.** Any party to an adjudicative proceeding may file and serve a petition for administrative review within twenty days after the initial order is served. The commission may extend the time on a showing of good cause.

(3) **Contents; length.** Petitions for administrative review must clearly identify the nature of each challenge to the initial order, the evidence, law, rule or other authority that the petitioner relies upon to support the challenge, and state the remedy that the petitioner seeks. Petitions for review of initial orders must be specific. The petitioner must separately state and number every contention. A petition that challenges a finding of fact must cite the pertinent page or part of the record or must otherwise state the evidence it relies on to sup-

port its petition, and should include a recommended finding of fact. A petition that challenges a conclusion of law must cite the appropriate statute, rule, or case involved and should include a recommended conclusion of law. A petition that challenges the summary or discussion portion of an initial order must include a statement showing the legal or factual justification for the challenge, and a statement of how the asserted defect affects the findings of fact, the conclusions of law, and the ultimate decision. Petitions for administrative review must not exceed sixty pages, without prior permission from the commission.

(4) **Answers.**

(a) ***Who may answer.*** Any party to the adjudication may answer another party's petition for administrative review.

(b) ***Filing and service.*** An answer to a petition for administrative review must be filed and served within ten days after the petition is filed. The commission may designate a different time for filing answers to petitions.

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

(5) **Reply.**

(a) ***By right.*** A party has the right to reply to new challenges to the order that are raised under subsection (c) of this section.

(b) ***By leave of commission.*** A party otherwise has no right to reply to an answer, but may petition for leave to reply, citing new matters raised in the answer and stating why those matters were not reasonably anticipated and why a reply is necessary. The petitioner may attach a reply to the petition for leave to accept the reply.

(c) ***Timing.*** A reply under (a) of this subsection, or a petition for leave to reply under (b) of this subsection, must be filed no later than five days after service of the answer. The commission may extend the time upon a showing of good cause.

(6) **Oral argument.** The commission may hear oral argument on a petition for administrative review at a time and place the commission designates by notice to all parties to the proceeding. A party who desires to present oral argument may request argument, stating why oral argument is necessary to assist the commission in making its decision and why written presentations will be insufficient.

(7) **Initial order finality.**

(a) The initial order of an administrative law judge will become a final order of the commission unless, within the time for filing petitions for administrative review:

(i) A party petitions for administrative review, or receives an extension of time to file a petition for administrative review and files within the extended period; or

(ii) The commission serves a notice to the parties of its intention to review the initial order.

(b) Parties who seek finality of an initial order before the end of the petition period may waive the right to seek administrative review. If all parties waive review, the order will become final on the day the commission declines to exercise administrative review or when the time for exercising review ends. If the commission exercises administrative review, all parties may state objections and responses as permitted in subsection (8) of this section.

(c) An initial order that becomes final by operation of law does not reflect a decision by the commissioners and has no precedential value. Such orders, if cited, must be identified as ALJ orders.

(8) **Designation for review.** The commission may designate an initial order for administrative review by serving on the parties a notice of its intention to review the order. The notice will identify the docket number and the title of the proceeding, a time period within which the parties may state objections to the initial order, and a time to respond to others. The notice may invite the parties to address specific issues relating to the initial order.

(9) **Final order.** The commission may by final order adopt, modify, or reject an initial order after considering the pleadings and the record. Alternatively, the commission may remand the matter for further proceedings with instructions to the presiding officer.

(10) **Judicial review.** The statutory time for filing a petition for judicial review commences when the commission serves its final order, when an initial order becomes final under RCW 80.01.060(3) and subsection (7) of this section, or when a petition for reconsideration is deemed denied as a matter of law, as provided in RCW 34.05.470. However, if a party timely files a petition for reconsideration of the final order, and complies with the commission's procedural rules governing reconsideration, the time for filing a petition for judicial review does not commence until the date on which the agency serves an order disposing of the petition for reconsideration, or the date on which the petition is deemed denied as a matter of law, as provided in RCW 34.05.470.

[Statutory Authority: 2006 c 246, RCW 80.01.040 and 80.04.160. 06-17-126 (Docket A-060357, General Order No. R-538), § 480-07-825, filed 8/21/06, effective 9/21/06. Statutory Authority: RCW 80.01.040 and 80.04.-160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-825, filed 11/24/03, effective 1/1/04.]

WAC 480-07-830 Motion to reopen the record prior to entry of a final order. Any party may file a motion to reopen the record at any time after the close of the record and before entry of the final order. The commission may reopen the record in a proceeding on its own motion. In uncontested proceedings, the commission may exercise its discretion to reopen the record to allow receipt of written evidence when otherwise lawful. In contested proceedings, the commission may reopen the record to allow receipt of evidence that is essential to a decision and that was unavailable and not reasonably discoverable with due diligence at the time of the hearing or for any other good and sufficient cause. The commission will give all parties an opportunity to respond to any evidence received after the record is closed. The commission may enter a final order or may return the matter to the presiding officer for further consideration, including further hearing or other process when appropriate.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-830, filed 11/24/03, effective 1/1/04.]

WAC 480-07-835 Clarification of final order by motion. (1) **Motion - when appropriate.** Any party who does not seek to change the outcome with respect to an issue may file a motion for clarification of a final order within ten

days after the order is served. The purpose of a motion for clarification is to ask for clarification of the meaning of an order so that compliance may be enhanced, so that any compliance filing may be accurately prepared and presented, to suggest technical changes that may be required to correct the application of principle to data, or to correct patent error without the need for parties to request reconsideration and without delaying post-order compliance. A motion for clarification may also request that obvious or ministerial errors in orders be corrected by letter from the secretary or by subsequent order, consistent with WAC 480-07-875.

(2) **Motion - when not appropriate.** If a party seeks to change an outcome with respect to one or more issues resolved by a final order, or challenge a finding of fact or conclusion of law stated in the order, it may not do so by motion for clarification, but must file a petition for reconsideration pursuant to WAC 480-07-850.

(3) **Response.** No party may file a response to a motion for clarification unless requested by the commission.

(4) **Tolling.** Filing a petition for clarification tolls the time for judicial review but does not toll the time for compliance with the final order of which clarification is sought.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-835, filed 11/24/03, effective 1/1/04.]

WAC 480-07-840 Clarification of a final order by conference. The commission may schedule an order conference on its own motion or at a party's request. The commissioners may personally attend the conference or may designate one or more persons to attend on their behalf. The commission will determine whether an order conference will be recorded.

(1) **Purpose.** The purpose of an order conference is to clarify the meaning of a final order when parties disagree about the order's meaning or requirements. Parties to an order conference may ask for clarification of the meaning of an order to:

(a) Explore and resolve any barriers to compliance;

(b) Ensure that any compliance filing can be accurately prepared and presented;

(c) Propose technical changes that may be required to correct the application of principle to data; or

(d) Correct patent error.

The conference is not a forum for discussing or challenging the evidentiary, legal, or policy decisions expressed in the order. Parties may pursue those remedies through a petition for reconsideration or other means.

(2) **Effect.** An order conference will not stay the effect of an order, the time for compliance, the time for securing post-order review, or the time for petitioning for judicial review, unless the conference results in a supplemental commission order, which then becomes a final order subject to review. An order conference does not constitute a formal interpretation of an order. The final order that is the subject of an order conference will remain the sole expression of the commission's decision unless supplemented through an additional order.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-840, filed 11/24/03, effective 1/1/04.]

WAC 480-07-850 Reconsideration of a final order by petition. (1) **Petition - timing.** Any party may petition for reconsideration of a final order within ten days after the order is served. The purpose of a petition for reconsideration is to request that the commission change the outcome with respect to one or more issues determined by the commission's final order.

(2) **Petition - contents.** The petitioner must clearly identify each portion of the challenged order that it contends is erroneous or incomplete, must cite those portions of the record and each law or commission rule that the petitioner relies on to support its petition, and must present brief argument in support of its petition.

(3) **Answer.** No party may file an answer to a petition for reconsideration unless requested by the commission. If the commission requests answers to a petition for reconsideration, it will issue a notice stating the date by which answers must be filed and the date by which the commission intends to enter an order resolving the petition.

(4) **Oral argument.** The commission will not hear oral argument on a petition for reconsideration unless the commission determines on its own motion that oral argument is required.

(5) **Disposition.** A petition for reconsideration is deemed denied twenty days after the date the petition is filed, unless the commission either:

(a) Enters an order resolving the petition; or

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

(6) **Action.** If the commission grants a petition, the commission may modify its prior order or take other appropriate action. If the commission denies the petition, no further action will be taken in the matter with respect to the final order. No party may petition for reconsideration of an order on reconsideration.

(7) **Stay.** Filing a petition for reconsideration does not automatically stay the effect of an order or serve as a request for a stay. A party may request that the commission stay the effectiveness of an order pending reconsideration by filing a petition for stay pursuant to WAC 480-07-860.

(8) **Judicial review.** Filing a petition for reconsideration is not a prerequisite for seeking judicial review of a commission final order. If a proper petition for reconsideration is timely filed, the time for filing a petition for judicial review does not commence until the agency serves an order disposing of the petition for reconsideration, or the date on which the petition is deemed denied as a matter of law, as provided in RCW 34.05.470. An order denying reconsideration, or a notice of the time for disposition under subsection (5)(b) of this section is not subject to judicial review.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-850, filed 11/24/03, effective 1/1/04.]

WAC 480-07-860 Stay. Any party may petition to stay of the effectiveness of a final order within ten days after its service, unless otherwise provided by statute or stated in the final order. The commission may stay the effect of a final order on its own initiative. The effect of a final order is not automatically stayed when a party files a motion for clarification, a petition for reconsideration, or a petition for rehearing.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-860, filed 11/24/03, effective 1/1/04.]

WAC 480-07-870 Rehearing. Any person affected by a final order may file a petition for rehearing. Public service companies may seek rehearing under RCW 80.04.200 or 81.04.200.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-870, filed 11/24/03, effective 1/1/04.]

WAC 480-07-875 Amendment, rescission, or correction of order. (1) **Amendment or rescission.** The commission may alter, amend, or rescind any order that it has entered, after notice to the public service company or companies affected and to all parties in the underlying proceeding, and after allowing an opportunity for hearing as in the case of complaints. Any order altering, amending, or rescinding a prior order will have the same effect as any other final order when served upon the public service company or companies affected.

(2) **Correction.** The commission may act on its own initiative or on the motion of any party to correct obvious or ministerial errors in orders. The commission may enter a corrected order or effect any corrections by notice or letter. The commission may direct the secretary to effect any corrections by notice or letter. The time for any available post-hearing review begins with the service of the correction, as to the matter corrected.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-875, filed 11/24/03, effective 1/1/04.]

WAC 480-07-880 Compliance filing; subsequent filing; reporting requirement. (1) **Compliance filing; compliance order.** When the commission enters a final order that authorizes or requires a party to make a filing to implement specific terms of the order with respect to the issues resolved in an adjudicative proceeding by implementing a precisely defined result, the filing is a "compliance filing." For example, a commission final order in a general rate proceeding may authorize or require a party to file original or substitute tariff sheets to implement the terms of the final order. A compliance filing is made under the docket number of the final order to which it relates. A compliance order is an order approving or rejecting a compliance filing.

(2) **Subsequent filing.** When the commission enters a final order that authorizes or requires a party to make a filing to implement general instructions (e.g., the formulation of policy, or filing of tariffs other than to implement a precisely defined result), the filing initiates a new proceeding that will be assigned a new docket number, and the filing is deemed a "subsequent filing." For example, a commission final order in a complaint proceeding may authorize or require a party to make a tariff filing by a date certain.

(3) **Reporting requirement.** The commission may enter a final order that requires a party to report periodically to the commission with respect to designated subject matter. The reports must be filed under the docket number of the proceeding in which the final order is entered, unless otherwise specified in the order establishing the requirement or by later letter from the secretary of the commission.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-880, filed 11/24/03, effective 1/1/04.]

WAC 480-07-883 Compliance filing—Filing requirements; timing; commission action. A party must strictly limit the scope of its compliance filing to the requirements of the final order to which it relates. If the commission finds that a compliance filing varies from the requirements or conditions of the order authorizing or requiring it, either by falling short of or by exceeding the authorization, conditions, or requirements of the order, the commission may reject the filing unless it has preapproved the variance. If the commission accepts in error a compliance filing that does not comply with the order authorizing the filing, the commission's acceptance does not validate the noncompliant elements of the filing.

(1) **Filing requirements.**

(a) A party who files a compliance filing must make its filing consistent with the filing requirements of the docket authorizing the filing, i.e., file the required number of copies, and serve the filing on all other parties in the docket.

(b) A compliance filing must include the following:

(i) A cover letter that identifies the order to which the filing relates;

(ii) All required tariff sheets; and

(iii) Work papers that clearly demonstrate the derivation of the proposed tariffs.

(2) **Service requirement.** A party who makes a compliance filing must serve it on each party to the proceeding in which the compliance filing is authorized or required. Service must be initiated on the same day as the filing.

(3) **Timing; effective date.**

(a) The commission will state in its final order authorizing or requiring a compliance filing the date by which the compliance filing must be made and the effective date that should appear on any tariff sheets that are required as part of a compliance filing. The commission may state the amount of time it will require to examine any proposed compliance tariff sheets between their filing and their proposed effective date.

(b) A compliance filing does not become effective automatically on its stated effective date. Commission action is required before any compliance filing can be effective. The commission may enter an order approving a compliance filing or taking other appropriate action. The commission may delegate to the secretary, by written authorization in individual proceedings, the authority to approve or take other appropriate action with respect to a compliance filing.

(4) **Commission action on compliance filing.**

(a) The commission may enter an order in any proceeding in which a compliance filing is authorized or required that:

(i) Approves the compliance filing; or

(ii) Rejects a compliance filing or any portion of the filing that apparently fails to comply.

(b) If the commission rejects all or part of a compliance filing, the party may refile. The commission may impose conditions on refiling.

(c) If the commission approves a compliance filing, but later discovers that it failed to recognize that the compliance filing was, in fact, incomplete or did not fully comply with the order authorizing or requiring the filing, the commission may take any necessary and lawful steps to secure full compliance.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-16-053 (Docket A-050802, General Order R-536), § 480-07-883, filed 7/27/06, effective 8/27/06; 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-883, filed 11/24/03, effective 1/1/04.]

WAC 480-07-885 Subsequent filing—Filing requirements; timing; commission action. (1) **Filing and service requirements.**

(a) A person who makes a subsequent filing must provide a cover letter that identifies the order and the docket in which the commission required the subsequent filing. The commission will assign a new docket number to a subsequent filing.

(b) A person who makes a subsequent filing that includes tariff sheets must comply with all pertinent requirements for tariff filings of the industry, including the required statutory notice period, unless the commission authorizes the subsequent filing to become effective on less than statutory notice.

(c) A person who makes a subsequent filing must serve a copy of the filing on all parties to the proceeding in which the filing was authorized or required.

(2) **Timing.** A final order that authorizes or requires a subsequent filing may state the date by which the subsequent filing must be made. If no date for the subsequent filing is specified in the final order, the commission may establish the date by order or by letter from the commission secretary.

(3) **Commission action on subsequent filing.** The commission will act on a subsequent filing that includes tariff sheets in the same manner that it would act on an original tariff filing of the industry.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-885, filed 11/24/03, effective 1/1/04.]

PART IV: OTHER COMMISSION PROCEEDINGS

WAC 480-07-900 Open public meetings. (1) **Regular meetings.** The commission will hold regular meetings to conduct business under chapter 42.30 RCW, the Open Public Meetings Act. The commission generally schedules two business meetings per month, usually on Thursday at 9:30 a.m. in the commission's office in Olympia, Washington. The specific time and place of each business meeting are published, as required, in the *Washington State Register* and on the commission's internet web site. The commission may cancel a meeting or change the time or place of a meeting and will publish a notice of these changes on its web site.

(2) **Special meetings.** The commission may convene special meetings under RCW 42.30.080.

(3) **Recessed meetings.** The commission may recess a regular or special meeting and reconvene it at a different time or location.

(4) **Agenda.** The commission will distribute an agenda for each regular business meeting. The commission will make its best effort to compile and publish a complete agenda. It may amend its agenda after it is published and may take up matters that do not appear on its published agenda. The agenda and any addendum are posted to the commission's internet site. The commission will provide a copy of the agenda via U.S. mail on request.

(a) ***"Discussion" agenda.*** The discussion agenda includes items that are scheduled for discussion and action by the commissioners. This part of the agenda is further divided into "utilities" and "transportation" sections.

(b) ***"No action" agenda.*** The no-action agenda includes items that appear to be noncontroversial and, by law, may take effect without action by the commission. Any item on the no-action agenda will be moved to the discussion agenda at the request of any commissioner. The commission may take such action on the item as it deems appropriate.

(c) ***"Consent" agenda.*** The consent agenda includes items that appear to be noncontroversial and, by law, require action by the commission to take effect. Any item on the consent agenda will be moved to the discussion agenda at the request of any commissioner. The commission will act on the items on the consent agenda by a single motion and a single vote of the commission.

(5) **Deadlines and schedules.**

(a) The commission generally schedules items for consideration at the last regular business meeting before the item would take effect by law. The commission generally schedules items without a stated effective date, such as petitions, for consideration thirty days after filing.

(b) If a company makes a filing and requests action by the commission before the statutory or required notice period is complete, the commission will schedule consideration of the request at its next regular business meeting, if the request is filed and complete at least seven business days before the meeting. Items filed less than seven business days before a meeting will generally be scheduled for the second business meeting after the filing.

(c) All written comments in response to an open meeting item must be filed with the commission three business days in advance of the meeting. Persons are not required to file written comments about an open meeting item to make oral comments at the meeting.

(d) The commission will publish the agenda for each regular business meeting two business days before the meeting.

(e) The commission may publish an addendum to the agenda prior to the beginning of the meeting.

(6) **Staff contact.** For each item on the discussion agenda, the commission designates a staff member who is assigned to analyze and present a recommendation to the commission at the open meeting. The staff person and a contact number are identified in the agenda. Persons interested in open meeting agenda items may discuss them with staff, subject to time availability.

(7) **Public comment.** The commission will provide an opportunity at the beginning of each business meeting for members of the public to request that items on the consent or no-action sections of the agenda be moved to the discussion section. The commission will provide an opportunity for public comment on each discussion agenda item before taking action on that item.

(8) **Orders.** The commission may direct the secretary to enter any order or sign any document necessary to implement an open meeting decision by the commissioners.

(9) **Modifications.** The commission may exercise its discretion to modify the procedures in this section when appropriate to the conduct of its business.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 08-18-012 (Docket A-072162, General Order R-550), § 480-07-900, filed 8/22/08, effective 9/22/08; 06-16-053 (Docket A-050802, General Order R-536), § 480-07-900, filed 7/27/06, effective 8/27/06; 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-900, filed 11/24/03, effective 1/1/04.]

WAC 480-07-903 Delegation of authority to the executive secretary. (1) **General provisions.**

(a) The working title of the secretary position authorized in RCW 80.01.030 is "executive secretary."

(b) The commission delegates authority to the executive secretary as set out in this section and WAC 480-07-904 and 480-07-905, pursuant to RCW 80.01.030 and subject to oversight and direction by a majority of the commissioners.

(c) The commission may also delegate functions to the executive secretary by order.

(d) When the executive secretary is absent or otherwise unavailable to perform authorized duties, the commission authorizes the executive secretary's designee to perform the duties on behalf of the executive secretary.

(2) **General delegation of authority.** The commission authorizes the executive secretary to supervise the general administrative functions of the agency, including without limitation the following specific tasks.

(a) **Filings, correspondence and documents.** The executive secretary will sign commission documents to be filed with the code reviser, courts, or other agencies or governmental entities. The executive secretary will sign other official commission correspondence and filings that the commissioners do not sign. The executive secretary will sign all permits and other official commission documents.

(b) **Appointing authority.** The executive secretary is the "appointing authority" for the commission and has authority over appointment, separation, and discipline of commission employees. This authority includes, but is not limited to, appointments, terminations, reductions in force, dismissals, suspensions, and demotions pursuant to WAC 356-30-007 and 356-34-011

(c) **Grievance procedure.** The commission authorizes the executive secretary to hear bargaining unit employee grievances and enter a final agency decision. The commission reserves the right to hear individual grievances or to select another designee to hear grievances on a case-by-case basis.

(d) **Rejection of defective filings.** The executive secretary will sign orders or letters rejecting tariffs, contracts, applications, or other filings that do not comply with statutory requirements or commission rules regarding effective dates, required supporting documents, or other standards for a complete filing.

(3) **Authority to resolve delegated matters.** Matters delegated to the executive secretary by rule are specified in this section and in WAC 480-07-904 and 480-07-905. The executive secretary may exercise discretion to defer any delegated matter to the commissioners for decision.

(4) **Authority to sign discretionary orders implementing commission decisions.**

(a) **Commissioner direction.** A majority of the commissioners may direct the executive secretary to sign an order or decision implementing a decision made by a majority of the commissioners.

(b) **Commissioner unavailability.** When a majority of the commissioners are unavailable to sign and enter decisions and orders of the commission, the executive secretary is authorized to do so without express direction only when:

(i) A majority of the commissioners has previously reached a decision on the merits of the particular matter; and

(ii) In the executive secretary's judgment, in consultation with any available commissioner, entry of the order cannot be deferred pending commissioner availability.

(5) **Commission review.** Commission review of decisions delegated under RCW 80.01.030 is *de novo*.

[Statutory Authority: 2006 c 246, RCW 80.01.040 and 80.04.160. 06-17-126 (Docket A-060357, General Order No. R-538), § 480-07-903, filed 8/21/06, effective 9/21/06.]

WAC 480-07-904 Delegation of authority to the executive secretary to decide certain matters. (1) The commission delegates the following matters to the executive secretary for decision. The executive secretary's decision shall take effect immediately on entry of an order or on a later date specified in the order, without prior notice. The executive secretary may set any particular matter for decision by the commission through either the open meeting process or an administrative process the commission otherwise employs. Upon request, the commission will review the matter under subsection (3) of this section at a commission open meeting.

(a) Applications for funding highway-railroad grade crossing improvements under the grade crossing protection fund for applications under WAC 480-62-405 (1)(a).

(b) Petitions for approval of changes to existing highway-railroad grade crossings, including installation or modification of signals; reconstruction of the crossing; or implementation of changes in design or construction.

(c) Applications by water companies for removal from regulation or for the commission to exercise regulation under RCW 80.04.010.

(d) Applications for approval of:

(i) Fully negotiated telecommunications interconnection agreements; and

(ii) Adoptions of existing interconnection agreements.

(e) Applications for less than statutory notice approval of transportation company fuel surcharges and requests for rate increases limited to passing through costs that are authorized for pass-through, such as tipping fees.

(f) Requests for a commission order establishing that a securities filing complies with RCW 80.08.040.

(g) Requests for assignment or management of telephone number resources.

(h) Petitions for mitigation of penalties when the petitioner does not request a hearing, or when commission staff supports the request for mitigation.

(i) Requests for approval of service area agreements.

(j) Petitions for exemption to allow extensions of time to make filings under deadlines set by rule or order, not including deadlines established in an adjudication.

(k) Requests for registration as a telecommunications company in Washington.

(l) Requests by telecommunications companies for authorization of transfers of property under WAC 480-143-120 (Transfers of property) or determination under WAC 480-143-180 (Disposal and determination of necessary and useful property) that property is not necessary or useful to perform public duties and may be disposed, limited to property that has a market value that does not exceed either one percent of the company's rate base, last established by commission order, or two hundred thousand dollars, whichever is greater.

(2) **Notice.** The commission will post on its internet web site for at least fourteen days a listing of all matters decided pursuant to subsection (1) of this section, showing the docket number, date of entry of decision, company name and last date for a request for review to be filed. The commission will regularly publish electronic notice of listings to persons requesting such notice. Any person may request notice by alternative means.

(3) **Opportunity for review.**

(a) Delegated matters, generally. Any affected person may ask the commission to review any matter delegated under subsection (1) of this section. A person seeking review must file his or her request for commission consideration no later than the fourteenth day after the date of the posting. The commission will grant a late-filed request for review only on a showing of good cause, including a satisfactory explanation of why the person did not timely file the request. The commission will provide a form for this purpose on the commission's web site. The commission will schedule a request for review promptly for consideration and will notify the affected company, and any person requesting review, of the time and place of the open meeting at which review will be taken.

(b) Orders suspending or canceling permits. Carriers seeking review of orders suspending or canceling a permit for failure to maintain evidence of required insurance coverage, or for other circumstances specified in WAC 480-07-905, must request an adjudicative or brief adjudicative proceeding under WAC 480-07-610.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 08-18-012 (Docket A-072162, General Order R-550), § 480-07-904, filed 8/22/08, effective 9/22/08; 06-17-126 (Docket A-060357, General Order No. R-538), § 480-07-904, filed 8/21/06, effective 9/21/06.]

WAC 480-07-905 Delegation of authority to executive secretary to enter *ex parte* orders. The commission authorizes the executive secretary to enter the following *ex parte* orders in the name of the commission in nonadjudicative matters. Notice of the order will be published, and responses must follow the procedure outlined, in WAC 480-07-904 (2) and (3), except that carriers seeking review of orders suspending or canceling a permit for failure to maintain evidence of required insurance coverage, or other circumstance specified in subsections below, must request an adjudicative or brief adjudicative proceeding under WAC 480-07-610.

(1) **Household goods carriers, chapter 480-15 WAC.**

(a) Orders granting authority and permits for permanent, provisional or temporary intrastate transportation of household goods.

(b) Orders and permits authorizing or reflecting change of a carrier's permit name, corporate name, trade name, or addition of a trade name.

(c) Orders authorizing voluntary suspension of permit authority if the carrier satisfies the requirements of chapter 480-15 WAC.

(d) Orders reinstating voluntarily suspended permit authority if the carrier satisfies the requirements of chapter 480-15 WAC.

(e) Orders permanently canceling permit authority or dismissing application by request of carrier or applicant.

(f) Orders suspending a permit if the carrier fails to maintain evidence of required cargo and/or liability insurance coverage. Such orders will inform the carrier that a permit may be reinstated if the carrier corrects conditions leading to suspension and that the carrier may contest the suspension by requesting an adjudicative or brief adjudicative proceeding.

(g) Orders vacating suspension of a permit if the commission receives the insurance filing during the suspension period and orders of abeyance if the carrier requests a hearing or brief adjudicative proceeding.

(h) Orders canceling previously suspended permit authority if the carrier fails to correct conditions leading to suspension, and fails to request a hearing or brief adjudicative proceeding, during the suspension period.

(i) Orders reinstating previously canceled permit authority if the carrier satisfies the requirements of chapter 480-15 WAC.

(j) Orders rejecting or denying applications for temporary authority if WAC 480-15-285 applies.

(k) Orders rejecting or denying applications for permit authority under WAC 480-15-320 or 480-15-330, or canceling a permit if the carrier does not satisfy conditions for granting authority, or for good cause under WAC 480-15-450.

(2) **Solid waste collection companies—Specialized, chapters 81.77 RCW and 480-70 WAC.**

(a) Orders and permits authorizing intrastate solid waste collection services involving unprotested applications in territory not served by any existing carrier.

(b) Orders and permits authorizing change of carrier's corporate name, trade name, or addition of a trade name.

(c) Orders and permits approving unprotested applications to transfer or lease certificate.

(d) Orders suspending a permit if the carrier fails to maintain evidence of the required liability insurance coverage. The order will inform the carrier that the permit may be reinstated if the carrier corrects the conditions leading to suspension and that the carrier may contest the suspension by requesting an adjudication or brief adjudicative proceeding.

(e) Orders vacating suspension of permit if the commission receives the carrier's insurance filing during the suspension period and orders of abeyance if the carrier requests a hearing or brief adjudicative proceeding.

(f) Orders canceling previously suspended permit authority if the carrier fails to correct conditions leading to

suspension, and fails to request a hearing or brief adjudicative proceeding, during the suspension period.

(g) Orders reinstating a permit canceled for cause if the conditions for reinstatement in chapter 480-70 WAC and in the order of cancellation are met.

(h) Orders dismissing application or canceling permit authority by request of applicant or carrier.

(3) **Solid waste collection companies—Traditional, chapters 81.77 RCW and 480-70 WAC.**

(a) Orders and permits authorizing intrastate solid waste collection services involving unprotested applications in territory not served by an existing carrier.

(b) Orders and permits authorizing change of carrier's name, trade name or addition of a trade name.

(c) Orders suspending a permit if the carrier fails to maintain evidence of the required level of insurance in effect for its operations. The order will inform the carrier that the permit may be reinstated if the carrier corrects the conditions leading to suspension and that the carrier may contest the suspension by requesting a hearing or brief adjudicative proceeding.

(d) Orders vacating suspension of a permit if the commission receives the carrier's insurance filing during the suspension period and orders of abeyance if the carrier requests a hearing or brief adjudicative proceeding.

(e) Orders canceling previously suspended permit authority if the carrier fails to correct conditions leading to suspension, and fails to request a hearing or brief adjudicative proceeding, during the suspension period.

(f) Orders reinstating a permit canceled for cause if the conditions for reinstatement in chapter 480-70 WAC and in the order of cancellation are met.

(g) Orders dismissing application or canceling permit authority by request of applicant or carrier.

(4) **Private, nonprofit transportation providers, chapter 480-31 WAC.**

(a) Orders and permits authorizing intrastate transportation of persons with special needs.

(b) Orders and permits authorizing sale, assignment, lease, acquisition or transfer.

(c) Orders suspending a permit if the carrier fails to maintain evidence on file that it has the required level of insurance in effect for its operations. The order must inform the carrier that the permit may be reinstated if the carrier corrects the conditions leading to suspension and that the carrier may contest the suspension by requesting a hearing or brief adjudicative proceeding.

(d) Orders vacating suspension of a permit if the commission receives an insurance filing during the suspension period and orders of abeyance if the carrier requests a hearing or brief adjudicative proceeding.

(e) Orders canceling previously suspended permit authority if the carrier fails to correct conditions leading to suspension, and fails to request a hearing or brief adjudicative proceeding, during the suspension period.

(f) Orders reinstating a permit canceled for cause if the conditions for reinstatement in chapter 480-31 WAC and in the order of cancellation are met.

(g) Orders dismissing application or canceling permit authority by request of applicant or carrier.

(5) **Charter and excursion busses, chapter 480-40 WAC.**

(a) Orders and permits authorizing intrastate transportation of passengers by charter or excursion.

(b) Orders suspending permit if the carrier fails to show that it has the required level of insurance in effect for its operations. The order will inform the carrier that the permit may be reinstated if the carrier corrects the conditions leading to suspension and that the carrier may contest the suspension by requesting a hearing or brief adjudicative proceeding.

(c) Orders vacating suspension of permit if the commission receives an insurance filing during the suspension period or orders of abeyance if the carrier requests a hearing or brief adjudicative proceeding.

(d) Orders canceling previously suspended permit authority if the carrier fails to correct conditions leading to suspension and fails to request a hearing or brief adjudicative proceeding during the suspension period.

(e) Orders canceling permit authority or dismissing an application by request of the carrier or applicant.

(f) Orders dismissing application after due notice to applicant for failure to meet the requirements of chapter 480-40 WAC.

(g) Orders authorizing lease, assignment, or transfer of permit authority.

(6) **Auto transportation companies, chapter 81.68 RCW.**

(a) Orders and permits authorizing intrastate, intercity transportation of passengers involving unprotested applications to serve routes not served by any existing carrier and that do not fall within the boundaries of a transit district.

(b) Orders and permits involving name changes, including trade names.

(c) Orders authorizing lease, assignment, or transfer of permit authority.

(d) Orders suspending a permit if the carrier fails to maintain evidence on file that it has the required level of insurance in effect for its operations. The order will inform the carrier that the permit may be reinstated if the carrier corrects the conditions leading to suspension and that the carrier may contest the suspension by requesting a hearing or brief adjudicative proceeding.

(e) Orders vacating suspension of a permit if the commission receives an insurance filing during the suspension period and orders of abeyance if the carrier requests a hearing or brief adjudicative proceeding.

(f) Orders canceling previously suspended permit authority if the carrier fails to correct conditions leading to suspension, and fails to request a hearing or brief adjudicative proceeding, during the suspension period.

(g) Orders reinstating a permit canceled for cause if the conditions for reinstatement in chapter 81.68 RCW and in the order of cancellation are met.

(h) Orders dismissing application or canceling permit authority by request of applicant or carrier.

(7) **Commercial ferries, chapter 480-51 WAC.**

(a) Orders suspending a certificate if the carrier fails to maintain the required insurance coverage. The order will inform the carrier that the certificate may be reinstated if the carrier corrects the conditions leading to suspension and that

the carrier may contest suspension by requesting a brief adjudication or an adjudication.

(b) Orders vacating suspension of a certificate if the carrier corrects conditions leading to suspension and orders of abeyance if the respondent requests a brief adjudication or an adjudication.

(c) Orders canceling a previously suspended certificate if the carrier fails to correct conditions leading to suspension and fails to timely request an adjudication or brief adjudication.

(8) **Temporary transportation authority.** The commission delegates to the executive secretary decisions in applications for temporary motor carrier or solid waste authority. The decision takes effect immediately on entry of an order without prior notice of delegation. An applicant whose application is denied, in whole or in part, may obtain review by requesting an adjudication within twenty days following entry of the order. Commission review of delegated decisions under this provision will be *de novo*.

(9) **Cancellation for failure to file annual reports or pay regulatory fees.** The commission delegates to the executive secretary notices to regulated companies concerning their failure to timely file annual reports and pay regulatory fees, as well as orders scheduling hearings and canceling registrations or permit authority for failure to comply with commission rules governing annual reports and regulatory fees.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 08-18-012 (Docket A-072162, General Order R-550), § 480-07-905, filed 8/22/08, effective 9/22/08; 06-17-126 (Docket A-060357, General Order No. R-538), § 480-07-905, filed 8/21/06, effective 9/21/06.]

WAC 480-07-910 Informal complaints. (1) **How to make an informal complaint.** Any person may make an informal complaint to the commission about any business that the commission regulates. A person may make an informal complaint by telephone, correspondence, fax transmission, e-mail, or by using the complaint form available on the commission's web site.

(2) **Contents.** An informal complaint must identify the business or person to whom the complaint pertains. An informal complaint should:

(a) Present all facts that are needed for the commission to understand the nature of, and reason(s) for, the complaint;

(b) Describe the acts or omissions that led to the complaint, with all relevant dates;

(c) Cite all relevant statutes or rules, if the person who files the complaint knows them.

(3) **Commission response; result.** Commission employees assigned to assist consumers may discuss an informal complaint with the affected persons, by correspondence or otherwise. The commission will investigate to determine if there are violations of any applicable rule or law and if so, will work with the parties to ensure compliance. The commission encourages the informal resolution of disputes whenever possible. An informal complaint will not result in a hearing or in an order that compels a person to do something or forbids a person from doing something.

(4) **Uniform Mediation Act not applicable.** The Uniform Mediation Act (chapter 172, Laws of 2005, codified as chapter 7.07 RCW) does not apply to the commission's informal complaint resolution process.

(5) **Filing of formal complaint regarding subject of informal complaint.** Making an informal complaint does not prevent any party from filing a formal complaint. The commission may initiate a formal complaint proceeding on its own initiative. The commission will stop processing an informal complaint when a person filing an informal complaint files a formal complaint.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-16-053 (Docket A-050802, General Order R-536), § 480-07-910, filed 7/27/06, effective 8/27/06; 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-910, filed 11/24/03, effective 1/1/04.]

WAC 480-07-920 Interpretive and policy statements. (1) **General.** Upon the petition of any person, or upon its own motion, the commission may make and issue interpretive and policy statements to advise the public of its current opinions, approaches, and likely courses of action.

(2) **Roster of interested persons.** The commission will maintain a roster of interested persons, consisting of persons who have requested in writing to be notified of all interpretive and policy statements issued by the commission. The commission will periodically update the roster. When the commission issues an interpretive or policy statement, it will send a copy of the statement to each person on the roster.

(3) **Index of current statements.** The commission maintains a file and an index of all currently effective interpretive and policy statements. The statements are available for inspection and copying at the records center in the commission's Olympia headquarters office and are posted on the commission's internet web site.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-920, filed 11/24/03, effective 1/1/04.]

WAC 480-07-930 Declaratory orders under RCW 34.05.240. (1) **Petition.** Any interested person may petition the commission for a declaratory order with respect to the applicability to specified circumstances of a rule, order, or statute enforceable by the commission, as provided by RCW 34.05.240.

(a) ***Format.*** Petitions for declaratory orders under RCW 34.05.240 must conform in style and substance to the requirements for other forms of adjudicative pleading as specified in Part III, subpart A of this chapter.

(b) ***Relationship with adjudications.*** The commission will dismiss a petition for declaratory order when issues in the petition are at issue in a pending adjudication. The commission will reject a single pleading that seeks a declaratory order or, in the alternative, an adjudicative order. The filing party must choose which process it deems appropriate.

(2) **Notice.** The commission will give notice of any petition for declaratory order within fifteen days after the commission receives the petition. The notice will be served on all persons who are required by law to be given notice and on any other person to whom the commission deems notice to be desirable.

(3) **Response.** Any person may respond to a petition for declaratory order by filing an answer within twenty days after the petition is filed or at such other time as the commission may establish by notice. The commission will not enter a declaratory order under RCW 34.05.240 if any person asserts

in response to a petition for declaratory order filed pursuant to RCW 34.05.240 that their rights might be substantially prejudiced by entry of a declaratory order, supports such assertion by sworn affidavit demonstrating the potential for substantial prejudice, and does not consent in writing to the determination of the matter by a declaratory order proceeding under RCW 34.05.240.

(4) **Conversion of proceeding.** The commission may convert the form of a declaratory order proceeding as provided under RCW 34.05.070 and conduct the matter as an adjudicative proceeding under Part III, subpart A of this chapter.

(5) **Commission action on petition.** Within thirty days after it receives a petition for declaratory order, the commission will:

(a) Enter a declaratory order;

(b) Notify the petitioner that the commission will not enter a declaratory order under RCW 34.05.240, and state reasons for its action;

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

(d) Set a reasonable time and place for a hearing. If a hearing is held on a petition for declaratory order under RCW 34.05.240, it must be held no more than ninety days after receipt of the petition. If a hearing is held, the commission will give at least seven days' notice to the petitioner, to all persons to whom notice is required by law, and to any other person it deems desirable. The notice will include the time, place, and a statement of the issues involved.

(6) **Extension of time.** The commission may for good cause extend the times specified in subsection (5)(c) and (d) of this section.

(7) **Commission action after hearing.** If a hearing is held as provided in subsection (5)(d) of this section, the commission will within a reasonable time:

(a) Enter a declaratory order; or

(b) Notify the petitioner that the commission will not enter a declaratory order and state the reasons for its action.

(8) **Service.** The commission will serve its order or notice upon all persons who are required to receive notice under subsection (2) of this section.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-16-053 (Docket A-050802, General Order R-536), § 480-07-930, filed 7/27/06, effective 8/27/06; 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-930, filed 11/24/03, effective 1/1/04.]

WAC 480-07-940 Conversion of proceedings. The commission will consider whether to convert a proceeding pursuant to RCW 34.05.070 upon application by any person or upon its own motion.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-940, filed 11/24/03, effective 1/1/04.]

WAC 480-07-950 Joint hearings with other administrative bodies. (1) **Federal.** The rules of practice and procedure of the federal agency govern in any proceeding in which the commission participates jointly with a federal agency.

(2) **State.** The rules of the state in which the hearing is held govern in any proceeding in which the commission participates jointly with the administrative body of another state or states, unless otherwise agreed by the participating agencies.

(3) **Who may appear.** Any person entitled to appear in a representative capacity before any of the agencies involved in a joint hearing may appear in the joint hearing.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-950, filed 11/24/03, effective 1/1/04.]

Chapter 480-11 WAC
SEPA PROCEDURES

WAC

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

WAC 480-11-010 Authority. This chapter is created under RCW 43.21C.120 and chapter 197-11 WAC.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-11-010, filed 12/29/97, effective 1/29/98. Statutory Authority: Chapter 43.21C RCW. 84-21-030 (Order R-222, Cause No. TE-1817), § 480-11-010, filed 10/10/84. Formerly chapter 480-10 WAC.]

WAC 480-11-020 Incorporation of chapter 197-11 WAC. The commission adopts provisions of chapter 197-11 WAC (SEPA guidelines adopted by the department of ecology) to be applicable to the Washington utilities and transportation commission. A copy of the rules adopted by reference in this section is available for inspection at the Washington utilities and transportation commission branch of the Washington state library, at the commission's headquarters office in Olympia.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 81.04.160. 98-02-011 (Order R-446, Docket No. A-970591), § 480-11-020, filed 12/29/97, effective 1/29/98. Statutory Authority: Chapter 43.21C RCW. 84-21-030 (Order R-222, Cause No. TE-1817), § 480-11-020, filed 10/10/84.]

WAC 480-11-030 Designation of responsible official. The responsible official for the commission for matters affected by SEPA is the director of regulatory services.

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

Chapter 480-12 WAC
MOTOR CARRIERS

WAC

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

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-12-001 Supersession of this chapter. [Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-12-001, filed 11/22/95, effective 12/23/95.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-003 Procedure. [Statutory Authority: RCW 80.01.040. 91-13-077 (Order R-346, Docket No. TV-900716), § 480-12-003, filed 6/18/91, effective 7/19/91; Order R-24, § 480-12-003, filed 4/16/71.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-005 Communications. [Statutory Authority: RCW 80.01.-040. 88-01-115 (Order R-283, Cause No. T-2118), § 480-12-005, filed 12/23/87; Order R-43, § 480-12-005, filed 4/5/73 and 4/18/73; Order R-5, § 480-12-005, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-010 Rule book must be in main office—Rule book fee—Updates—Notification of pending and adopted rule changes—Compliance with rules. [Statutory Authority: RCW 80.01.040. 93-15-036 (Order R-391, Docket No. TV-921164), § 480-12-010, filed 7/13/93, effective 8/13/93; 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-010, filed 9/17/87; Order R-5, § 480-12-010, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-015 Documents—When filed. [Statutory Authority: RCW 80.01.040. 88-01-115 (Order R-283, Cause No. T-2118), § 480-12-015, filed 12/23/87; Order R-43, § 480-12-015, filed 4/5/73 and 4/18/73; Order R-5, § 480-12-015, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-020 Remittances. [Statutory Authority: RCW 80.01.040. 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-020, filed 9/17/87; Order R-5, § 480-12-020, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-022 Procedures for contest of fees. [Statutory Authority: RCW 80.01.040. 93-22-117 (Order R-398, Docket No. TV-930791), § 480-12-022, filed 11/3/93, effective 12/4/93.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-025 Address, change of. [Statutory Authority: RCW 80.01.-040. 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-025, filed 9/17/87; Order R-5, § 480-12-025, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-030 Applications. [Statutory Authority: RCW 80.01.040. 93-22-117 (Order R-398, Docket No. TV-930791), § 480-12-030, filed 11/3/93, effective 12/4/93; 91-09-038 (Order R-342, Docket No. TV-2322), § 480-12-030, filed 4/15/91, effective 5/16/91; 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-030, filed 9/17/87; Order R-50, § 480-12-030, filed 8/8/73; Order R-24, § 480-12-030, filed 4/16/71; Order R-5, § 480-12-030, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-031 Petition to amend permit to incorporate commercial zone authority. [Statutory Authority: RCW 80.01.040. 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-031, filed 9/17/87; 82-16-029 (Order R-192, Cause No. TV-1627), § 480-12-031, filed 7/28/82; Order R-96, § 480-12-031, filed 5/4/77.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-033 Temporary permits. [Statutory Authority: RCW 80.01.-040. 93-24-103 (Order R-400, Docket No. A-930517), § 480-12-033, filed 12/1/93, effective 1/1/94; 91-09-038 (Order R-342, Docket No. TV-2322), § 480-12-033, filed 4/15/91, effective 5/16/91; 86-14-050 (Order R-262, Cause No. TV-1956), § 480-12-033, filed 6/27/86; 85-18-044 (Order R-236, Cause No. TV-1897), § 480-12-033, filed 8/30/85; 82-12-060 (Order R-187, Cause No. TV-1595), § 480-12-033, filed 6/2/82; Order R-50, § 480-12-033, filed 8/8/73; Order R-24, § 480-12-033, filed 4/16/71.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-035 Applications for extensions. [Order R-5, § 480-12-035, filed 6/6/69, effective 10/9/69.] Repealed by Order R-24, filed 4/16/71.

480-12-040 Application for permit—Forwarding, carloading or broker. [Order R-5, § 480-12-040, filed 6/6/69, effective 10/9/69.] Repealed by Order R-24, filed 4/16/71.

480-12-045 Application for authority, docketing—Protests—Hearings. [Statutory Authority: RCW 80.01.040. 94-11-022 (Order R-411, Docket No. TV-940122), § 480-12-045, filed 5/5/94, effective 6/5/94; 90-17-049 (Order R-325, Docket No. TV-900022), § 480-12-045, filed 8/10/90, effective 9/10/90; 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-045, filed 9/17/87; Order R-70, § 480-12-045, filed 1/29/75, effective 3/1/75; Order R-48, § 480-12-045, filed 6/13/73; Order R-36, § 480-12-045, filed 4/5/72; Order R-24, § 480-12-045, filed 4/16/71; Order R-5, § 480-12-045, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-047 Applications for permanent authority, dump truck operations, unprocessed and unmanufactured agricultural commodities, forest products, livestock hauls, and related commodities. [Order R-36, § 480-12-047, filed 4/5/72; Order R-24, § 480-12-047, filed 4/16/71; Order R-22, § 480-12-047, filed 8/6/70.] Repealed by Order R-48, filed 6/13/73.

480-12-050 Transfer of permit rights. [Statutory Authority: RCW 80.01.040. 94-11-022 (Order R-411, Docket No. TV-940122), § 480-12-050, filed 5/5/94, effective 6/5/94; 86-12-029 (Order R-260, Cause No. TV-1963), § 480-12-050, filed 5/29/86; Order R-24, § 480-12-050, filed 4/16/71; Order R-5, § 480-12-050, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-055 Hearing on show cause orders. [Order R-5, § 480-12-055, filed 6/6/69, effective 10/9/69.] Repealed by Order R-24, filed 4/16/71.

480-12-060 Application fees forfeited. [Order R-5, § 480-12-060, filed 6/6/69, effective 10/9/69.] Repealed by Order R-24, filed 4/16/71.

480-12-065 Permits, canceled—New application. [Order R-5, § 480-12-065, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-070 Permit rights defined—Classification of carriers. [Statutory Authority: RCW 80.01.040. 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-070, filed 9/17/87; Order R-5, § 480-12-070, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-075 Permit phraseology defined. [Order R-5, § 480-12-075, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.-040 and 34.05.350.

480-12-080 "Local cartage" defined, and restrictions. [Order R-66, § 480-12-080, filed 5/8/74; Order R-5, § 480-12-080, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-081 Commercial zones defined. [Statutory Authority: RCW 80.01.040. 82-16-029 (Order R-192, Cause No. TV-1627), § 480-12-081, filed 7/28/82.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-082 Terminal areas defined. [Statutory Authority: RCW 80.01.040. 82-16-029 (Order R-192, Cause No. TV-1627), § 480-12-082, filed 7/28/82.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.

480-12-083 Adoption by reference defined. [Statutory Authority: RCW 80.01.040. 94-14-014 (Order R-420, Docket No. T-940457), § 480-12-083, filed 6/23/94, effective 7/24/94; 93-15-035 (Order R-392, Docket No. T-921165), § 480-12-083, filed 7/13/93, effective 8/13/93; 92-01-116 (Order R-355, Docket No. TV-900483), § 480-12-083, filed 12/18/91, effective 1/18/92.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-084 Federal Regulations, 49 C.F.R., Part 390—Adoption by reference. [Statutory Authority: RCW 80.01.040. 92-02-016 (Order R-360, Docket No. TV-2332), § 480-12-084, filed 12/23/91, effective 1/23/92.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-085 Common or contract carrier may not act as private carrier. [Order R-5, § 480-12-085, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.

480-12-090 "Off-route points" defined. [Order R-5, § 480-12-090, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.-040 and 34.05.350.

480-12-095 "Intermediate points" defined. [Order R-5, § 480-12-095, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.

480-12-096 Seattle commercial zone defined. [Order R-97, § 480-12-096, filed 5/4/77.] Repealed by 82-16-029 (Order R-192, Cause No. TV-1627), filed 7/28/82. Statutory Authority: RCW 80.01.040.

480-12-105 Primary agricultural carriers. [Order R-70, § 480-12-105, filed 1/29/75, effective 3/1/75; Order R-24, § 480-12-105, filed 4/16/71; Order R-5, § 480-12-105, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.-040 and 34.05.350.

480-12-110 Permit, must abide by—"Tacking"—Extension. [Statutory Authority: RCW 80.01.040. 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-110, filed 9/17/87; 82-12-062 (Order R-188, Cause No. TV-1596), § 480-12-110, filed 6/2/82; Order R-5, § 480-12-110, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.-040 and 34.05.350.

480-12-115 Revision of permit. [Order R-5, § 480-12-115, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-120 Permits, location of. [Order R-5, § 480-12-120, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-121 Operating authority on vehicles. [Order R-34, § 480-12-121, filed 12/8/71.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-125 Lost permits. [Statutory Authority: RCW 80.01.040. 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-125, filed 9/17/87; Order R-5, § 480-12-125, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), effective 1/15/99. filed 12/15/98, Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-126 Interstate operations; requirements; definitions. [Statutory Authority: RCW 80.01.040. 93-22-117 (Order R-398, Docket No. TV-930791), § 480-12-126, filed 11/3/93, effective 1/1/94; Order R-50, § 480-12-126, filed 8/8/73; Order R-34, § 480-12-126, filed 12/8/71.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-127 Registered carriers. [Statutory Authority: RCW 80.01.-040. 93-22-117 (Order R-398, Docket No. TV-930791), § 480-12-127, filed 11/3/93, effective 1/1/94; 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-127, filed 9/17/87; Order R-34, § 480-12-127, filed 12/8/71.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-130 Interstate exempt carriers. [Statutory Authority: RCW 80.01.040. 93-22-117 (Order R-398, Docket No. TV-930791), § 480-12-130, filed 11/3/93, effective 1/1/94. Statutory Authority: RCW 80.01.040, 81.80.300, and 1991 c 241. 91-19-089 (Order R-348, Docket No. TV-910903), § 480-12-130, filed 9/17/91, effective 10/18/91. Statutory Authority: RCW 80.01.040. 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-130, filed 9/17/87. Statutory Authority: RCW 81.80.300 and 81.80.320. 78-12-088 (Order R-120, Cause No. TV-1172), § 480-12-130, filed 12/6/78; Order R-111, § 480-12-130, filed 11/23/77; Order R-76, § 480-12-130, filed 10/8/75; Order R-68, § 480-12-130, filed 9/25/74; Order R-65, § 480-12-130, filed 3/6/74; Order R-60, § 480-12-130, filed 11/28/73; Order R-52, § 480-12-130, filed 9/12/73; Order R-40, § 480-12-130, filed 12/6/72; Order R-34, § 480-12-130, filed 12/8/71; Order R-17, § 480-12-130, filed 2/3/70; Order R-5, § 480-12-130, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-131 Interstate trip permits. [Statutory Authority: RCW 80.01.040. 93-22-117 (Order R-398, Docket No. TV-930791), § 480-12-131, filed 11/3/93, effective 1/1/94.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.

480-12-135 Permits and receipts—Return required—Loss improper use of cards or stamps. [Statutory Authority: RCW 80.01.040. 93-22-117 (Order R-398, Docket No. TV-930791), § 480-12-135, filed 11/3/93, effective 1/1/94; 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-135, filed 9/17/87; Order R-5, § 480-12-135, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-137 Private carriers. [Statutory Authority: RCW 80.01.040. 94-11-001 (Order R-410, Docket No. TV-940231), § 480-12-137, filed 5/4/94 effective 6/4/94.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.

480-12-140 Equipment, standby. [Order R-5, § 480-12-140, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.-040 and 34.05.350.

480-12-145 Equipment, list of. [Order R-5, § 480-12-145, filed 6/6/69, effective 10/9/69.] Repealed by Order R-21, filed 7/2/70.

480-12-150 Equipment—Identification. [Statutory Authority: RCW 80.01.040. 93-15-038 (Order R-393, Docket No. TV-920973), § 480-12-150, filed 7/13/93, effective 8/13/93; 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-150, filed 9/17/87; Order R-45, § 480-12-150, filed 4/18/73; Order R-40, § 480-12-150, filed 12/6/72; Order R-5, § 480-12-150, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-155 Equipment—Interchange of. [Order R-5, § 480-12-155, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.-040 and 34.05.350.

480-12-160 Disabled motor vehicles—Substitution. [Order R-5, § 480-12-160, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.

480-12-165 Equipment—Inspection—Ordered for repairs. [Statutory Authority: RCW 80.01.040. 92-01-116 (Order R-355, Docket No. TV-900483), § 480-12-165, filed 12/18/91, effective 1/18/92; 90-06-017 (Order R-315, Docket No. TV-2285), § 480-12-165, filed 2/27/90, effective 3/30/90. Statutory Authority: RCW 81.01.-

040, 81.80.130, 81.80.140 and 81.80.290. 81-13-010 (Order R-166, Cause No. TV-1487), § 480-12-165, filed 6/10/81; Order R-5, § 480-12-165, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-170 Equipment of carrier suspended. [Order R-5, § 480-12-170, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-175 Equipment—Loads above tank. [Order R-5, § 480-12-175, filed 6/6/69, effective 10/9/69.] Repealed by 87-19-088 (Order R-276, Cause No. TV-2092), filed 9/17/87. Statutory Authority: RCW 80.01.040.

480-12-180 Equipment—Drivers—Safety. [Statutory Authority: RCW 80.01.040. 94-14-013 (Order R-421, Docket No. T-940589), § 480-12-180, filed 6/23/94, effective 7/24/94; 92-01-116 (Order R-355, Docket No. TV-900483), § 480-12-180, filed 12/18/91, effective 1/18/92; 90-06-017 (Order R-315, Docket No. TV-2285), § 480-12-180, filed 2/27/90, effective 3/30/90; 89-06-021 (Order R-295, Cause No. TV-2225), § 480-12-180, filed 2/23/89; 88-01-116 (Order R-281, Cause No. TV-2119), § 480-12-180, filed 12/23/87; 86-14-050 (Order R-262, Cause No. TV-1956), § 480-12-180, filed 6/27/86. Statutory Authority: RCW 80.01.040, 81.80.130, 81.80.140 and 81.80.290. 83-06-017 (Order R-196, Cause No. TV-1674), § 480-12-180, filed 2/23/83. Statutory Authority: RCW 80.01.040, 81.80.-211, and 81.80.290. 81-18-046 (Order R-171, Cause No. TV-1508), § 480-12-180, filed 8/28/81; 81-02-044 (Order R-155, Cause No. TV-1418), § 480-12-180, filed 1/7/81. Statutory Authority: RCW 80.01.040(4), 81.80.211, and 81.80.290. 79-10-074 (Order 127, Cause No. TV-1261), § 480-12-180, filed 9/19/79. Statutory Authority: RCW 80.01.040, 81.80.211 and 81.80.290. 79-01-029 (Order R-116, Cause No. TV-1177), § 480-12-180, filed 12/19/78; Order R-5, § 480-12-180, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-181 Pole trailers. [Statutory Authority: RCW 80.01.040. 93-05-038 (Order R-383), § 480-12-181, filed 2/16/93, effective 3/19/93; 90-17-048 (Order R-327, Docket No. TV-900576), § 480-12-181, filed 8/10/90, effective 9/10/90.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.

480-12-185 Equipment, lawful operation of. [Order R-5, § 480-12-185, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-190 Hours of service—On duty—Adoption of federal safety regulations. [Statutory Authority: RCW 80.01.040. 94-11-022 (Order R-411, Docket No. TV-940122), § 480-12-190, filed 5/5/94, effective 6/5/94; 92-01-116 (Order R-355, Docket No. TV-900483), § 480-12-190, filed 12/18/91, effective 1/18/92; 89-06-021 (Order R-295, Cause No. TV-2225), § 480-12-190, filed 2/23/89; 85-23-002 (Order R-244, Cause No. TV-1913), § 480-12-190, filed 11/7/85. Statutory Authority: RCW 80.01.-040, 81.80.130, 81.80.140 and 81.80.290. 83-06-017 (Order R-196, Cause No. TV-1674), § 480-12-190, filed 2/23/83. Statutory Authority: RCW 80.01.040, 81.80.-211 and 81.80.290. 81-18-046 (Order R-171, Cause No. TV-1508), § 480-12-190, filed 8/28/81; 81-02-044 (Order R-155, Cause No. TV-1418), § 480-12-190, filed 1/7/81; 79-04-049 (Order R-121, Cause No. TV-1203), § 480-12-190, filed 3/28/79; Order R-5, § 480-12-190, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-195 Hazardous materials regulations. [Statutory Authority: RCW 80.01.040. 92-01-116 (Order R-355, Docket No. TV-900483), § 480-12-195, filed 12/18/91, effective 1/18/92; 90-06-017 (Order R-315, Docket No. TV-2285), § 480-12-195, filed 2/27/90, effective 3/30/90; 89-06-021 (Order R-295, Cause No. TV-2225), § 480-12-195, filed 2/23/89; 86-14-050 (Order R-262, Cause No. TV-1956), § 480-12-195, filed 6/27/86. Statutory Authority: RCW 80.01.040, 81.80.211 and 81.80.290. 82-12-061 (Order R-186, Cause No. TV-1611), § 480-12-195, filed 6/2/82; 82-05-022 (Order R-181, Cause No. TV-1567), § 480-12-195, filed 2/10/82; 81-19-033 (Order R-175, Cause No. TV-1526), § 480-12-195, filed 9/10/81. Statutory Authority: RCW 80.01.040, 81.80.-130, and 81.80.290. 80-11-008 (Order R-149, Cause No. TV-1365), § 480-12-195, filed 8/7/80. Statutory Authority: RCW 81.80.120. 80-01-014 (Order 139, Cause No. TV-1287), § 480-12-195, filed 12/12/79. Statutory Authority: RCW 80.01.040, 81.80.211 and 81.80.290. 79-01-029 (Order R-116, Cause No. TV-1177), § 480-12-195, filed 12/19/78; Order R-15, § 480-12-195, filed 2/3/70; Order R-5, § 480-12-195, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.-040 and 34.05.350.

480-12-196 Transportation of radioactive materials—Driving and parking rules. [Statutory Authority: RCW 80.01.040. 86-08-006 (Order R-257, Cause No. TV-1937), § 480-12-196, filed 3/20/86.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.

480-12-200 Accidents, reporting of. [Statutory Authority: RCW 80.01.040. 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-200, filed 9/17/87. Statutory Authority: RCW 81.28.280, 81.28.290 and 81.80.130. 80-01-071 (Order R-138, Cause No. TV-1288), § 480-12-200, filed 12/24/79; Order R-5, § 480-12-200, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-205 Passengers—Carrying prohibited—Exceptions. [Statutory Authority: RCW 80.01.040. 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-205, filed 9/17/87; Order R-5, § 480-12-205, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.

480-12-210 Leasing. [Statutory Authority: RCW 80.01.040. 87-04-012 (Order R-272, Cause No. TV-2015), § 480-12-210, filed 1/23/87. Statutory Authority: RCW 80.01.040, 81.80.130, and 81.80.140. 80-13-061 (Order R-151, Cause No. TV-1373), § 480-12-210, filed 9/17/80; Order R-5, § 480-12-210, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-215 Pseudo leasing. [Statutory Authority: RCW 80.01.040 and 81.80.290. 81-19-027 (Order R-173, Cause No. TV-1500), § 480-12-215, filed 9/9/81; Order R-5, § 480-12-215, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-220 Unfair or destructive competitive practices by carrier operating under permit. [Order R-5, § 480-12-220, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-225 Advertising on equipment. [Order R-5, § 480-12-225, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.-040 and 34.05.350.

480-12-230 Service, scheduled, discontinuance of. [Order R-5, § 480-12-230, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.

480-12-233 Agreements for pooling of freight. [Order R-65, § 480-12-233, filed 3/6/74.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.

480-12-235 Claims for loss or damage. [Statutory Authority: RCW 80.01.040. 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-235, filed 9/17/87; Order R-5, § 480-12-235, filed 6/6/69, effective 10/9/69.] Repealed by 99-

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

480-12-240 Shipments on hand undelivered. [Order R-5, § 480-12-240, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.

480-12-245 Commissions. [Order R-5, § 480-12-245, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.

480-12-250 Accounts—Uniform system adopted—Reports. [Statutory Authority: RCW 80.01.040. 93-22-117 (Order R-398, Docket No. TV-930791), § 480-12-250, filed 11/3/93, effective 12/4/93; 90-01-058 (Order R-313, Docket No. U-89-3099-R), § 480-12-250, filed 12/15/89, effective 1/15/90; 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-250, filed 9/17/87. Statutory Authority: RCW 80.01.040, 81.80.130, 81.80.140 and 81.80.290. 81-06-060 (Order R-159, Cause No. TV-1431), § 480-12-250, filed 3/4/81; 81-01-032 (Order R-154, Cause No. TV-1404), § 480-12-250, filed 12/10/80; Order R-49, § 480-12-250, filed 9/12/73; Order R-36, § 480-12-250, filed 4/5/72; Order R-5, § 480-12-250, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-253 Continuing traffic study instituted—Requirements—Penalties. [Order R-56, § 480-12-253, filed 10/24/73.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.

480-12-255 Contracts. [Statutory Authority: RCW 80.01.040 and 81.80.080. 92-01-053 (Order R-359, Docket No. TV-910927), § 480-12-255, filed 12/11/91, effective 1/11/92; Order R-5, § 480-12-255, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-260 Bills of lading. [Statutory Authority: RCW 80.01.040. 94-03-002 (Order R-407, Docket No. TV-931256), § 480-12-260, filed 1/5/94, effective 2/5/94; 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-260, filed 9/17/87. Statutory Authority: RCW 80.01.040, 81.80.-130 and 81.80.290. 80-11-008 (Order R-149, Cause No. TV-1365), § 480-12-260, filed 8/7/80; Order R-5, § 480-12-260, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.

480-12-265 Tariffs. [Order R-5, § 480-12-265, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-270 Tariffs shall be issued, posted and filed. [Order R-5, § 480-12-270, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-275 Freight classifications. [Order R-5, § 480-12-275, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-280 Tariffs, must have. [Order R-5, § 480-12-280, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-285 Tariffs, distribution and fees. [Statutory Authority: RCW 80.01.040. 93-15-036 (Order R-391, Docket No. TV-921164), § 480-12-285, filed 7/13/93, effective 8/13/93. Statutory Authority: RCW 80.01.040 and 81.80.290. 89-04-045 (Order R-294, Cause No. TV-2223), § 480-12-285, filed 1/31/89. Statutory Authority: RCW 80.01.040. 87-23-029 (Order R-280, Cause No. TV-2113), § 480-12-285, filed 11/12/87. Statutory Authority: RCW 80.01.040 and 81.80.290. 86-03-040 (Order R-249, Cause No. TV-1924), § 480-12-285, filed 1/13/86. Statutory Authority: RCW 80.01.040. 81-23-018 (Order R-177, Cause No. TV 1545), § 480-12-285, filed 11/13/81. Statutory Authority: RCW 81.80.290. 78-12-089 (Order R-119, Cause No. TV-1178), § 480-12-285, filed 12/6/78; Order R-90, § 480-12-285, filed 1/19/77; Order R-76, § 480-12-285, filed 10/8/75; Order R-40, § 480-12-285, filed 12/6/72; Order R-5, § 480-12-285, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-290 Rules of distribution. [Order R-5, § 480-12-290, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-295 Tariffs, proposed changes in—How made. [Statutory Authority: RCW 80.01.040. 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-295, filed 9/17/87; Order R-5, § 480-12-295, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-300 Tariff rules. [Order R-5, § 480-12-300, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-305 Billing—Method to be used. [Order R-5, § 480-12-305, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.-040 and 34.05.350.

480-12-310 Gross shipment weight. [Order R-5, § 480-12-310, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.-040 and 34.05.350.

480-12-315 Tariffs, interstate. [Order R-5, § 480-12-315, filed 6/6/69, effective 10/9/69.] Repealed by 91-06-071 (Order R-337, Docket No. TV-2333), filed 3/5/91, effective 4/5/91. Statutory Authority: RCW 80.01.040.

480-12-320 Routing of freight. [Order R-5, § 480-12-320, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order No. R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-321 Log road classification—Must have. [Statutory Authority: RCW 80.01.040. 94-03-001 (Order R-405, Docket No. TV-931239), § 480-12-321, filed 1/5/94, effective 2/5/94. Statutory Authority: RCW 80.01.040 and 81.80.220. 91-01-080 (Order R-334, Docket No. TV-2331), § 480-12-321, filed 12/17/90, effective 1/17/91. Statutory Authority: RCW 80.01.040. 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-321, filed 9/17/87; 84-21-120 (Order R-221, Cause No. TV-1816), § 480-12-321, filed 10/24/84.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.-040 and 34.05.350.

480-12-322 Log shipments—Intrastate rates—Applicability. [Statutory Authority: RCW 80.01.040. 92-01-051 (Order R-354, Docket No. TV-900714), § 480-12-322, filed 12/11/91, effective 1/11/92. Statutory Authority: RCW 80.01.040, 81.80.040, 81.80.130, 81.80.290, 81.80.330 and 81.80.370. 83-12-028 (Order R-202, Cause No. TV-1699), § 480-12-322, filed 5/26/83.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.

480-12-325 Freight charges paid in any manner other than cash. [Order R-5, § 480-12-325, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-330 Tariffs, observance of. [Order R-5, § 480-12-330, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-335 Rebating and other violations—Hearing. [Order R-5, § 480-12-335, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477),

filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-340 Credit, extension of, by common carriers. [Statutory Authority: RCW 80.01.040. 90-23-083 (Order R-330, Docket No. TV-900169), § 480-12-340, filed 11/20/90, effective 12/21/90; 86-14-050 (Order R-262, Cause No. TV-1956), § 480-12-340, filed 6/27/86; 81-19-028 (Order R-174, Cause No. TV-1501), § 480-12-340, filed 9/9/81. Statutory Authority: RCW 80.01.040, 81.80.-130, 81.80.140, and 81.80.290. 80-12-023 (Order R-150, Cause No. TV-1372), § 480-12-340, filed 8/27/80; Order R-5, § 480-12-340, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-345 Credit, extension of, by contract carriers. [Order R-5, § 480-12-345, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-350 Insurance. [Statutory Authority: RCW 80.01.040. 93-22-117 (Order R-398, Docket No. TV-930791), § 480-12-350, filed 11/3/93, effective 1/1/94; 87-01-003 (Order R-268, Cause No. TV-2002), § 480-12-350, filed 12/5/86; 85-10-032 (Order R-228, Cause No. TV-1871), § 480-12-350, filed 4/24/85; 84-19-004 (Order R-218, Cause No. TV-1804), § 480-12-350, filed 9/6/84. Statutory Authority: RCW 80.01.040, 81.80.130 and 81.80.190. 83-18-072 (Order R-207, Cause No. TV-1711), § 480-12-350, filed 9/7/83. Statutory Authority: RCW 80.01.040. 82-12-063 (Order R-189, Cause No. TV 1597), § 480-12-350, filed 6/2/82; Order R-5, § 480-12-350, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-355 Insurance, continuance of. [Order R-5, § 480-12-355, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-360 Insurance endorsement. [Order R-5, § 480-12-360, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-365 Insurance termination. [Statutory Authority: RCW 80.01.040. 87-01-003 (Order R-268, Cause No. TV-2002), § 480-12-365, filed 12/5/86; Order R-5, § 480-12-365, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-370 Insurance, carrier shall not misrepresent. [Order R-5, § 480-12-370, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-026 (Order R-454, Docket No. TV-971477), filed 3/30/99, effective 4/30/99. Statutory Authority: 81.04.160 and 80.01.040.

480-12-380 Common carrier C.O.D. shipments—Bond required—Handling of shipments. [Order R-5, § 480-12-380, filed 6/6/69, effective 10/9/69.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.-040 and 34.05.350.

480-12-385 Inactive status of permits during military service. [Order R-5, § 480-12-385, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-390 Waiver of rules. [Order R-5, § 480-12-390, filed 6/6/69, effective 10/9/69.] Repealed by Order R-24, filed 4/16/71.

480-12-395 Rules—How changed. [Order R-5, § 480-12-395, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-400 Definitions. [Statutory Authority: RCW 80.01.040. 88-01-116 (Order R-281, Cause No. TV-2119), § 480-12-400, filed 12/23/87. Statutory Authority: RCW 80.01.-040 and 81.80.290. 81-19-027 (Order R-173, Cause No. TV-1500), § 480-12-400, filed 9/9/81; Order R-5, § 480-12-400, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-405 Determination of weights. [Order R-5, § 480-12-405, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-410 Discounts prohibited—Rates based on prepayment charges prohibited. [Order R-5, § 480-12-410, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-415 Prohibition against carrier acting as agent for another carrier. [Order R-5, § 480-12-415, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-420 Acting as agent for compensation for insurance company prohibited. [Order R-5, § 480-12-420, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-425 Issuance of receipt or bill of lading for transportation prior to receiving household goods prohibited. [Order R-5, § 480-12-425, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-430 Liability of carriers. [Statutory Authority: RCW 80.01.-040. 83-02-014 (Order R-193, Cause No. TV-1666), § 480-12-430, filed 12/27/82. Statutory Authority: RCW 80.01.040 and 81.80.290. 81-19-027 (Order R-173, Cause No. TV-1500), § 480-12-430, filed 9/9/81; Order R-5, § 480-12-430, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-435 Estimates of charges. [Statutory Authority: RCW 80.01.040. 88-01-116 (Order R-281, Cause No. TV-2119), § 480-12-435, filed 12/23/87; Order R-5, § 480-12-435, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-440 Absorption or advancement of dock charges. [Order R-5, § 480-12-440, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-445 Information to shipper. [Statutory Authority: RCW 80.01.040. 89-09-071 (Order R-298, Cause No. TV-2253), § 480-12-445, filed 4/19/89; 88-01-116 (Order R-281, Cause No. TV-2119), § 480-12-445, filed 12/23/87; 83-02-014 (Order R-193, Cause No. TV-1666), § 480-12-445, filed 12/27/82. Statutory Authority: RCW 80.01.040 and 81.80.290. 81-19-027 (Order R-173, Cause No. TV-1500), § 480-12-445, filed 9/9/81; Order R-5, § 480-12-445, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-450 Minimum weight shipments. [Order R-5, § 480-12-450, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-455 Underestimates. [Statutory Authority: RCW 80.01.040. 94-11-001 (Order R-410, Docket No. TV-940231), § 480-12-455, filed 5/4/94 effective 6/4/94; Order R-5, § 480-12-455, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-460 Complaint procedures. [Order R-5, § 480-12-460, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-465 Charge card plans. [Statutory Authority: RCW 80.01.-040, 81.80.130, 81.80.140, and 81.80.290. 80-12-023 (Order R-150, Cause No. TV-1372), § 480-12-465, filed 8/27/80.] Repealed by 99-01-077 (Order R-454, Docket

No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-500 Definitions concerning recovered materials. [Statutory Authority: RCW 80.01.040, 81.80.440, 81.80.450 and 81.80.460. 91-01-081 and 91-03-101 (Orders R-331 and R-331-A, Docket No. T-900433), § 480-12-500, filed 12/17/90 and 1/18/91, effective 1/17/91 and 2/18/91.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.

480-12-510 Application procedures for transportation of recovered materials. [Statutory Authority: RCW 80.01.040, 81.80.440, 81.80.450 and 81.80.460. 91-01-081 and 91-03-101 (Orders R-331 and R-331-A, Docket No. T-900433), § 480-12-510, filed 12/17/90 and 1/18/91, effective 1/17/91 and 2/18/91.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.

480-12-520 Reporting requirements for transportation of recovered materials. [Statutory Authority: RCW 80.01.040, 81.80.440, 81.80.450 and 81.80.460. 91-01-081 and 91-03-101 (Orders R-331 and R-331-A, Docket No. T-900433), § 480-12-520, filed 12/17/90 and 1/18/91, effective 1/17/91 and 2/18/91.] Repealed by 95-24-001 (Order R-435, Docket No. TV-941290), filed 11/22/95, effective 12/23/95. Statutory Authority: RCW 80.01.040 and 34.05.350.

480-12-600 Regulatory fee. [Statutory Authority: RCW 80.01.040. 93-24-102 (Order R-401, Docket No. TV-931030), § 480-12-600, filed 12/1/93, effective 1/1/94.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-12-990 Appendix A—Classification of brokers, forwarders and motor carriers of property. [Statutory Authority: RCW 80.01.040. 94-11-022 (Order R-411, Docket No. TV-940122), § 480-12-990, filed 5/5/94, effective 6/5/94. Statutory Authority: RCW 81.80.120. 79-07-039 (Order R-124, Cause No. TV-985), § 480-12-990, filed 6/20/79; Order R-24, Appendix A (codified as WAC 480-12-990), filed 4/16/71; Order R-5, Appendix "A" Classification of brokers, forwarders and motor carriers of property, filed 6/6/69, effective 10/9/69.] Repealed by 99-01-077 (Order R-454, Docket No. TV-971477), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 81.04.160 and 80.01.040.

WAC 480-12-100 Forwarders and brokers. (1) For the purpose of these rules a "forwarder" shall be defined as a person engaged in the business of soliciting, collecting or assembling shipments for the purpose of combining the same into a shipment of such size as to be entitled to a quantity rate and who forwards such shipment in his own name and at his own risk by a common carrier at such quantity rate.

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

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

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

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

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

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

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

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

> The undersigned has (have) performed services as freight forwarder claiming exempt status under chapter 138, Laws of 1979 ex. sess. [RCW 81.80.045], in the year. . . . , beginning in the month of . . . . . There was no intent to perform such services for a profit, and no profit was in fact made.
>
> . . . . . .
> (Signature of forwarders)
>
> Subscribed and sworn to before me this . . . . . day of . . . . . , 19 . . . .
>
> . . . . . .
> Notary Public for the state of Washington in and for the county of . . . . . .

[Statutory Authority: RCW 80.01.040. 87-19-088 (Order R-276, Cause No. TV-2092), § 480-12-100, filed 9/17/87. Statutory Authority: RCW 81.80.-045 and 81.80.120. 80-01-013 (Order 136, Cause No. TV-1286), § 480-12-100, filed 12/12/79; Order R-24, § 480-12-100, filed 4/16/71; Order R-18, § 480-12-100, filed 6/4/70; Order R-5, § 480-12-100, filed 6/6/69, effective 10/9/69.]

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

coming into the broker's or forwarder's possession in connection with such transportation service.

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

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

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

[Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (rep.) (Order R-454, Docket No. TV-971477) and 99-08-026 (Order R-454, Docket No. TV-971477), § 480-12-375, filed 12/15/98 and 3/30/99, effective 1/15/99 and 4/30/99. Statutory Authority: RCW 80.01.040 and 1991 c 146. 92-09-014 (Order R-372, Docket No. TV-911218), § 480-12-375, filed 4/2/92, effective 5/3/92; Order R-5, § 480-12-375, filed 6/6/69, effective 10/9/69.]

Chapter 480-14 WAC

MOTOR CARRIERS, EXCLUDING HOUSEHOLD GOODS CARRIERS AND COMMON CARRIER BROKERS

WAC

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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.

WAC 480-14-010 Purpose and application. The federal government has preempted state economic regulation of motor carriers effective January 1, 1995, except for carriers of household goods and common carrier brokers. These rules are established to comply with federal law. This chapter supersedes chapter 480-12 WAC for all common and contract carriers previously regulated in that chapter **except** carriers of household goods and common carrier brokers, who continue to be regulated by that chapter.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-010, filed 11/22/95, effective 12/23/95.]

WAC 480-14-020 Rules, general application of rules—How changed. (1) No rule contained in this chapter can be changed, altered or revised except by general order of the commission pursuant to the Washington State Administrative Procedure Act.

(2) The rules in this chapter are for general application only, and are subject to such changes and modifications as the commission may deem advisable from time to time, and also to such exceptions as may be considered just and reasonable in individual cases.

(3) Application for exception to any of the rules and regulations of the commission shall be made in accordance with the following instructions:

(a) Application should be directed to the commission at its Olympia headquarters office. The application should be typewritten on 8-1/2 x 11 inch paper, on one side of the sheet only.

(b) The applicant must identify the rule from which exemption is sought and give a full explanation as to the reason(s) the exception is desired.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-020, filed 11/22/95, effective 12/23/95.]

WAC 480-14-040 Definitions. As used in this chapter, the following definitions shall apply:

(1) The term "motor carrier" means "common carrier," "private carrier" and "exempt carrier," as herein defined.

(2) The term "common carrier" means any person who undertakes to transport property, including general commodities, materials transported by armored car service, and/or hazardous materials, for the general public by motor vehicle for compensation, including motor vehicle operations of other carriers by rail or water and of express or forwarding companies. For the purposes of chapter 480-15 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 480-14-050 Reference to other chapters. (1) **Procedure.** Except as otherwise provided in this chapter, the commission's rules relating to procedure, chapter 480-07 WAC, shall govern the administrative practice and procedure in and before the commission in proceedings involving motor freight carriers.

(2) **Communications.** Except as provided in chapter 480-04 WAC, all written communications and documents should be addressed to the secretary, Washington utilities and transportation commission, at the headquarters office of the commission at Olympia, Washington, and not to individual members of the commission staff.

(a) Except as provided in chapter 480-04 WAC, all communications and documents are deemed to be officially received only when delivered at the office of the secretary.

(b) In addressing communications to the commission each permit holder must use the name shown upon its permit and indicate permit number.

(c) Except as provided in WAC 480-07-143, 480-07-145, and 480-14-420, receipt in the commission's telefacsimile machine does not constitute filing with the commission.

(3) **Documents—When filed.** Except as provided in chapter 480-04 WAC, all petitions, complaints, applications for common carrier permits or extensions, or any other matter required to be served upon or filed with the Washington utilities and transportation commission shall be served or filed upon the commission at its headquarters office as shown in WAC 480-04-030, upon the secretary of the commission. Except as provided in chapter 480-04 WAC, any petition, complaint, application, or other matter required to be served upon or filed with the commission shall not be considered served or filed until it is received at the headquarters office of the commission at Olympia, Washington.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-14-050, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-050, filed 11/22/95, effective 12/23/95.]

WAC 480-14-070 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 480-14-080 Rule book fee—Updates—Notification of pending and adopted rule changes—Compliance with rules. (1) The commission will publish and dis-

tribute a document containing the rules relating to motor freight transportation.

(a) The commission will give applicants for permit authority one copy of the rule book at no charge at the time the application is filed with the commission.

(b) The commission may charge a reasonable photocopy fee for multiple copies of the rule book requested by one person or entity.

(c) Interested persons may obtain a copy of the rule book by contacting the commission's Olympia offices.

(2) Rule books are not copyrighted materials and may be copied without commission approval or permission.

(3) The commission will send one annual update, containing rules becoming effective during the prior year, to each common carrier without charge. Persons desiring to keep their rulebooks current and up-to-date are encouraged to subscribe to the rule notification service noted below.

(4) Carriers must comply with all rules when they become effective, and rules become effective at various times throughout the year.

(a) The commission will notify carrier associations of potential and approved rule amendments, adoptions, and repealers.

(b) The commission will also notify each person who requests to be on its rule notification list for the topics desired.

(c) Proposed and adopted rules are also published in the *Washington State Register*, available at libraries throughout the state or by subscription from the Washington state code reviser, Olympia.

(d) The commission welcomes comments on proposed rules.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-080, filed 11/22/95, effective 12/23/95.]

WAC 480-14-090 Permits. (1) **Location of original copy.** Permits must be kept at the main office of the carrier.

(2) **Copies required on power units.** Permit holders must carry a copy of operating authority issued by the Washington utilities and transportation commission on each power unit operated in intrastate operations.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-090, filed 11/22/95, effective 12/23/95.]

WAC 480-14-100 Operations must be under permit name. Every common carrier shall conduct its operations under the name, corporate, trade, or assumed, that is described in its permit, and no carrier shall perform any carrier service, or hold itself out to perform such service, by advertisement or otherwise in any name other than that in which its permit is issued.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-100, filed 11/22/95, effective 12/23/95.]

WAC 480-14-110 Improper use of permit or registration receipt. The use of a permit or registration receipt by any person or firm other than the carrier to whom it was issued is unlawful.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-110, filed 11/22/95, effective 12/23/95.]

WAC 480-14-120 Address, change of. A carrier must immediately report to the commission in writing any change in the address of its principal place of business.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-120, filed 11/22/95, effective 12/23/95.]

WAC 480-14-130 Remittances. (1) Remittances to the commission may be made by money order, bank draft, check, or certified check payable to the Washington utilities and transportation commission.

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

(3) All remittances must be made in U.S. funds.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-130, filed 11/22/95, effective 12/23/95.]

WAC 480-14-140 Fees. Fees for applications shall be as follows:

Type of Application	Fee Applicable
Conversion of permits existing prior to January 1, 1995, to new permits	$0
Change of name or business structure	$50
Permanent common carrier operating authority	
Hazardous materials	$275
General commodities	$275
Armored car service	$275
Extension of common carrier permit authority	
Hazardous materials	$100
General commodities	$100
Armored car service	$100
Reinstatement of authority (within 10 months of cancellation)	
Hazardous materials	$100
General commodities	$100
Armored car service	$100

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-140, filed 11/22/95, effective 12/23/95.]

WAC 480-14-150 Regulatory fee. (1) Every common motor carrier operating in intrastate commerce shall, if requested by the commission, on or before the first day of May of each year, file with the commission with its periodic special report as defined in WAC 480-14-170, on a form provided by the commission, a statement on oath showing its gross operating revenue from intrastate operations during the prior calendar year.

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

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-150, filed 11/22/95, effective 12/23/95.]

WAC 480-14-160 Procedures for contest of fees. A person may contest any fee imposed by the authority of chapter 81.80 RCW under RCW 81.80.115 by the procedure set out in this section.

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

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

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

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-160, filed 11/22/95, effective 12/23/95.]

WAC 480-14-170 Periodic reporting requirements. The commission may require, on an annual basis, a special report from each common carrier who operated within the state during the prior calendar year. If requested by the commission, the report shall be due on or before the first day of May of each year, to cover the operations of the prior calendar year.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-170, filed 11/22/95, effective 12/23/95.]

WAC 480-14-180 Applications. (1) **Intrastate authority.** No person shall conduct operations as a motor freight carrier in Washington intrastate commerce without having first obtained a permit from the commission to do so.

(a) Applications to acquire permanent common carrier authority, extension of permanent common carrier authority, or change of carrier name or business structure shall be made on forms furnished by the commission and shall contain all the information, documents, and exhibits called for in the form or the form's instructions. The commission may refuse to accept any application until all required information is supplied.

(b) No application will be accepted for filing unless it is accompanied by the required fee as shown in WAC 480-14-140.

(c) The commission's acceptance of an application for filing does not indicate the commission's approval, nor is the commission precluded from finding that the information presented in the application is insufficient.

(2) **Interstate authority.** Each carrier operating in interstate commerce on the public roads of the state of Washington shall apply to register its insurance with the commission pursuant to WAC 480-14-250. Every such application shall be granted if it contains all necessary information and documentation, if the information provided is true and correct, and if the required fee is paid.

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

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

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-180, filed 11/22/95, effective 12/23/95.]

WAC 480-14-190 Permanent common carrier permits. (1) For the purposes of this rule, applications for authority shall include applications for original or extended common carrier authority for general commodities (excluding household goods), materials transported by armored car, and/or hazardous materials.

(2) A common carrier permit shall be issued to any applicant satisfying the following requirements:

(a) Filing an application satisfying the requirements of WAC 480-14-180.

(b) Filing, or causing to be filed, insurance in accordance with the requirements of WAC 480-14-250.

(c) Passing a safety fitness review of the applicant's knowledge and ability to conform with the motor carrier safety and/or hazardous materials regulations. The safety fitness review may be waived if the applicant can furnish a copy of a U.S. Department of Transportation "satisfactory" safety rating issued within twenty-four months before the date of the application. The commission may require an on-site safety compliance review to satisfy the safety fitness review requirements prior to issuing any permit.

(3) An application may be dismissed for failure to complete needed steps and it may be dismissed, denied, or granted in part based upon the satisfactory compliance with this chapter. The applicant may request a review of dismissal or full or partial denial through a brief adjudicative proceeding, pursuant to WAC 480-07-610.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-14-190, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-190, filed 11/22/95, effective 12/23/95.]

WAC 480-14-200 Armored car service. Motor carriers defined as providing "armored car service" under WAC 480-14-040(8), when transporting cash or coin with a value exceeding one hundred thousand dollars, are subject to the following provisions:

(1) The vehicle must be accompanied by at least two armed security guards qualified under chapter 18.170 RCW and chapter 308-18 WAC.

(2) When the vehicle is located in an unsecured area, one guard must remain within the area.

(3) Those portions of the vehicle surrounding the cargo and personnel must have a UL 752 Testing Certification to Level 1 Medium Powered Small Arms (MPSA); except that,

any vehicle owned by an armored car service and operated as an armored car prior to the effective date of this rule, is exempt from this regulation.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-200, filed 11/22/95, effective 12/23/95.]

WAC 480-14-210 Change of carrier name and business structure. (1) For the purposes of this rule, applications to change carrier name or business structure means the following:

(a) Change of the carrier's registered name, with no change in ownership or business structure.

(b) Change of business structure from individual to corporation to incorporate an individual's business, when the individual is the majority stockholder, or by an individual to a partnership, when the individual is the majority partner, or from a corporation to a proprietorship of the majority shareholder, or by a partnership to a proprietorship of the majority partner.

(c) Change of name resulting from a change in business structure from a partnership to a corporation established to incorporate the partnership business, when the partners are the majority stockholders in the same proportionate ownership.

(d) Change of name resulting from a change in business structure from a corporation to another corporation where both corporations are wholly owned by the same stockholders in the same proportions.

(2) A new permanent common carrier application is required, rather than a change of name, when the resulting business entity does more or less than assume all of the existing business. If the transaction involves the sale or acquisition of assets other than the property of the acquired or substituted business, or the conduct of different activities, a new permit must be applied for.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-210, filed 11/22/95, effective 12/23/95.]

WAC 480-14-220 Permits, cancelled—New application. When a permit is cancelled by the commission either for cause, or on request of the carrier, the carrier may secure a new permit by correcting the cause of cancellation, satisfying any outstanding fees or filings, and submitting the appropriate application with the pertinent application fee within ten months after date of cancellation.

If not filed within ten months, the application will be considered in all respects as a new application and must be accompanied by full fees and subject to all provisions of WAC 480-14-180.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-220, filed 11/22/95, effective 12/23/95.]

WAC 480-14-230 Operation of equipment by a cancelled or suspended carrier; voluntary cancellation; involuntary suspension and cancellation. (1) The operation of its equipment in any manner by a carrier whose permit has been cancelled or suspended is unlawful. Carrier permits may be suspended or cancelled by the commission under the following circumstances.

(2) **Voluntary cancellation.** A carrier may request that its permit be cancelled. Cancellation will be effective upon entry of an order of voluntary cancellation by the commission secretary. The commission will reinstate any permit that has been voluntarily cancelled by order of the secretary upon application of the carrier and payment of the required fee within ten months after the order of cancellation, provided the permit holder meets current entry requirements.

(3) **Policy regarding compliance activities; penalties; remediation; involuntary suspension or cancellation.** It is the policy of the commission that the purpose for the regulations implemented in this chapter is to secure compliance with laws and rules protecting the public health and safety, and that the commission shall direct its efforts toward education to the end that voluntary compliance is achieved.

(a) Penalties are intended as a tool of enforcement and remediation and may be assessed upon violations in the manner the commission believes will best assure future compliance by the responding carrier and other carriers.

(b) Involuntary suspension and cancellation are intended for circumstances in which the commission believes education and penalties have not been or will not be effective to secure compliance and for serious actions such as fraud, misrepresentation, and willful violation of legal requirements.

(4) **Involuntary suspension.**

(a) The commission may suspend a carrier permit for cause. Cause includes, but is not limited to, the following circumstances:

(i) The carrier has failed to maintain evidence that it has the required level of insurance in effect for its operations.

(ii) The carrier fails or refuses to participate in compliance education or conferences, or fails or refuses to comply with rules or other requirements protecting the public health or safety following commission staff instructions regarding compliance.

(iii) The carrier commits or allows to exist an infraction of rule or law that poses an immediate danger to the public health or safety, when putting one or more vehicles out of service will not protect the public health or safety.

(b) The commission will provide to the carrier such notice as is feasible of a commission action suspending a permit, weighing the potential threat to the public health, safety or welfare and the effect of the suspension on the carrier.

(i) The commission will make a good faith effort to notify a carrier that its evidence of insurance is likely to become invalid, but will suspend any carrier who fails to maintain evidence of current insurance on file with the commission, whether or not it is able to provide advance notice.

(ii) The commission may suspend a carrier permit, effective with the service of notice, when it believes that the carrier's continued operations pose an imminent danger to the public health, safety or welfare.

(c) The commission may suspend a permit without prior hearing when the action is needed to protect the public health, safety or welfare and there is insufficient time for a suspension hearing. A carrier whose permit is suspended may secure reinstatement of the permit by correcting conditions leading to suspension. A carrier may contest suspension by requesting a brief adjudication or an adjudication.

(5) **Cancellation for cause.** The commission may cancel a permit for cause. Cause includes, but is not limited to, the following circumstances:

(a) Failure to pay the required regulatory fee or fees.

(b) Failure to demonstrate that the carrier has corrected the conditions leading to suspension within the time defined in the order of suspension.

(c) Committing or allowing to exist violations of pertinent requirements of law or rule affecting the public health or safety when the commission has reason to believe that the carrier would not comply following a period of suspension.

(d) Repeated failure or refusal of the carrier to comply with regulatory requirements or to provide information, or the submission of false, misleading, or inaccurate information of a sort that is necessary to the commission for performance of its functions.

(6) **Cancellation hearing prior to.** The commission will hold a hearing prior to canceling a carrier's authority, pursuant to RCW 81.80.280, except when cancellation results from failure to correct causes of a suspension in which an adjudication or brief adjudication was held or was available to the carrier. A carrier whose permit is cancelled may apply for reinstatement under WAC 480-14-220, or may apply for a new permit under WAC 480-14-180, if the causes of cancellation are corrected.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-230, filed 11/22/95, effective 12/23/95.]

WAC 480-14-240 Inactive status of permits during military service. (1) When the holder of a common carrier permit is called into or enters the military service of the United States and must cease operation over the public highways, the commission will upon application place that carrier's permit in an inactive file for the period of military service.

(2) The carrier shall file with the commission a written, informal application which lists:

(a) The applicant's name and permit number;

(b) The branch of military service the applicant is to enter;

(c) The date upon which the applicant requests the inactive status to begin;

(d) A statement that the applicant will not permit its equipment to be operated under inactive status.

(3) Application for reinstatement of a permit placed on inactive status during military service shall be made within six months after such military service has terminated. The commission shall, at no charge, grant reinstatement upon a showing of compliance with the requirements of the law governing operation over the public highways.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-240, filed 11/22/95, effective 12/23/95.]

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

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

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

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

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

(c) For taxicabs whose only operation subject to commission jurisdiction is the operation of small parcel general freight service under a permit issued pursuant to chapter 81.80 RCW shall comply with the provisions of RCW 46.72.-040 and 46.72.050 in lieu of the above. Such carriers must comply with the reporting requirements of this section.

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

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

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

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

(3) **Insurance endorsement.** All liability and property damage insurance policies issued to motor freight carriers

shall carry a "uniform motor carrier bodily injury and property damage liability endorsement."

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

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

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

(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 480-14-260 Leasing. Common carriers may perform transportation in or with equipment which they do not own only in accordance with this leasing rule.

(1) **Lease requirements.** The lease shall:

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

(b) Be in writing and signed by the parties;

(c) Specify the time and date on which the lease begins and ends;

(d) Provide for the exclusive possession, control and use of the equipment and for the complete assumption of responsibility by the lessee while under the dispatch of the lessee or for the duration of said lease;

(e) Control of permit operations using the leased equipment must clearly reside with the lessee, and the manner in which the responsibility for expenses is allocated must clearly show such control. However, under any lease arrangement, the lessee shall assume full responsibility for compliance with all applicable safety rules and regulations pertaining to the operation of leased vehicles subject to this rule, and shall provide insurance as specified in WAC 480-14-250;

(f) Specify the compensation to be paid by the lessee to the lessor.

(2) **Identification.** The common carrier using equipment under this rule shall identify the equipment as being operated by the lessee during the period of the lease in accordance with the requirements of WAC 480-14-340.

(3) **Rental of equipment with drivers.** Common carriers shall not rent equipment with drivers to private carriers or shippers except pursuant to their common carrier authority.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-260, filed 11/22/95, effective 12/23/95.]

WAC 480-14-290 Interstate operations; requirements; definitions. It shall be unlawful for any carrier to perform any interstate transportation service for compensation upon the public roads of this state without first having secured appropriate authority from the Interstate Commerce Commission or its successor agency, if that authority is required, and without possessing valid insurance and valid evidence that it has registered as specified in these rules.

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

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

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

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-290, filed 11/22/95, effective 12/23/95.]

WAC 480-14-300 Registered carriers. (1) It shall be unlawful for a carrier operating under authority issued by the Interstate Commerce Commission or its successor agency to operate a vehicle in interstate commerce on the public roads of this state without having first secured valid insurance as required by the Interstate Commerce Commission or its successor agency, registered with a base state as required in 49 CFR Part 1023, paid the required Washington state registration fee for that vehicle, and without having in the vehicle a legible receipt showing base state registration. The receipt shall be subject to inspection at all times by the law enforcement agents and the commission's representatives.

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

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

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

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

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

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

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

(4) No carrier may operate a vehicle in Washington state that is not registered as specified in this rule unless it is registered for interstate exempt traffic under WAC 480-14-320.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-300, filed 11/22/95, effective 12/23/95.]

WAC 480-14-320 Registered exempt carriers. (1) No carrier may operate any vehicle or combination of vehicles upon the public roads of this state in interstate commerce under the exemptions of the Federal Motor Carrier Act or its successor without first registering with the commission and having available within the cab of the motive power vehicle a valid receipt showing that the carrier has provided Washington state with proof of insurance and paid the per-vehicle fee established by order of the commission. The receipt shall be subject to inspection by law enforcement agents and the commission's representatives at all times.

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

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

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

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-320, filed 11/22/95, effective 12/23/95.]

WAC 480-14-340 Equipment—Identification. (1) All motor vehicles, except those defined as exempt under RCW 81.80.040 and those operated by private carriers that singly or in combination are less than thirty-six thousand pounds gross vehicle weight, shall display a permanent marking identifying the carrier's name or number, or both, on each side of each power unit in the manner specified in this rule.

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

(a) Motor vehicles operated by or under lease to a common carrier must display the name of the permittee as registered with the commission and the permit number. Provided however, common carriers holding both intrastate and interstate authority may display either the Interstate Commerce Commission or its successor agency certificate number, commission permit number, or both.

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

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-340, filed 11/22/95, effective 12/23/95.]

WAC 480-14-350 Equipment, lawful operation of. (1) Every "motor carrier" shall comply with the motor vehicle laws of the state relative to the operation of, inspection of and maintenance of all equipment operated.

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

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-350, filed 11/22/95, effective 12/23/95.]

WAC 480-14-360 Equipment—Inspection—Ordered out-of-service for repairs. (1) All motor vehicles operated under chapter 81.80 RCW shall be maintained in a safe and sanitary condition. They shall at all times be subject to inspection by the commission and its duly authorized representatives who shall have power to order out of service any vehicle meeting the out-of-service criteria standards contained in the *North American Uniform Out-of-Service Criteria*, or which is not being operated in compliance with state laws in regard to equipment or method.

(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.

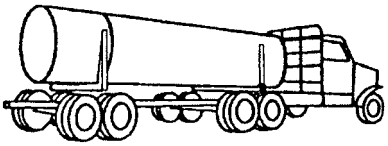
(q) Binder extensions. Pipe extension handles (swedes) for tightening or securing binders shall be limited to not longer than thirty-six inches. Care shall be taken that a sufficient amount of the pipe extends over the binder handle.

(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.

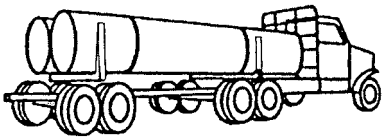
PLACEMENT AND NUMBER OF WRAPPERS

One log load



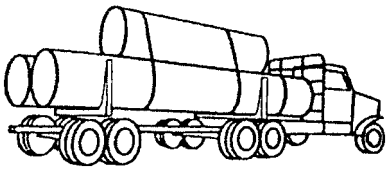
One wrapper required which shall be secured to the rear bunk. Log shall be blocked or secured in a manner to prevent it from rolling or shifting. A second wrapper secured to the front bunk is optional.

Two log load



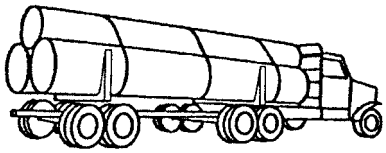
A minimum of two wrappers required. Logs shall be blocked to prevent them from rolling or shifting.

Three or four log load forty-four feet or less



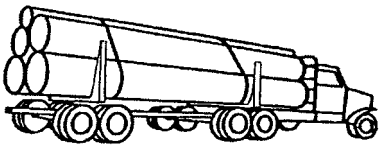
A minimum of two wrappers required.

Three or four log loads more than forty four feet



A minimum of three wrappers required.

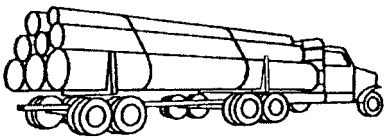
Five or six log load all logs seventeen feet or less



A minimum of two wrappers required.

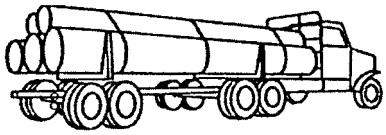
Seven or more log load all logs seventeen feet or less

A minimum of two wrappers required.



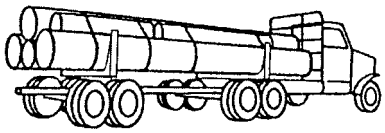
Five or more log load if any logs are more than seventeen feet

A minimum of three wrappers are required.



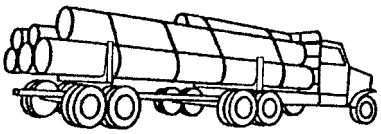
Outside logs or top logs

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



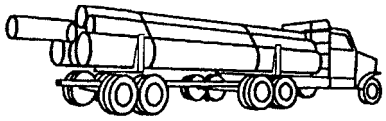
A wrapper shall be near each bunk

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



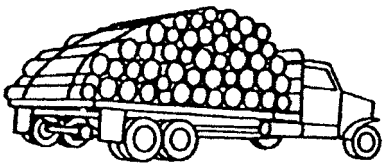
Proper support for logs

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) **Antispray 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 commission and its duly authorized representatives who shall have power to order out-of-service any vehicle meeting the standards set forth in this section, or is not being operated in compliance with laws in regard to equipment or method.

(b) Standards. The purpose of this section is to identify critical hazardous materials inspection items and provide criteria for placing a vehicle(s) in an out-of-service or restricted service category subsequent to an inspection. The criteria for out-of-service condition or restricted service condition are those defined in the *North American Uniform Out-of-Service Criteria* 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 480-14-420 Optional provisions. (1) Carriers of general commodities, materials transported by armored cars and hazardous materials may, but are not required to, participate in the optional programs identified in this subsection.

(a) Uniform Bill of Lading. The commission adopts as the appropriate uniform bill of lading:

(i) The Uniform Straight Bill shown in Appendix A of this chapter, or in the alternative,

(ii) Carriers subscribing to the National Motor Freight Classification shall use the form of the bill of lading for shipments as shown in the National Motor Freight Classification in effect on May 28, 1994, and may modify its terms as indicated within the terms shown thereon. Adoption by the commission does not supersede the publisher's copyright in the document nor authorize its use by persons not entitled thereto. It is available from the Traffic Department, American Trucking Association, 2200 Mill Road, Alexandria, Virginia 22314.

(b) Uniform freight classification. The commission adopts as the appropriate uniform freight classification the National Motor Freight Classification published by the American Trucking Association, effective May 28, 1994.

(i) The uniform freight classification is available for inspection in the utilities and transportation branch of the Washington state library, located with the headquarters office of the commission. It is available from the Traffic Department, American Trucking Association, 2200 Mill Road, Alexandria, Virginia 22314.

(ii) Subscribing carriers shall use the uniform freight classification for intrastate shipments. Adoption by the commission does not supersede the publisher's copyright in the document nor authorize its use by persons not entitled thereto.

(c) Standard mileage guide. The commission adopts as the standard mileage guide for shipments in the state of Washington, the *Official State Highway Map* published by the Washington state department of transportation.

(i) Mileage between points not designated on the map shall be calculated by using the indicated map mileage for as much of the traveled route as is possible and then adding to that mileage the actual odometer mileage to or from the unnamed point.

(ii) The map is available for inspection in the utilities and transportation branch of the Washington state library, located with the headquarters office of the commission, and it is available from the Washington State Department of Transportation, WSDOT Public Affairs Office, P.O. Box 47322, Olympia, Washington 98504-7322.

(2) A carrier may opt-in to any of these programs at any time by completing a form at the time it applies for authority, at the time it submits a periodic report of operations, or at any other time by filing written notice with the commission.

(a) A carrier who has opted-in may advertise its option status and must disclose to shippers its option status before accepting a shipment.

(b) A carrier who has opted-in must act in conformity with its option until it has completed steps necessary to opt-out of the program. Carriers may not subscribe selectively for some shipments or shippers but not for others.

(3) Opting out. All carriers will be assumed to have opted-out of participating in any of the optional programs until such time as they officially notify the commission that they have opted-in to one or more of the programs.

(a) No carrier who has opted-out of any program may represent that it subscribes to the program. Carriers who have opted-out of any program may advertise or represent that they do not participate in the program.

(b) A carrier may choose to opt-out of any optional program at any time by:

(i) Filing with the commission its written notice that it opts-out of the program;

(ii) Advising the shippers it has served within the past year that it has opted-out; and

(iii) Withdrawing any advertising it may have for dissemination to the public that states its optional participation.

(4) For the purposes of this rule only, the term "written notice" may also include filing via notification through the commission's telefacsimile machine.

(5) Violations. It shall be a violation of rule for a carrier to advertise or represent to the public or to any shipper that it is an option participant in any program when it has not opted-in, and to advertise or represent to the public or any shipper that it is not an option participant when it is.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-420, filed 11/22/95, effective 12/23/95.]

WAC 480-14-900 Appendix A.

UNIFORM STRAIGHT BILL OF LADING Original--Not Negotiable--Domestic

Shipper's No.

Carrier Agent's No.

RECEIVED, subject to the classifications and tariffs in effect on the date of the issue of this Bill of Lading,

at _____ 19_____ from _____

the property described below, in apparent good order, except as noted (content and condition of contents of packages unknown) marked, consigned, and destined as show below, which said company (the word company being understood throughout this contract as meaning any person or corporation in possession of the property under contract) agrees to carry to its usual place of delivery at said destination, if on its own railroad, water line, highway route or routes, or within the territory of its highway operations, otherwise deliver to another carrier on the route to said destination. It is mutually agreed, as to each carrier of all or any of said property over all or any portion of said route to destination, and as to each party at any time interested in all or any of said property, that every service to be performed hereunder shall be subject to all the conditions not prohibited by law, whether printed or written, herein contained, including the conditions on the back hereof, which are hereby agreed to by the shipper and accepter for himself and his assigns.

Consigned to _____

Destination _____ State of _____ Zip Code _____ County Of _____

Routing _____ Delivering Carrier _____ Vehicle or Car Initial _____ No. _____

Collect on Delivery $ _____ and remit to: _____

_____ Street _____ City _____ State

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

No. Packages	O HM	Description of Articles, Special Marks, and Exceptions	*Weight (Sub. to Cor.)	Class or Rate	Check Column

Subject to Section 7 of conditions, if this shipment is to be delivered to the consignee without recourse on the consignor, the consignor shall sign the following statements: The carrier shall not make delivery of this shipment without payment of freight and all other lawful charges.

_____ (Signature of Consignor)

If charges are to be prepaid, write or stamp here "TO BE PREPAID."

Received $ _____ to apply to prepayment of the charges on the property described hereon.

Agent or Cashier

Per _____

(The signature here acknowledges only the amount Prepaid.)

*If the shipment moves between two ports by a carrier by water, the law requires that the bill of lading shall state whether it is "carrier's or shipper's weight." NOTE--Where the rate is dependent on value shippers are required to state specifically in writing the agreed or declared value of the property.
The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding: $ per

Charges Advanced:

$ _____

O Mark with "X" to designate Hazardous Materials as defined in the Department of Transportation Regulations governing the transportation of hazardous materials.

This is to certify that the above-named materials are properly classified, described, packaged, marked and labeled, and are in proper condition for transportation according to the applicable regulations of the Department of Transportation.

Agent of

_____ Shipper, Per _____ _____ Agent, Per _____

Permanent post-office address of shipper. page 1

(This Bill of Lading is to be signed by the shipper and agent of the carrier issuing same.)

CONTRACT TERMS AND CONDITIONS

Sec. 1. (a) The carrier or party in possession of any of the property herein described shall be liable as at common law for any loss thereof or damage thereto, except as hereinafter provided.

(b) No carrier or party in possession of all or any of the property herein described shall be liable for any loss thereof or damage thereto or delay caused by the Act of God, the public enemy, the authority of law, or the act or default of the shipper or owner, or for natural shrinkage. The carrier's liability shall be that of warehouseman, only, for loss, damage, or delay caused by fire occurring after the expiration of the free time (if any) allowed by tariffs lawfully on file (such free time to be computed as therein provided) after notice of the arrival of the property at destination or at the port of export (if intended for export) has been duly sent or given, and after placement of the property for delivery at destination, or tender of delivery of the property to the party entitled to receive it, has been made. Except in case of negligence of the carrier

or party in possession (and the burden to prove freedom from such negligence shall be on the carrier or party in possession), the carrier or party in possession shall not be liable for loss, damage, or delay occurring while the property is stopped and held in transit upon the request of the shipper, owner, or party, entitled to make such request, or resulting from a defect or vice in the property, or for country damage to cotton, or from riots or strikes. Except in case of carrier's negligence, no carrier or party in possession of all or any of the property herein described shall be liable for delay caused by highway obstruction, faulty or impassable highway, or lack of capacity of any highway, bridge or ferry, and the burden to prove freedom from such negligence shall be on the carrier or party in possession.

(c) In case of quarantine the property may be discharged at risk and expense of owners into quarantine depot or elsewhere, as required by quarantine regulations or authorities, or for the carrier's dispatch at nearest available point in carrier's judgement, and in any such case carrier's responsibility shall cease when property is so discharged, or property may be returned by carrier at owner's expense to shipping point, earning freight both ways. Quarantine expenses of whatever nature or kind upon or in respect to property shall be borne by the owners of the property or be in lien thereon. The carrier shall not be liable for loss or damage occasioned by fumigation or disinfection or other acts required or done by quarantine regulations or authorities even though the same may have been done by carrier's officers, agents, or employees, nor for detention, loss, or damage of any kind occasioned by quarantine or the enforcement thereof. No carrier shall be liable, except in case of negligence, for any mistake or inaccuracy in any information furnished by the carrier, its agents, or officers, as to quarantine laws or regulations. The shipper shall hold the carriers harmless from any expense they may incur, or damages they may be required to pay, by reason of the introduction of the property covered by this contract into any place against the quarantine laws or regulations in effect at such place.

Sec. 2. (a) No carrier is bound to transport said property by any particular schedule, train, vehicle, or vessel, or in time for any particular market or otherwise than with reasonable dispatch. Every carrier shall have the right in case of physical necessity to forward said property by any carrier or route between the point of shipment and the point of destination. In all cases not prohibited by law, where a lower value than actual value has been represented in writing by the shipper or has been agreed upon in writing as the released value of the property as determined by the classification or tariffs upon which the rate is based, such lower value plus freight charges if paid shall be the maximum amount to be recovered, whether or not such loss or damage occurs from negligence.

(b) As a condition precedent to recovery, claims must be filed in writing with the receiving or delivering carrier, or carrier issuing this bill of lading, or carrier on whose line the loss, damage, injury or delay occurred, or carrier in possession of the property when the loss, damage, injury or delay occurred, within nine months after delivery of the property (or, in the case of export traffic, within nine months after delivery at port of export) or, in case of failure to make delivery, then within nine months after a reasonable time for delivery has elapsed; and suits shall be instituted against any carrier only within two years and one day from the day when notice in writing is given by the carrier to the claimant that the carrier has disallowed the claim or any part or parts thereof specified in the notice. Where claims are not filed or suits are not instituted thereon in accordance with the foregoing provisions, no carrier shall be liable, and such claims will not be paid.

(c) Any carrier or party liable on account of loss of or damage to any of said property shall have the full benefit of any insurance that may have been effected upon or on account of said property, so far as this shall not avoid the policies or contracts of insurance: PROVIDED, That the carrier reimburse the claimant for the premium paid thereon.

Sec. 3. Except where such service is required as the result of carrier's negligence, all property shall be subject to necessary cooperage and baling at owner's cost. Each carrier over whose route cotton or cotton linters is to be transported hereunder shall have the privilege, at its own cost and risk, of compressing the same for greater convenience in handling or forwarding, and shall not be held responsible for deviation or unavoidable delays in procuring such compression. Grain in bulk consigned to a point where there is a railroad, public or licensed elevator, may (unless otherwise expressly noted herein, and then if it is not promptly unloaded) be there delivered, and placed with other grain of the same kind and grade without respect to ownership (and prompt notice thereof shall be given to the consignor), and if so delivered shall be subject to a lien for elevator charges in addition to all other charges hereunder.

Sec. 4. (a) Property not removed by the party entitled to receive it within the free time (if any) allowed by tariffs, lawfully on file (such free time to be computed as therein provided), after notice of the arrival of the property at destination or at the port of export (if intended for export) has been duly sent or given, and after placement of the property for delivery at destination has been made, or property not received, at time tender of delivery of the property to the party entitled to receive it has been made, may be kept in vessel, vehicle, car, depot, warehouse or place of business of the carrier, subject to the tariff charge for storage and to carrier's responsibility as warehouseman, only, or at the option of the carrier, may be removed to and stored in a public or licensed warehouse at the point of delivery or at other available point, or if no such warehouse is available at point of delivery or at other available point, then in other available storage facility; at cost of the owner, and there held without liability on the part of the carrier, and subject to a lien for all freight and other lawful charges, including a reasonable charge for storage. In the event consignee cannot be found at address given for delivery, then in that event, notice of the placing of such goods in warehouse shall be mailed to the address given for delivery and mailed to any other address given on the bill of lading for notification, showing the warehouse in which such property has been placed, subject to the provisions of this paragraph.

(b) Where nonperishable property which has been transported to destination hereunder is refused by consignee or the party entitled to receive it upon tender of delivery, or said consignee or party entitled to receive it fails to receive or claim it within fifteen days after notice of arrival shall have been duly sent or given, the carrier may sell the same at pub-

lic auction to the highest bidder, at such place as may be designated by the carrier.

PROVIDED, That the carrier shall have first mailed, sent, or given to the consignor notice that the property has been refused or remains unclaimed, as the case may be, and that it will be subject to sale under the terms of the bill of lading if disposition be not arranged for, and shall have published notice containing a description of the property, the name of the party to whom consigned, or, if shipped order notify, the name of the party to be notified, and the time and place of sale, once a week for two successive weeks, in a newspaper of general circulation at the place of sale or nearest place where such newspaper is published. PROVIDED, That 30 days shall have elapsed before publication of notice of sale after said notice that the property was refused or remains unclaimed was mailed, sent or given.

(c) Where perishable property which has been transported hereunder to destination is refused by consignee or party entitled to receive it, or said consignee or party entitled to receive it shall fail to receive it promptly, the carrier, may, in its discretion, to prevent deterioration or further deterioration, sell the same to the best advantage at private or public sale: PROVIDED, That if time serves for notification to the consignor or owner the refusal of the property or the failure to receive it and request for disposition of the property, such notification shall be given, in such manner as the exercise of due diligence requires, before the property is sold.

(d) Where the procedure provided for in the two paragraphs last preceding is not possible, it is agreed that nothing contained in said paragraphs shall be constituted to abridge the right of the carrier at its option to sell the property under such circumstances and in such manner as may be authorized by law.

(e) The proceeds of any sale made under this section shall be applied by the carrier to the payment of freight, demurrage, storage, and any other lawful charges and the expense of notice, advertisement, sale, and other necessary expense and of caring for and maintaining the property, if proper care of same requires special expense, and should there be a balance it shall be paid to the owner of the property sold hereunder.

(f) Property destined to or taken from a station, wharf, landing or other place at which there is no regularly appointed freight agent, shall be entirely at risk of owner after unloaded from cars, vehicles or vessels or until loaded into cars, vehicles, or vessels, and, except in case of carrier's negligence, when received from or delivered to such stations, wharfs, landings, or other places, shall be at owner's risk until the cars are attached to and after they are detached from locomotive or train or until loaded into and after unloaded from vessels, or if property is transported in motor vehicle trailers or semi-trailers, until such trailers or semi-trailers are attached to and after they are detached from power units. Where a carrier is directed to unload or deliver property transported by motor vehicle at a particular location where consignee or consignee's agent is not regularly located, the risk after unloading, or delivery, shall be that of the owner.

Sec. 5. No carrier hereunder will carry or be liable in any way for any documents, specie, or for any articles of extraordinary value not specifically rated in the published classifications or tariffs unless a special agreement to do so and a stipulated value of the articles are endorsed hereon.

Sec. 6. Every party, whether principal or agent, shipping explosives or dangerous goods, without previous full written disclosure to the carrier of their nature, shall be liable for and indemnify the carrier against all loss or damage caused by such goods, and such goods may be warehoused at owner's risk and expense or destroyed without compensation.

Sec. 7. The owner or consignee shall pay the freight and average, if any, and all other lawful charges accruing on said property; but, except in those instances where it may lawfully be authorized to do so, no carrier shall deliver or relinquish possession at destination of the property covered by this bill of lading until all tariff rates and charges thereon have been paid. The consignor shall be liable for the freight and all other lawful charges, except that if the consignor stipulates, by signature, in the space provided for that purpose on the face of this bill of lading that the carrier shall not make delivery without requiring payment of such charges, and the carrier, contrary to such stipulation shall make delivery without requiring such payment, the consignor (except as hereinafter provided) shall not be legally liable for such charges. PROVIDED, That, where the carrier has been instructed by the shipper or consignor to deliver said property to a consignee other than the shipper or consignor, such consignee shall not be legally liable for transportation charges in respect of the transportation of said property (beyond those billed against him at the time of delivery for which he is otherwise liable) which may be found to be due after the property has been delivered to him, if the consignee (a) is an agent only and has no beneficial title in said property, and (b) prior to delivery of said property has notified the delivering carrier in writing of the fact of such agency and absence of beneficial title, and, in the case of a shipment reconsigned or diverted to a point other than that specified in the original bill of lading, has also notified the delivering carrier in writing of the name and address of the beneficial owner of said property; and, in such cases the shipper or consignor, or, in the case of a shipment so reconsigned or diverted, the beneficial owner shall be liable for such additional charges. If the consignee has given to the carrier erroneous information as to who the beneficial owner is, such consignee shall himself be liable for such additional charges. Nothing herein shall limit the right of the carrier to require at time of shipment the prepayment or guarantee of the charges. If upon inspection it is ascertained that the articles shipped are not those described in this bill of lading, the freight charges must be paid upon the articles actually shipped.

Sec. 8. If this bill of lading is issued on the order of the shipper, or his agent, in exchange or in substitution for another bill of lading, the shipper's signature to the prior bill of lading as to the statement of value or otherwise, or election of common law or bill of lading liability, in or in connection with such prior bill of lading, shall be considered a part of this bill of lading as fully as if the same were written or made in or in connection with this bill of lading.

Sec. 9. (a) If all or any part of said property is carried by water over any part of said route, such water carriage shall be performed subject to all the terms and provisions of, and all the exemptions from liability contained in, the Act of the Congress of the United States, approved on February 13,

1893, and entitled "An act relating to the navigation of vessels, etc." and of other statutes of the United States according carriers by water the protection of limited liability, and to the conditions contained in this bill of lading not inconsistent therewith or with this section.

(b) No such carrier by water shall be liable for any loss or damage resulting from any fire happening to or on board the vessel, or from explosion, bursting of boilers or breakage of shafts, unless caused by the design or neglect of such carrier.

(c) If the owner shall have exercised due diligence in making the vessel in all respects seaworthy and properly manned, equipped and supplied, no such carrier shall be liable for any loss or damage resulting from the perils of the lakes, seas, or other waters, or from latent defects in hull, machinery, or appurtenances whether existing prior to, at the time of, or after sailing, or from collision, stranding, or other accidents of navigation, or from prolongation of the voyage. And, when for any reason it is necessary, any vessel carrying any or all of the property herein described shall be at liberty to call at any port or ports, in or out of the customary route, to tow and be towed, to transfer, trans-ship, or lighter, to load and discharge goods at any time, to assist vessels in distress, to deviate for the purpose of saving life or property, and for docking and repairs. Except in case of negligence such carrier shall not be responsible for any loss or damage to property if it be necessary or is usual to carry the same upon deck.

(d) General Average shall be payable according to the York-Antwerp Rules of 1924, Section 1 to 15, inclusive, and Sections 17 to 22, inclusive, and as to matters not covered thereby according to the laws and usages of the Port of New York. If the owners shall have exercised due diligence to make the vessel in all respects seaworthy and properly manned, equipped and supplied, it is hereby agreed that in case of danger, damage or disaster resulting from faults or errors in navigation, or in the management of the vessel, or from any latent or other defects in the vessel, her machinery or appurtenances, or from unseaworthiness, whether existing at the time of shipment or at the beginning of the voyage (provided the latent or other defects or the unseaworthiness was not discoverable by the exercise of due diligence), the shippers, consignees and/or owners of the cargo shall nevertheless pay salvage and any special charges incurred in respect of the cargo, and shall contribute with the shipowner in general average to the payment of any sacrifices, losses or expenses of a general average nature that may be made or incurred for the common benefit or to relieve the adventure from any common peril.

(e) If the property is being carried under a tariff which provides that any carrier or carriers party thereto shall be liable for loss from perils of the sea, then as to such carrier or carriers the provisions of this section shall be modified in accordance with the tariff provisions, which shall be regarded as incorporated into the conditions of this bill of lading.

(f) The term "water carriage" in this section shall not be construed as including lighterage in or across rivers, harbors, or lakes, when performed by or on behalf of carriers other than water.

Sec. 10. Any alteration, addition, or erasure in this bill of lading which shall be made without the special notation hereon of the agent of the carrier issuing this bill of lading, shall be without effect, and this bill of lading shall be enforceable according to its original tenor.

This Shipping Order Must be legibly filled in, in ink, in indelible Pencil, or in Carbon and retained by the Agent.

Shipper's No.

Carrier Agent's No.

RECEIVED, subject to the classifications and tariffs in effect on the date of the issue of this Bill of Lading,

at _____ 19_____ from _____

the property described below, in apparent good order, except as noted (content and condition of contents of packages unknown) marked, consigned, and destined as show below, which said company (the word company being understood throughout this contract as meaning any person or corporation in possession of the property under contract) agrees to carry to its usual place of delivery at said destination, if on its own railroad, water line, highway route or routes, or within the territory of its highway operations, otherwise deliver to another carrier on the route to said destination. It is mutually agreed, as to each carrier of all or any of said property over all or any portion of said route to destination, and as to each party at any time interested in all or any of said property, that every service to be performed hereunder shall be subject to all the conditions not prohibited by law, whether printed or written, herein contained, including the conditions on the back hereof, which are hereby agreed to by the shipper and accepter for himself and his assigns.

Consigned to _____

Destination _____ State of _____ Zip Code _____ County Of _____

Routing _____ Delivering Carrier _____ Vehicle or Car Initial _____ No. _____

Collect on Delivery $ _____ and remit to: _____

_____ Street _____ City _____ State

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

No. Packages	O HM	Description of Articles, Special Marks, and Exceptions	*Weight (Sub. to Cor.)	Class or Rate	Check Column

Subject to Section 7 of conditions, if this shipment is to be delivered to the consignee without recourse on the consignor, the consignor shall sign the following statements: The carrier shall not make delivery of this shipment without payment of freight and all other lawful charges.

_____ (Signature of Consignor)

If charges are to be prepaid, write or stamp here "TO BE PREPAID."

Received $ _____ to apply to prepayment of the charges on the property described hereon.

Agent or Cashier

Per _____ (The signature here acknowledges only the amount Prepaid.)

*If the shipment moves between two ports by a carrier by water, the law requires that the bill of lading shall state whether it is "carrier's or shipper's weight." NOTE--Where the rate is dependent on value shippers are required to state specifically in writing the agreed or declared value of the property. The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding: $ _____ per _____

Charges Advanced: $ _____

O Mark with "X" to designate Hazardous Materials as defined in the Department of Transportation Regulations governing the transportation of hazardous materials.

This is to certify that the above-named materials are properly classified, described, packaged, marked and labeled, and are in proper condition for transportation according to the applicable regulations of the Department of Transportation.

Agent of Shipper _____

_____ Shipper, Per _____ ☛Agent must detach and retain this shipping Order And must sign the Original Bill of Lading.

Permanent post-office address of shipper. page ②

(This Bill of Lading is to be signed by the shipper and agent of the carrier issuing same.)

CONTRACT TERMS AND CONDITIONS

Sec. 1. (a) The carrier or party in possession of any of the property herein described shall be liable as at common law for any loss thereof or damage thereto, except as hereinafter provided.

(b) No carrier or party in possession of all or any of the property herein described shall be liable for any loss thereof or damage thereto or delay caused by the Act of God, the public enemy, the authority of law, or the act or default of the shipper or owner, or for natural shrinkage. The carrier's liability shall be that of warehouseman, only, for loss, damage, or delay caused by fire occurring after the expiration of the free time (if any) allowed by tariffs lawfully on file (such free time to be computed as therein provided) after notice of the arrival of the property at destination or at the port of export (if intended for export) has been duly sent or given, and after placement of the property for delivery at destination, or ten-

der of delivery of the property to the party entitled to receive it, has been made. Except in case of negligence of the carrier or party in possession (and the burden to prove freedom from such negligence shall be on the carrier or party in possession), the carrier or party in possession shall not be liable for loss, damage, or delay occurring while the property is stopped and held in transit upon the request of the shipper, owner, or party, entitled to make such request, or resulting from a defect or vice in the property, or for country damage to cotton, or from riots or strikes. Except in case of carrier's negligence, no carrier or party in possession of all or any of the property herein described shall be liable for delay caused by highway obstruction, faulty or impassable highway, or lack of capacity of any highway, bridge or ferry, and the burden to prove freedom from such negligence shall be on the carrier or party in possession.

(c) In case of quarantine the property may be discharged at risk and expense of owners into quarantine depot or elsewhere, as required by quarantine regulations or authorities, or for the carrier's dispatch at nearest available point in carrier's judgement, and in any such case carrier's responsibility shall cease when property is so discharged, or property may be returned by carrier at owner's expense to shipping point, earning freight both ways. Quarantine expenses of whatever nature or kind upon or in respect to property shall be borne by the owners of the property or be in lien thereon. The carrier shall not be liable for loss or damage occasioned by fumigation or disinfection or other acts required or done by quarantine regulations or authorities even though the same may have been done by carrier's officers, agents, or employees, nor for detention, loss, or damage of any kind occasioned by quarantine or the enforcement thereof. No carrier shall be liable, except in case of negligence, for any mistake or inaccuracy in any information furnished by the carrier, its agents, or officers, as to quarantine laws or regulations. The shipper shall hold the carriers harmless from any expense they may incur, or damages they may be required to pay, by reason of the introduction of the property covered by this contract into any place against the quarantine laws or regulations in effect at such place.

Sec. 2. (a) No carrier is bound to transport said property by any particular schedule, train, vehicle, or vessel, or in time for any particular market or otherwise than with reasonable dispatch. Every carrier shall have the right in case of physical necessity to forward said property by any carrier or route between the point of shipment and the point of destination. In all cases not prohibited by law, where a lower value than actual value has been represented in writing by the shipper or has been agreed upon in writing as the released value of the property as determined by the classification or tariffs upon which the rate is based, such lower value plus freight charges if paid shall be the maximum amount to be recovered, whether or not such loss or damage occurs from negligence.

(b) As a condition precedent to recovery, claims must be filed in writing with the receiving or delivering carrier, or carrier issuing this bill of lading, or carrier on whose line the loss, damage, injury or delay occurred, or carrier in possession of the property when the loss, damage, injury or delay occurred, within nine months after delivery of the property (or, in the case of export traffic, within nine months after delivery at port of export) or, in case of failure to make delivery, then within nine months after a reasonable time for delivery has elapsed; and suits shall be instituted against any carrier only within two years and one day from the day when notice in writing is given by the carrier to the claimant that the carrier has disallowed the claim or any part or parts thereof specified in the notice. Where claims are not filed or suits are not instituted thereon in accordance with the foregoing provisions, no carrier shall be liable, and such claims will not be paid.

(c) Any carrier or party liable on account of loss of or damage to any of said property shall have the full benefit of any insurance that may have been effected upon or on account of said property, so far as this shall not avoid the policies or contracts of insurance: PROVIDED, That the carrier reimburse the claimant for the premium paid thereon.

Sec. 3. Except where such service is required as the result of carrier's negligence, all property shall be subject to necessary cooperage and baling at owner's cost. Each carrier over whose route cotton or cotton linters is to be transported hereunder shall have the privilege, at its own cost and risk, of compressing the same for greater convenience in handling or forwarding, and shall not be held responsible for deviation or unavoidable delays in procuring such compression. Grain in bulk consigned to a point where there is a railroad, public or licensed elevator, may (unless otherwise expressly noted herein, and then if it is not promptly unloaded) be there delivered, and placed with other grain of the same kind and grade without respect to ownership (and prompt notice thereof shall be given to the consignor), and if so delivered shall be subject to a lien for elevator charges in addition to all other charges hereunder.

Sec. 4. (a) Property not removed by the party entitled to receive it within the free time (if any) allowed by tariffs, lawfully on file (such free time to be computed as therein provided), after notice of the arrival of the property at destination or at the port of export (if intended for export) has been duly sent or given, and after placement of the property for delivery at destination has been made, or property not received, at time tender of delivery of the property to the party entitled to receive it has been made, may be kept in vessel, vehicle, car, depot, warehouse or place of business of the carrier, subject to the tariff charge for storage and to carrier's responsibility as warehouseman, only, or at the option of the carrier, may be removed to and stored in a public or licensed warehouse at the point of delivery or at other available point, or if no such warehouse is available at point of delivery or at other available point, then in other available storage facility; at cost of the owner, and there held without liability on the part of the carrier, and subject to a lien for all freight and other lawful charges, including a reasonable charge for storage. In the event consignee cannot be found at address given for delivery, then in that event, notice of the placing of such goods in warehouse shall be mailed to the address given for delivery and mailed to any other address given on the bill of lading for notification, showing the warehouse in which such property has been placed, subject to the provisions of this paragraph.

(b) Where nonperishable property which has been transported to destination hereunder is refused by consignee or the party entitled to receive it upon tender of delivery, or said consignee or party entitled to receive it fails to receive or claim it within fifteen days after notice of arrival shall have

been duly sent or given, the carrier may sell the same at public auction to the highest bidder, at such place as may be designated by the carrier.

PROVIDED, That the carrier shall have first mailed, sent, or given to the consignor notice that the property has been refused or remains unclaimed, as the case may be, and that it will be subject to sale under the terms of the bill of lading if disposition be not arranged for, and shall have published notice containing a description of the property, the name of the party to whom consigned, or, if shipped order notify, the name of the party to be notified, and the time and place of sale, once a week for two successive weeks, in a newspaper of general circulation at the place of sale or nearest place where such newspaper is published. PROVIDED, That 30 days shall have elapsed before publication of notice of sale after said notice that the property was refused or remains unclaimed was mailed, sent or given.

(c) Where perishable property which has been transported hereunder to destination is refused by consignee or party entitled to receive it, or said consignee or party entitled to receive it shall fail to receive it promptly, the carrier, may, in its discretion, to prevent deterioration or further deterioration, sell the same to the best advantage at private or public sale: PROVIDED, That if time serves for notification to the consignor or owner the refusal of the property or the failure to receive it and request for disposition of the property, such notification shall be given, in such manner as the exercise of due diligence requires, before the property is sold.

(d) Where the procedure provided for in the two paragraphs last preceding is not possible, it is agreed that nothing contained in said paragraphs shall be constituted to abridge the right of the carrier at its option to sell the property under such circumstances and in such manner as may be authorized by law.

(e) The proceeds of any sale made under this section shall be applied by the carrier to the payment of freight, demurrage, storage, and any other lawful charges and the expense of notice, advertisement, sale, and other necessary expense and of caring for and maintaining the property, if proper care of same requires special expense, and should there be a balance it shall be paid to the owner of the property sold hereunder.

(f) Property destined to or taken from a station, wharf, landing or other place at which there is no regularly appointed freight agent, shall be entirely at risk of owner after unloaded from cars, vehicles or vessels or until loaded into cars, vehicles, or vessels, and, except in case of carrier's negligence, when received from or delivered to such stations, wharfs, landings, or other places, shall be at owner's risk until the cars are attached to and after they are detached from locomotive or train or until loaded into and after unloaded from vessels, or if property is transported in motor vehicle trailers or semi-trailers, until such trailers or semi-trailers are attached to and after they are detached from power units. Where a carrier is directed to unload or deliver property transported by motor vehicle at a particular location where consignee or consignee's agent is not regularly located, the risk after unloading, or delivery, shall be that of the owner.

Sec. 5. No carrier hereunder will carry or be liable in any way for any documents, specie, or for any articles of extraordinary value not specifically rated in the published classifications or tariffs unless a special agreement to do so and a stipulated value of the articles are endorsed hereon.

Sec. 6. Every party, whether principal or agent, shipping explosives or dangerous goods, without previous full written disclosure to the carrier of their nature, shall be liable for and indemnify the carrier against all loss or damage caused by such goods, and such goods may be warehoused at owner's risk and expense or destroyed without compensation.

Sec. 7. The owner or consignee shall pay the freight and average, if any, and all other lawful charges accruing on said property; but, except in those instances where it may lawfully be authorized to do so, no carrier shall deliver or relinquish possession at destination of the property covered by this bill of lading until all tariff rates and charges thereon have been paid. The consignor shall be liable for the freight and all other lawful charges, except that if the consignor stipulates, by signature, in the space provided for that purpose on the face of this bill of lading that the carrier shall not make delivery without requiring payment of such charges, and the carrier, contrary to such stipulation shall make delivery without requiring such payment, the consignor (except as hereinafter provided) shall not be legally liable for such charges. PROVIDED, That, where the carrier has been instructed by the shipper or consignor to deliver said property to a consignee other than the shipper or consignor, such consignee shall not be legally liable for transportation charges in respect of the transportation of said property (beyond those billed against him at the time of delivery for which he is otherwise liable) which may be found to be due after the property has been delivered to him, if the consignee (a) is an agent only and has no beneficial title in said property, and (b) prior to delivery of said property has notified the delivering carrier in writing of the fact of such agency and absence of beneficial title, and, in the case of a shipment reconsigned or diverted to a point other than that specified in the original bill of lading, has also notified the delivering carrier in writing of the name and address of the beneficial owner of said property; and, in such cases the shipper or consignor, or, in the case of a shipment so reconsigned or diverted, the beneficial owner shall be liable for such additional charges. If the consignee has given to the carrier erroneous information as to who the beneficial owner is, such consignee shall himself be liable for such additional charges. Nothing herein shall limit the right of the carrier to require at time of shipment the prepayment or guarantee of the charges. If upon inspection it is ascertained that the articles shipped are not those described in this bill of lading, the freight charges must be paid upon the articles actually shipped.

Sec. 8. If this bill of lading is issued on the order of the shipper, or his agent, in exchange or in substitution for another bill of lading, the shipper's signature to the prior bill of lading as to the statement of value or otherwise, or election of common law or bill of lading liability, in or in connection with such prior bill of lading, shall be considered a part of this bill of lading as fully as if the same were written or made in or in connection with this bill of lading.

Sec. 9. (a) If all or any part of said property is carried by water over any part of said route, such water carriage shall be performed subject to all the terms and provisions of, and all the exemptions from liability contained in, the Act of the Congress of the United States, approved on February 13,

1893, and entitled "An act relating to the navigation of vessels, etc." and of other statutes of the United States according carriers by water the protection of limited liability, and to the conditions contained in this bill of lading not inconsistent therewith or with this section.

(b) No such carrier by water shall be liable for any loss or damage resulting from any fire happening to or on board the vessel, or from explosion, bursting of boilers or breakage of shafts, unless caused by the design or neglect of such carrier.

(c) If the owner shall have exercised due diligence in making the vessel in all respects seaworthy and properly manned, equipped and supplied, no such carrier shall be liable for any loss or damage resulting from the perils of the lakes, seas, or other waters, or from latent defects in hull, machinery, or appurtenances whether existing prior to, at the time of, or after sailing, or from collision, stranding, or other accidents of navigation, or from prolongation of the voyage. And, when for any reason it is necessary, any vessel carrying any or all of the property herein described shall be at liberty to call at any port or ports, in or out of the customary route, to tow and be towed, to transfer, trans-ship, or lighter, to load and discharge goods at any time, to assist vessels in distress, to deviate for the purpose of saving life or property, and for docking and repairs. Except in case of negligence such carrier shall not be responsible for any loss or damage to property if it be necessary or is usual to carry the same upon deck.

(d) General Average shall be payable according to the York-Antwerp Rules of 1924, Section 1 to 15, inclusive, and Sections 17 to 22, inclusive, and as to matters not covered thereby according to the laws and usages of the Port of New York. If the owners shall have exercised due diligence to make the vessel in all respects seaworthy and properly manned, equipped and supplied, it is hereby agreed that in case of danger, damage or disaster resulting from faults or errors in navigation, or in the management of the vessel, or from any latent or other defects in the vessel, her machinery or appurtenances, or from unseaworthiness, whether existing at the time of shipment or at the beginning of the voyage (provided the latent or other defects or the unseaworthiness was not discoverable by the exercise of due diligence), the shippers, consignees and/or owners of the cargo shall nevertheless pay salvage and any special charges incurred in respect of the cargo, and shall contribute with the shipowner in general average to the payment of any sacrifices, losses or expenses of a general average nature that may be made or incurred for the common benefit or to relieve the adventure from any common peril.

(e) If the property is being carried under a tariff which provides that any carrier or carriers party thereto shall be liable for loss from perils of the sea, then as to such carrier or carriers the provisions of this section shall be modified in accordance with the tariff provisions, which shall be regarded as incorporated into the conditions of this bill of lading.

(f) The term "water carriage" in this section shall not be construed as including lighterage in or across rivers, harbors, or lakes, when performed by or on behalf of carriers other than water.

Sec. 10. Any alteration, addition, or erasure in this bill of lading which shall be made without the special notation hereon of the agent of the carrier issuing this bill of lading, shall be without effect, and this bill of lading shall be enforceable according to its original tenor.

This Memorandum is an acknowledgement that a Bill of Lading has been issued and is not the Original Bill of Lading, nor a copy or duplicate, covering the property named herein, and is intended solely for filing or record.

Shipper's No.

Carrier Agent's No.

RECEIVED, subject to the classifications and tariffs in effect on the date of the issue of this Bill of Lading,

at_____ 19_____ from_____

the property described below, in apparent good order, except as noted (content and condition of contents of packages unknown) marked, consigned, and destined as show below, which said company (the word company being understood throughout this contract as meaning any person or corporation in possession of the property under contract) agrees to carry to its usual place of delivery at said destination, if on its own railroad, water line, highway route or routes, or within the territory of its highway operations, otherwise deliver to another carrier on the route to said destination. It is mutually agreed, as to each carrier of all or any of said property over all or any portion of said route to destination, and as to each party at any time interested in all or any of said property, that every service to be performed hereunder shall be subject to all the conditions not prohibited by law, whether printed or written, herein contained, including the conditions on the back hereof, which are hereby agreed to by the shipper and accepter for himself and his assigns.

Consigned to_____

Destination_____ State of_____ Zip Code_____ County Of_____

Routing_____ Delivering Carrier_____ Vehicle or Car Initial_____ No._____

Collect on Delivery $_____ and remit to:_____

_____ Street_____ City _____ State

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

No. Packages	O HM	Description of Articles, Special Marks, and Exceptions	*Weight (Sub. to Cor.)	Class or Rate	Check Column

Subject to Section 7 of conditions, if this shipment is to be delivered to the consignee without recourse on the consignor, the consignor shall sign the following statements: The carrier shall not make delivery of this shipment without payment of freight and all other lawful charges.

_____ (Signature of Consignor)

If charges are to be prepaid, write or stamp here "TO BE PREPAID."

Received $_____ to apply to prepayment of the charges on the property described hereon.

Agent or Cashier

Per_____

(The signature here acknowledges only the amount Prepaid.)

*If the shipment moves between two ports by a carrier by water, the law requires that the bill of lading shall state whether it is "carrier's or shipper's weight." NOTE--Where the rate is dependent on value shippers are required to state specifically in writing the agreed or declared value of the property.
The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding: $ per

Charges Advanced:

$_____

O Mark with "X" to designate Hazardous Materials as defined in the Department of Transportation Regulations governing the transportation of hazardous materials.

This is to certify that the above-named materials are properly classified, described, packaged, marked and labeled, and are in proper condition for transportation according to the applicable regulations of the Department of Transportation.

Agent of Shipper_____

_____ Shipper, Per_____ _____ Agent, Per_____

Permanent post-office address of shipper, page 3

(This Bill of Lading is to be signed by the shipper and agent of the carrier issuing same.)

CONTRACT TERMS AND CONDITIONS

Sec. 1. (a) The carrier or party in possession of any of the property herein described shall be liable as at common law for any loss thereof or damage thereto, except as hereinafter provided.

(b) No carrier or party in possession of all or any of the property herein described shall be liable for any loss thereof or damage thereto or delay caused by the Act of God, the public enemy, the authority of law, or the act or default of the shipper or owner, or for natural shrinkage. The carrier's liability shall be that of warehouseman, only, for loss, damage, or delay caused by fire occurring after the expiration of the free time (if any) allowed by tariffs lawfully on file (such free time to be computed as therein provided) after notice of the arrival of the property at destination or at the port of export (if intended for export) has been duly sent or given, and after placement of the property for delivery at destination, or ten-

der of delivery of the property to the party entitled to receive it, has been made. Except in case of negligence of the carrier or party in possession (and the burden to prove freedom from such negligence shall be on the carrier or party in possession), the carrier or party in possession shall not be liable for loss, damage, or delay occurring while the property is stopped and held in transit upon the request of the shipper, owner, or party, entitled to make such request, or resulting from a defect or vice in the property, or for country damage to cotton, or from riots or strikes. Except in case of carrier's negligence, no carrier or party in possession of all or any of the property herein described shall be liable for delay caused by highway obstruction, faulty or impassable highway, or lack of capacity of any highway, bridge or ferry, and the burden to prove freedom from such negligence shall be on the carrier or party in possession.

(c) In case of quarantine the property may be discharged at risk and expense of owners into quarantine depot or elsewhere, as required by quarantine regulations or authorities, or for the carrier's dispatch at nearest available point in carrier's judgement, and in any such case carrier's responsibility shall cease when property is so discharged, or property may be returned by carrier at owner's expense to shipping point, earning freight both ways. Quarantine expenses of whatever nature or kind upon or in respect to property shall be borne by the owners of the property or be in lien thereon. The carrier shall not be liable for loss or damage occasioned by fumigation or disinfection or other acts required or done by quarantine regulations or authorities even though the same may have been done by carrier's officers, agents, or employees, nor for detention, loss, or damage of any kind occasioned by quarantine or the enforcement thereof. No carrier shall be liable, except in case of negligence, for any mistake or inaccuracy in any information furnished by the carrier, its agents, or officers, as to quarantine laws or regulations. The shipper shall hold the carriers harmless from any expense they may incur, or damages they may be required to pay, by reason of the introduction of the property covered by this contract into any place against the quarantine laws or regulations in effect at such place.

Sec. 2. (a) No carrier is bound to transport said property by any particular schedule, train, vehicle, or vessel, or in time for any particular market or otherwise than with reasonable dispatch. Every carrier shall have the right in case of physical necessity to forward said property by any carrier or route between the point of shipment and the point of destination. In all cases not prohibited by law, where a lower value than actual value has been represented in writing by the shipper or has been agreed upon in writing as the released value of the property as determined by the classification or tariffs upon which the rate is based, such lower value plus freight charges if paid shall be the maximum amount to be recovered, whether or not such loss or damage occurs from negligence.

(b) As a condition precedent to recovery, claims must be filed in writing with the receiving or delivering carrier, or carrier issuing this bill of lading, or carrier on whose line the loss, damage, injury or delay occurred, or carrier in possession of the property when the loss, damage, injury or delay occurred, within nine months after delivery of the property (or, in the case of export traffic, within nine months after delivery at port of export) or, in case of failure to make delivery, then within nine months after a reasonable time for delivery has elapsed; and suits shall be instituted against any carrier only within two years and one day from the day when notice in writing is given by the carrier to the claimant that the carrier has disallowed the claim or any part or parts thereof specified in the notice. Where claims are not filed or suits are not instituted thereon in accordance with the foregoing provisions, no carrier shall be liable, and such claims will not be paid.

(c) Any carrier or party liable on account of loss of or damage to any of said property shall have the full benefit of any insurance that may have been effected upon or on account of said property, so far as this shall not avoid the policies or contracts of insurance: PROVIDED, That the carrier reimburse the claimant for the premium paid thereon.

Sec. 3. Except where such service is required as the result of carrier's negligence, all property shall be subject to necessary cooperage and baling at owner's cost. Each carrier over whose route cotton or cotton linters is to be transported hereunder shall have the privilege, at its own cost and risk, of compressing the same for greater convenience in handling or forwarding, and shall not be held responsible for deviation or unavoidable delays in procuring such compression. Grain in bulk consigned to a point where there is a railroad, public or licensed elevator, may (unless otherwise expressly noted herein, and then if it is not promptly unloaded) be there delivered, and placed with other grain of the same kind and grade without respect to ownership (and prompt notice thereof shall be given to the consignor), and if so delivered shall be subject to a lien for elevator charges in addition to all other charges hereunder.

Sec. 4. (a) Property not removed by the party entitled to receive it within the free time (if any) allowed by tariffs, lawfully on file (such free time to be computed as therein provided), after notice of the arrival of the property at destination or at the port of export (if intended for export) has been duly sent or given, and after placement of the property for delivery at destination has been made, or property not received, at time tender of delivery of the property to the party entitled to receive it has been made, may be kept in vessel, vehicle, car, depot, warehouse or place of business of the carrier, subject to the tariff charge for storage and to carrier's responsibility as warehouseman, only, or at the option of the carrier, may be removed to and stored in a public or licensed warehouse at the point of delivery or at other available point, or if no such warehouse is available at point of delivery or at other available point, then in other available storage facility; at cost of the owner, and there held without liability on the part of the carrier, and subject to a lien for all freight and other lawful charges, including a reasonable charge for storage. In the event consignee cannot be found at address given for delivery, then in that event, notice of the placing of such goods in warehouse shall be mailed to the address given for delivery and mailed to any other address given on the bill of lading for notification, showing the warehouse in which such property has been placed, subject to the provisions of this paragraph.

(b) Where nonperishable property which has been transported to destination hereunder is refused by consignee or the party entitled to receive it upon tender of delivery, or said consignee or party entitled to receive it fails to receive or claim it within fifteen days after notice of arrival shall have

been duly sent or given, the carrier may sell the same at public auction to the highest bidder, at such place as may be designated by the carrier.

PROVIDED, That the carrier shall have first mailed, sent, or given to the consignor notice that the property has been refused or remains unclaimed, as the case may be, and that it will be subject to sale under the terms of the bill of lading if disposition be not arranged for, and shall have published notice containing a description of the property, the name of the party to whom consigned, or, if shipped order notify, the name of the party to be notified, and the time and place of sale, once a week for two successive weeks, in a newspaper of general circulation at the place of sale or nearest place where such newspaper is published. PROVIDED, That 30 days shall have elapsed before publication of notice of sale after said notice that the property was refused or remains unclaimed was mailed, sent or given.

(c) Where perishable property which has been transported hereunder to destination is refused by consignee or party entitled to receive it, or said consignee or party entitled to receive it shall fail to receive it promptly, the carrier, may, in its discretion, to prevent deterioration or further deterioration, sell the same to the best advantage at private or public sale: PROVIDED, That if time serves for notification to the consignor or owner the refusal of the property or the failure to receive it and request for disposition of the property, such notification shall be given, in such manner as the exercise of due diligence requires, before the property is sold.

(d) Where the procedure provided for in the two paragraphs last preceding is not possible, it is agreed that nothing contained in said paragraphs shall be constituted to abridge the right of the carrier at its option to sell the property under such circumstances and in such manner as may be authorized by law.

(e) The proceeds of any sale made under this section shall be applied by the carrier to the payment of freight, demurrage, storage, and any other lawful charges and the expense of notice, advertisement, sale, and other necessary expense and of caring for and maintaining the property, if proper care of same requires special expense, and should there be a balance it shall be paid to the owner of the property sold hereunder.

(f) Property destined to or taken from a station, wharf, landing or other place at which there is no regularly appointed freight agent, shall be entirely at risk of owner after unloaded from cars, vehicles or vessels or until loaded into cars, vehicles, or vessels, and, except in case of carrier's negligence, when received from or delivered to such stations, wharfs, landings, or other places, shall be at owner's risk until the cars are attached to and after they are detached from locomotive or train or until loaded into and after unloaded from vessels, or if property is transported in motor vehicle trailers or semi-trailers, until such trailers or semi-trailers are attached to and after they are detached from power units. Where a carrier is directed to unload or deliver property transported by motor vehicle at a particular location where consignee or consignee's agent is not regularly located, the risk after unloading, or delivery, shall be that of the owner.

Sec. 5. No carrier hereunder will carry or be liable in any way for any documents, specie, or for any articles of extraordinary value not specifically rated in the published classifications or tariffs unless a special agreement to do so and a stipulated value of the articles are endorsed hereon.

Sec. 6. Every party, whether principal or agent, shipping explosives or dangerous goods, without previous full written disclosure to the carrier of their nature, shall be liable for and indemnify the carrier against all loss or damage caused by such goods, and such goods may be warehoused at owner's risk and expense or destroyed without compensation.

Sec. 7. The owner or consignee shall pay the freight and average, if any, and all other lawful charges accruing on said property; but, except in those instances where it may lawfully be authorized to do so, no carrier shall deliver or relinquish possession at destination of the property covered by this bill of lading until all tariff rates and charges thereon have been paid. The consignor shall be liable for the freight and all other lawful charges, except that if the consignor stipulates, by signature, in the space provided for that purpose on the face of this bill of lading that the carrier shall not make delivery without requiring payment of such charges, and the carrier, contrary to such stipulation shall make delivery without requiring such payment, the consignor (except as hereinafter provided) shall not be legally liable for such charges. PROVIDED, That, where the carrier has been instructed by the shipper or consignor to deliver said property to a consignee other than the shipper or consignor, such consignee shall not be legally liable for transportation charges in respect of the transportation of said property (beyond those billed against him at the time of delivery for which he is otherwise liable) which may be found to be due after the property has been delivered to him, if the consignee (a) is an agent only and has no beneficial title in said property, and (b) prior to delivery of said property has notified the delivering carrier in writing of the fact of such agency and absence of beneficial title, and, in the case of a shipment reconsigned or diverted to a point other than that specified in the original bill of lading, has also notified the delivering carrier in writing of the name and address of the beneficial owner of said property; and, in such cases the shipper or consignor, or, in the case of a shipment so reconsigned or diverted, the beneficial owner shall be liable for such additional charges. If the consignee has given to the carrier erroneous information as to who the beneficial owner is, such consignee shall himself be liable for such additional charges. Nothing herein shall limit the right of the carrier to require at time of shipment the prepayment or guarantee of the charges. If upon inspection it is ascertained that the articles shipped are not those described in this bill of lading, the freight charges must be paid upon the articles actually shipped.

Sec. 8. If this bill of lading is issued on the order of the shipper, or his agent, in exchange or in substitution for another bill of lading, the shipper's signature to the prior bill of lading as to the statement of value or otherwise, or election of common law or bill of lading liability, in or in connection with such prior bill of lading, shall be considered a part of this bill of lading as fully as if the same were written or made in or in connection with this bill of lading.

Sec. 9. (a) If all or any part of said property is carried by water over any part of said route, such water carriage shall be performed subject to all the terms and provisions of, and all the exemptions from liability contained in, the Act of the Congress of the United States, approved on February 13,

1893, and entitled "An act relating to the navigation of vessels, etc." and of other statutes of the United States according carriers by water the protection of limited liability, and to the conditions contained in this bill of lading not inconsistent therewith or with this section.

(b) No such carrier by water shall be liable for any loss or damage resulting from any fire happening to or on board the vessel, or from explosion, bursting of boilers or breakage of shafts, unless caused by the design or neglect of such carrier.

(c) If the owner shall have exercised due diligence in making the vessel in all respects seaworthy and properly manned, equipped and supplied, no such carrier shall be liable for any loss or damage resulting from the perils of the lakes, seas, or other waters, or from latent defects in hull, machinery, or appurtenances whether existing prior to, at the time of, or after sailing, or from collision, stranding, or other accidents of navigation, or from prolongation of the voyage. And, when for any reason it is necessary, any vessel carrying any or all of the property herein described shall be at liberty to call at any port or ports, in or out of the customary route, to tow and be towed, to transfer, trans-ship, or lighter, to load and discharge goods at any time, to assist vessels in distress, to deviate for the purpose of saving life or property, and for docking and repairs. Except in case of negligence such carrier shall not be responsible for any loss or damage to property if it be necessary or is usual to carry the same upon deck.

(d) General Average shall be payable according to the York-Antwerp Rules of 1924, Section 1 to 15, inclusive, and Sections 17 to 22, inclusive, and as to matters not covered thereby according to the laws and usages of the Port of New York. If the owners shall have exercised due diligence to make the vessel in all respects seaworthy and properly manned, equipped and supplied, it is hereby agreed that in case of danger, damage or disaster resulting from faults or errors in navigation, or in the management of the vessel, or from any latent or other defects in the vessel, her machinery or appurtenances, or from unseaworthiness, whether existing at the time of shipment or at the beginning of the voyage (provided the latent or other defects or the unseaworthiness was not discoverable by the exercise of due diligence), the shippers, consignees and/or owners of the cargo shall nevertheless pay salvage and any special charges incurred in respect of the cargo, and shall contribute with the shipowner in general average to the payment of any sacrifices, losses or expenses of a general average nature that may be made or incurred for the common benefit or to relieve the adventure from any common peril.

(e) If the property is being carried under a tariff which provides that any carrier or carriers party thereto shall be liable for loss from perils of the sea, then as to such carrier or carriers the provisions of this section shall be modified in accordance with the tariff provisions, which shall be regarded as incorporated into the conditions of this bill of lading.

(f) The term "water carriage" in this section shall not be construed as including lighterage in or across rivers, harbors, or lakes, when performed by or on behalf of carriers other than water.

Sec. 10. Any alteration, addition, or erasure in this bill of lading which shall be made without the special notation hereon of the agent of the carrier issuing this bill of lading, shall be without effect, and this bill of lading shall be enforceable according to its original tenor.

[Statutory Authority: RCW 80.01.040 and 34.05.350. 95-24-001 (Order R-435, Docket No. TV-941290), § 480-14-900, filed 11/22/95, effective 12/23/95.]

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 Standard 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, 2006.

(b) This publication is referenced in WAC 480-14-360 (Equipment—Inspection—Ordered out-of-service for repairs), WAC 480-14-370 (Equipment—Drivers—Safety), and WAC 480-14-390 (Hazardous materials regulations).

(c) The *North American Out-of-Service Criteria* is a copyrighted document. Copies are available from CVSA in Washington, D.C.

(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 April 30, 2008, for 49 CFR Parts 171, 172 and 395.

(b) This publication is referenced in WAC 480-14-250 (Insurance requirements; cause for suspension or cancellation) and WAC 480-14-380 (Hours of service—On duty—Federal safety regulations).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, http://bookstore.gpo.gov/, and from various third-party vendors.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.-353. 09-01-171 (Docket A-081419, General Order R-554), § 480-14-999, filed 12/23/08, effective 1/23/09; 06-17-087 (Docket A-060475, General Order No. R-537), § 480-14-999, filed 8/14/06, effective 9/14/06; 05-21-022 (Docket No. A-050271, General Order No. R-521), § 480-14-999, filed 10/10/05, effective 11/10/05; 04-01-152 (General Order No. R-511, Docket No. A-030852), § 480-14-999, filed 12/22/03, effective 1/22/04; 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-14-999, filed 8/26/02, effective 9/26/02. 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

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-15-030 Waiver of rules. [Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-030, filed 12/15/98, effective 1/15/99.] Repealed by 00-14-010 (General Order No. R-471, Docket No. TV-991559), filed 6/27/00, effective 7/28/00. Statutory Authority: RCW 81.04.160, 81.04.-250, 81.28.040, 81.80.090, 81.80.120, 81.80.130, 81.80.290, 81.80.211, and 80.01.040.

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.

480-15-060 How may I contact the commission? [Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-060, filed 12/15/98, effective 1/15/99.] Repealed by 08-02-049 (Docket TV-070466, General Order R-547), filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290.

480-15-070 Where is the commission located? [Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-070, filed 12/15/98, effective 1/15/99.] Repealed by 08-02-049 (Docket TV-070466, General Order R-547), filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290.

480-15-080 How do I file documents with the commission? [Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-15-080, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-080, filed 12/15/98, effective 1/15/99.] Repealed by 08-02-049 (Docket TV-070466, General Order R-547), filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290.

480-15-090 May I submit information to the commission confidentially? [Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket

No. A-010648), § 480-15-090, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-090, filed 12/15/98, effective 1/15/99.] Repealed by 08-02-049 (Docket TV-070466, General Order R-547), filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290.

480-15-100 What form of payment does the commission accept? [Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-100, filed 12/15/98, effective 1/15/99.] Repealed by 08-02-049 (Docket TV-070466, General Order R-547), filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290.

480-15-110 If I change my business address or telephone number, must I notify the commission? [Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-110, filed 12/15/98, effective 1/15/99.] Repealed by 08-02-049 (Docket TV-070466, General Order R-547), filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290.

480-15-120 What rules apply to commission proceedings? [Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-15-120, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-120, filed 12/15/98, effective 1/15/99.] Repealed by 08-02-049 (Docket TV-070466, General Order R-547), filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290.

480-15-130 What is the commission's compliance policy? [Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-130, filed 12/15/98, effective 1/15/99.] Repealed by 08-02-049 (Docket TV-070466, General Order R-547), filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290.

480-15-140 How will the commission enforce this chapter? [Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-140, filed 12/15/98, effective 1/15/99.] Repealed by 08-02-049 (Docket TV-070466, General Order R-547), filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290.

480-15-150 Why would the commission take administrative action? [Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-150, filed 12/15/98, effective 1/15/99.] Repealed by 08-02-049 (Docket TV-070466, General Order R-547), filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290.

480-15-160 What sanctions apply to carriers operating without valid permits? [Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-160, filed 12/15/98, effective 1/15/99.] Repealed by 08-02-049 (Docket TV-070466, General Order R-547), filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290.

480-15-170 What is a household goods permit? [Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-170, filed 12/15/98, effective 1/15/99.] Repealed by 08-02-049 (Docket TV-070466, General Order R-547), filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290.

480-15-195 When will my existing household goods permit be reissued? [Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-195, filed 12/15/98, effective 1/15/99.] Repealed by 08-02-049 (Docket TV-070466, General Order R-547), filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290.

480-15-200 Are there areas I may operate without a permit? [Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-200, filed 12/15/98, effective 1/15/99.] Repealed by 08-02-049 (Docket TV-070466, General Order R-547), filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290.

480-15-210 Are there different kinds of household goods permits? [Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-210, filed 12/15/98, effective 1/15/99.] Repealed by 08-02-049 (Docket TV-070466, General Order R-547), filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290.

480-15-220 How do I apply for a permit? [Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-220, filed 12/15/98, effective 1/15/99.] Repealed by 08-02-049 (Docket TV-070466, General Order R-547), filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290.

480-15-240 How may a new entrant obtain authority? [Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-240, filed 12/15/98, effective 1/15/99.] Repealed by 08-02-049 (Docket TV-070466, General Order R-547), filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290.

480-15-250 What is the process to expand the authority in an existing permit? [Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-250, filed 12/15/98, effective 1/15/99.] Repealed by 08-02-049 (Docket TV-070466, General Order R-547), filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290.

480-15-260 Exceptions to the application process. [Statutory Authority: RCW 81.04.160, 81.04.250, 81.28.040, 81.80.090, 81.80.120, 81.80.130, 81.80.290, 81.80.211, and 80.01.040. 00-14-010 (General Order No. R-471, Docket No. TV-991559), § 480-15-260, filed 6/27/00, effective 7/28/00. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-260, filed 12/15/98, effective 1/15/99.] Repealed by 08-02-049 (Docket TV-070466, General Order R-547), filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290.

480-15-300 What conditions may be attached to my temporary authority? [Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-300, filed 12/15/98, effective 1/15/99.] Repealed by 08-02-049 (Docket TV-070466, General Order R-547), filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290.

480-15-440 What happens if my permit is suspended for cause? [Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-15-440, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-440, filed 12/15/98, effective 1/15/99.] Repealed by 08-02-049 (Docket TV-070466, General Order R-547), filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290.

480-15-460 What happens if my permit is canceled for cause? [Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-15-460, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-460, filed 12/15/98, effective 1/15/99.] Repealed by 08-02-

049 (Docket TV-070466, General Order R-547), filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290.

480-15-470 Rule books. [Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-470, filed 12/15/98, effective 1/15/99.] Repealed by 08-02-049 (Docket TV-070466, General Order R-547), filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290.

480-15-540 What happens if my insurance filing is canceled? [Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-540, filed 12/15/98, effective 1/15/99.] Repealed by 08-02-049 (Docket TV-070466, General Order R-547), filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290.

480-15-580 Accident reporting. [Statutory Authority: RCW 81.04.-160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-580, filed 12/15/98, effective 1/15/99.] Repealed by 08-02-049 (Docket TV-070466, General Order R-547), filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040, 80.04.-160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290.

480-15-640 Verbal estimates. [Statutory Authority: RCW 81.04.-160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-640, filed 12/15/98, effective 1/15/99.] Repealed by 08-02-049 (Docket TV-070466, General Order R-547), filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040, 80.04.-160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290.

480-15-650 Form of estimates. [Statutory Authority: RCW 81.04.-160, 81.04.250, 81.28.040, 81.80.090, 81.80.120, 81.80.130, 81.80.290, 81.80.211, and 80.01.040. 00-14-010 (General Order No. R-471, Docket No. TV-991559), § 480-15-650, filed 6/27/00, effective 7/28/00. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-650, filed 12/15/98, effective 1/15/99.] Repealed by 08-02-049 (Docket TV-070466, General Order R-547), filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290.

480-15-670 Exceptions for nonbinding estimates. [Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-670, filed 12/15/98, effective 1/15/99.] Repealed by 08-02-049 (Docket TV-070466, General Order R-547), filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290

480-15-680 Am I required to provide an accurate estimate? [Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-680, filed 12/15/98, effective 1/15/99.] Repealed by 08-02-049 (Docket TV-070466, General Order R-547), filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290,

480-15-690 What will happen if I underestimate a household goods move? [Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-690, filed 12/15/98, effective 1/15/99.] Repealed by 08-02-049 (Docket TV-070466, General Order R-547), filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290

480-15-700 What are the commission's guidelines in deciding to assess monetary penalties for underestimating? [Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-700, filed 12/15/98, effective 1/15/99.] Repealed by 08-02-049 (Docket TV-070466, General Order R-547), filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290.

480-15-720 Who must issue bills of lading? [Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-720, filed 12/15/98, effective 1/15/99.] Repealed by 08-02-049 (Docket TV-070466, General Order R-547), filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290.

480-15-730 What is the format for bills of lading? [Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-730, filed 12/15/98, effective 1/15/99.] Repealed by 08-02-049 (Docket TV-070466, General Order R-547), filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290.

480-15-740 Information required on a bill of lading. [Statutory Authority: RCW 81.04.160, 81.04.250, 81.28.040, 81.80.090, 81.80.120, 81.80.130, 81.80.290, 81.80.211, and 80.01.040. 00-14-010 (General Order No. R-471, Docket No. TV-991559), § 480-15-740, filed 6/27/00, effective 7/28/00. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-740, filed 12/15/98, effective 1/15/99.] Repealed by 08-02-049 (Docket TV-070466, General Order R-547), filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290.

480-15-760 What are my responsibilities to notify the shipper of the actual weight and charges for the shipment? [Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-760, filed 12/15/98, effective 1/15/99.] Repealed by 08-02-049 (Docket TV-070466, General Order R-547), filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290.

480-15-770 Must I reweigh the shipment at the point of delivery if the shipper requests it? [Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-770, filed 12/15/98, effective 1/15/99.] Repealed by 08-02-049 (Docket TV-070466, General Order R-547), filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040, 80.04.-160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290.

480-15-780 When may I refuse to provide service to a shipper? [Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-780, filed 12/15/98, effective 1/15/99.] Repealed by 08-02-049 (Docket TV-070466, General Order R-547), filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290.

480-15-790 When must I not refuse service? [Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-790, filed 12/15/98, effective 1/15/99.] Repealed by 08-02-049 (Docket TV-070466, General Order R-547), filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290.

480-15-795 Payment options. [Statutory Authority: RCW 81.04.-160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-795, filed 12/15/98, effective 1/15/99.] Repealed by 08-02-049 (Docket TV-070466, General Order R-547), filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290.

480-15-820 What must I do if I cannot resolve a claim within one hundred twenty days? [Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-820, filed 12/15/98, effective 1/15/99.] Repealed by 08-02-049 (Docket TV-070466, General Order R-547), filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040, 80.04.-160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290.

480-15-840 Are complaint or claim records subject to commission review and in what order must I keep the records? [Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-840, filed 12/15/98, effective 1/15/99.] Repealed by 08-02-049 (Docket TV-070466, General Order R-547),

filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290.

480-15-850 What additional requirements exist if a claim involves more than one carrier? [Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-850, filed 12/15/98, effective 1/15/99.] Repealed by 08-02-049 (Docket TV-070466, General Order R-547), filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040, 80.04.-160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290.

480-15-860 What information must be included in the claim or complaint record? [Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-860, filed 12/15/98, effective 1/15/99.] Repealed by 08-02-049 (Docket TV-070466, General Order R-547), filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290.

480-15-870 What must I do if, after review, the shipper is still dissatisfied with the resolution of the complaint or claim? [Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-870, filed 12/15/98, effective 1/15/99.] Repealed by 08-02-049 (Docket TV-070466, General Order R-547), filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290.

480-15-880 Must I respond to all written correspondence, complaints and claims? [Statutory Authority: RCW 81.04.-160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-880, filed 12/15/98, effective 1/15/99.] Repealed by 08-02-049 (Docket TV-070466, General Order R-547), filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040, 80.04.-160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290.

480-15-910 How do I register as a registered carrier? [Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-910, filed 12/15/98, effective 1/15/99.] Repealed by 08-02-049 (Docket TV-070466, General Order R-547), filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290.

480-15-920 How do I register as a registered exempt carrier? [Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-920, filed 12/15/98, effective 1/15/99.] Repealed by 08-02-049 (Docket TV-070466, General Order R-547), filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290.

480-15-930 Registration fee and receipts. [Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-930, filed 12/15/98, effective 1/15/99.] Repealed by 08-02-049 (Docket TV-070466, General Order R-547), filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290.

480-15-940 Insurance requirements for interstate operations. [Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-940, filed 12/15/98, effective 1/15/99.] Repealed by 08-02-049 (Docket TV-070466, General Order R-547), filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290.

PART 1 - GENERAL

Part 1.1 - General Information

WAC 480-15-010 Purpose and application. (1) These rules implement the policies in RCW 81.80.020 as they apply to household goods carriers. The rules establish standards for public safety, fair competitive practices, just and reasonable charges, nondiscriminatory application of rates, adequate and dependable service and consumer protection, as well as compliance with statutes, rules and commission orders.

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

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

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-010, filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 81.04.160, 81.04.250, 81.28.040, 81.80.090, 81.80.120, 81.80.130, 81.80.290, 81.80.211, and 80.01.040. 00-14-010 (General Order No. R-471, Docket No. TV-991559), § 480-15-010, filed 6/27/00, effective 7/28/00. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-010, filed 12/15/98, effective 1/15/99.]

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

Accessorial services: Any service provided by a household goods carrier that supplements, or is incidental to, the transportation of household goods. Examples include packing, unpacking, wrapping or protecting a portion of the shipment or providing special equipment or services such as hoisting.

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

Application docket: A commission publication listing applications requesting operating authority.

Authority: The rights granted to a carrier to transport household goods.

Cancellation: An act by the commission to terminate a household goods carrier's authority.

Carrier: A company performing household goods moves.

Commission: The Washington utilities and transportation commission.

Customer: Anyone who hires a household goods carrier.

Estimate:

(a) Nonbinding estimate: The written estimate the carrier gives to the customer in advance of the move. A nonbinding estimate is not binding on the mover. The final charges will be based upon the actual cost of the move and the services provided, although a carrier may not charge more than twenty-five percent over the nonbinding estimate.

(b) Binding estimate: The written estimate the carrier gives to the customer in advance of the move, signed by the carrier and the customer, and by which both the carrier and customer are bound. The carrier may not charge any amount other than the binding estimate and the customer must pay the amount of the binding estimate.

(c) Supplemental estimate: An amendment to the original nonbinding estimate, necessary when the circumstances of a move change in a way from the original written estimate that increases the cost of the move.

Filing: Any application, petition, tariff proposal, annual report, comment, complaint, pleading or other document submitted to the commission.

Household goods: The personal effects and property used, or to be used, in a residence when transported between residences or between a residence and a storage facility with the intent to later transport to a residence. Transportation of the goods must be arranged and paid for by the customer or by another individual, company or organization on behalf of the customer.

Local move: A move taking place within the limits of a city or town or moves where the shipment is transported fifty-five miles or less.

Long distance move: A move where the shipment is transported fifty-six miles or more.

Motor vehicle or **vehicle:** Any motor truck, tractor or other self-propelled vehicle, any trailer, semi-trailer or any combination of such vehicles moving as a single unit.

Permit: A document issued by the commission describing the authority granted to a household goods carrier.

Person: Any individual, firm, corporation, company, or partnership.

Shipment: A load of household goods moved by a carrier from a single residence or as a single transaction.

State: The state of Washington.

Suspension also includes **suspend, suspended, suspending:** An act by the commission to withhold temporarily a household goods carrier's authority.

Tariff: A publication containing rates and charges carriers must assess on shipments of household goods and the rules that govern how rates and charges are assessed.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-020, filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 81.04.160, 81.04.250, 81.28.040, 81.80.090, 81.80.120, 81.80.130, 81.80.290, 81.80.211, and 80.01.040. 00-14-010 (General Order No. R-471, Docket No. TV-991559), § 480-15-020, filed 6/27/00, effective 7/28/00. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-020, filed 12/15/98, effective 1/15/99.]

WAC 480-15-025 Commission proceedings. The commission's rules governing administrative practices and procedures are in chapter 480-07 WAC. When a rule in this chapter is different than a rule in chapter 480-07 WAC, the rule in this chapter applies to household goods carriers.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-025, filed 12/27/07, effective 1/27/08.]

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

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

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

(4) The commission will issue an order granting, denying, or modifying the request or setting it for hearing, pursuant to chapter 480-07 WAC.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-035, filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-15-035, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 81.04.160, 81.04.250, 81.28.040, 81.80.090, 81.80.120, 81.80.130, 81.80.290, 81.80.211, and 80.01.040. 00-14-010 (General Order No. R-471, Docket No. TV-991559), § 480-15-035, filed 6/27/00, effective 7/28/00.]

WAC 480-15-055 Payment to the commission. Carriers or other persons may pay required fees, penalties or other assessments by money order, check, certified check, credit or debit card or by electronic payment payable to the utilities and transportation commission. The commission will accept cash if a payment is made in person. The commission accepts only United States funds.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-055, filed 12/27/07, effective 1/27/08.]

Part 1.2 - Contacting the Commission

WAC 480-15-065 Address or telephone change. If a carrier changes its physical or mailing business address, e-mail address or telephone number, it must immediately notify the commission in writing at the address listed in WAC 480-15-060.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-065, filed 12/27/07, effective 1/27/08.]

Part 1.3 - Compliance with this Chapter

WAC 480-15-145 Enforcement. The commission has a number of options available to enforce its statutes, rules, orders and tariff requirements, as follows:

(1) RCW 81.04.110 allows the commission to file a complaint and hold a hearing.

(2) RCW 81.04.260 allows the commission to file in court for an immediate injunction for violations of law, commission rule, order, direction or requirement of the commission.

(3) RCW 81.04.380 allows penalties against public service companies of up to one thousand dollars for each violation for each day the violation occurs or continues to occur.

(4) RCW 81.04.387 allows penalties against corporations, other than public service companies, of up to one thousand dollars for each offense.

(5) RCW 81.04.390 provides that violations may be treated as misdemeanors.

(6) RCW 81.04.405 allows penalties of one hundred dollars for each violation for each day the violation occurs or continues to occur. These penalties are issued through a penalty assessment with a fifteen-day response period.

(7) RCW 81.04.510 and 81.80.070 allows the commission to issue cease and desist orders against a carrier operating without a permit.

(8) RCW 81.80.280 allows the commission to cancel, suspend, alter, or amend a permit for violations of federal or state law, or commission rule.

(9) RCW 81.80.070 also allows a penalty of one thousand five hundred dollars to any carrier operating without a permit.

(10) RCW 81.80.355 provides that advertising without a permit may be treated as a misdemeanor.

(11) RCW 81.80.357 allows a penalty of five hundred dollars for each violation when a carrier does not include its permit number in its advertisements.

(12) WAC 480-120-172 allows a telecommunications company to disconnect a customer's service if that service is used for illegal purposes, such as operating without a permit issued by the commission.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-145, filed 12/27/07, effective 1/27/08.]

PART 2 - PERMITS

Part 2.1 - General Permit Information

WAC 480-15-180 Carrier operations that require a household goods permit. A carrier must receive a permit from the commission before transporting household goods, for compensation, by motor vehicle (including a rental truck) over public roads between two points within the state unless the carrier is operating in the territory described in subsection (1) or (2) of this section:

(1) Under RCW 81.80.040(1), a carrier does not need a permit to operate exclusively between points within the limits of a city or town with a population of less than ten thousand, unless it borders a city or town with a population of greater than ten thousand.

(2) Under RCW 81.80.040(2), a carrier does not need a permit to operate exclusively between points within a city with a population between ten thousand and thirty thousand if the commission has issued an order exempting transportation within that city from regulation. As of June 2007, these cities included:

(a) Cities of Mountlake Terrace and Mercer Island, exempted by commission General Orders 178, effective March 3, 1965, and R-66, effective May 8, 1974.

(b) City of Ellensburg, exempted by commission General Order 199, effective April 17, 1968.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-180, filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-180, filed 12/15/98, effective 1/15/99.]

WAC 480-15-181 Operations that do not require a household goods permit. A company's operations do not require a permit from the commission when the company:

(1) Moves commercial or office goods, except when part of a household goods moves.

(2) Transports goods that are packed and loaded on the vehicle and unloaded by the customer.

(3) Transports goods which are loaded in customer packed and sealed self-storage type containers in conjunction with storage when no accessorial services are provided by the company.

(4) Uses a truck the customer owns or rents, even if the company does the packing and loading.

(5) Packs and loads the goods but does not transport the belongings.

(6) Moves goods interstate.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-181, filed 12/27/07, effective 1/27/08.]

WAC 480-15-185 Types of household goods permits. The commission may issue any of the following types of permits:

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

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

(3) **Permanent authority** has no expiration date or renewal requirement when the applicant is fit, willing and able to provide service and meets the current or future public convenience and necessity standards.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-185, filed 12/27/07, effective 1/27/08.]

WAC 480-15-190 Service territory. Household goods permits authorize statewide operations unless:

(1) You elect to limit your service territory to specific counties; or

(2) The commission, by order, limits your service territory.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-190, filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-190, filed 12/15/98, effective 1/15/99.]

WAC 480-15-230 Application fees. Application fees are:

Type of Permit Application:	Fee:
Emergency temporary authority	$50.00
Temporary authority	$250.00
Permanent authority	$550.00
Transfer or acquisition of authority under WAC 480-15-335	$250.00
Permit reinstatement (under provisions of WAC 480-15-450)	$250.00
Name change only	$35.00

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-230, filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-230, filed 12/15/98, effective 1/15/99.]

Part 2.2 - Emergency Temporary and Temporary Authority

WAC 480-15-270 Emergency temporary authority. The commission may grant an application for emergency temporary authority to operate up to thirty days to meet an urgent public need when time or circumstances do not reasonably allow filing and processing a temporary permit application. The applicant must do all of the following:

(1) Provide a certified statement of support identifying the need.

(2) Complete the application.

(3) Pay the application fee.

(4) Furnish a list of vehicles the applicant will use under emergency temporary authority.

(5) Furnish proof of public liability and property damage insurance.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-270, filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-270, filed 12/15/98, effective 1/15/99.]

WAC 480-15-280 Temporary authority. (1) An applicant must apply for temporary authority to provide service to meet a short-term need. If the commission grants the application, the temporary authority will allow the applicant to provide service as a household goods carrier on a provisional basis for at least six months. During this time, the commission will evaluate whether the applicant has met the criteria in WAC 480-15-330 to obtain permanent authority.

(2) The commission will grant or deny an application for temporary authority after conducting a complete review of the application, supporting statements, reports or other information necessary to determine fitness and determining whether granting the application is in the public interest.

(3) When determining if an applicant is fit, willing and able to provide the proposed service the commission will consider any information provided by the applicant and other members of the public including, but not limited to, information regarding the applicant's:

(a) Experience in the industry.

(b) Knowledge of safety regulations.

(c) Financial resources.

(d) Equipment resources.

(e) Compliance with tax, labor, employment, business and vehicle licensing laws and rules.

(f) Compliance with Title 81 RCW and commission rules.

(g) Conviction of any crime.

(h) Previous denial of authority on the basis of fitness.

(i) Previous cancellation of permit authority.

(4) When determining if the proposed service is in the public interest, the commission will consider any information provided by the applicant, customers and other members of the public concerning the proposed service. The commission will also consider whether granting the temporary authority will:

(a) Enhance choices available to consumers.

(b) Promote a viable yet competitive household goods industry.

(c) Fill an unmet need for service.

(d) Allow the commission to regulate the household goods industry more efficiently.

(e) Provide increased consumer protection through regulation.

(5) Applicants, customers and other members of the public must submit statements and reports that:

(a) Include their full name, address, phone number.

(b) State that the information submitted is true and accurate.

(c) Are signed and show the place and date they were signed.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-280, filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-280, filed 12/15/98, effective 1/15/99.]

WAC 480-15-285 Rejecting or denying an application for temporary authority. The commission may reject or deny an application for temporary authority if:

(1) The application is incomplete.

(2) The application indicates evidence of fraud, misrepresentation, or erroneous information.

(3) The applicant filed within six months of a denial of a previous application or within one year of cancellation of a permit under WAC 480-15-320 or 480-15-450 (1)(c) through (g).

(4) The applicant does not have:

(a) Sufficient experience in the industry.

(b) Sufficient knowledge of safety regulations.

(c) Sufficient financial resources or equipment.

(d) Compliance with tax, labor, employment, business and vehicle licensing laws and rules.

(5) The applicant has:

(a) Previously been denied authority by the commission on the basis of fitness.

(b) Been convicted of a crime.

(c) Previously had permit authority canceled by the commission.

(d) Been subject to other enforcement actions for violations of state law or commission rules.

(6) Other circumstances exist that cause the commission to believe issuing the permit is not in the public interest.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-285, filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-285, filed 12/15/98, effective 1/15/99.]

WAC 480-15-290 Granting temporary authority. After reviewing the application, information concerning the application and supporting statements and reports, the commission will issue an order granting or denying the application for temporary authority. An order granting temporary authority may include specific terms and conditions the applicant must satisfy before beginning or while operating under authority, such as specific training, safety audits or reporting.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-290, filed 12/27/07, effective 1/27/08. Statutory

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

WAC 480-15-310 Commenting on actions regarding temporary authority. (1) The commission publishes an application docket listing temporary authority it has granted or denied. The commission mails the docket to each applicant and, upon written request, to any other person interested in application proceedings.

(2) Anyone wishing to comment on an action on the commission's application docket that grants or denies temporary authority may file written comments within ten days following publication. Comments must include the commenter's full name, address, telephone number, e-mail address, fax number and permit number, if applicable. Comments must indicate support for, or protest of, the temporary authority for any one or more of the following reasons:

(a) Fitness.

(b) Public interest.

(c) Levels of service.

(d) Business practices.

(e) Safety.

(f) Operation of equipment.

(3) The commission may at its discretion, hold a brief adjudicative proceeding on an action for temporary authority because it received comments that protest the action. See chapter 480-07 WAC for rules governing brief adjudicative proceedings.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-310, filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-15-310, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-310, filed 12/15/98, effective 1/15/99.]

WAC 480-15-320 Canceling a temporary permit. The commission may cancel a temporary permit at any time if it determines any of the following conditions exist:

(1) The permit was not issued in the public interest.

(2) The approval of the temporary authority was based on fraud, misrepresentation, or erroneous information from the applicant.

(3) The applicant filed within six months of a denial of a previous application or within one year of cancellation of a permit under WAC 480-15-320 or 480-15-450 (1)(c) through (g).

(4) The carrier does not have:

(a) Sufficient experience in the industry.

(b) Sufficient knowledge of safety regulations.

(c) Sufficient financial resources or equipment.

(d) Compliance with tax, labor, employment, business and vehicle licensing laws and rules.

(5) The carrier has:

(a) Been convicted of any crime.

(b) Previously been denied authority by the commission on the basis of fitness.

(c) Failed or refused to comply with applicable laws and rules pertaining to operations of household goods carriers.

(d) Failed to file an annual report or pay required regulatory fees.

(e) Allowed others to transport goods under the carrier's permit authority.

(6) Other circumstances exist that cause the commission to believe canceling the permit is in the public interest.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-320, filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-320, filed 12/15/98, effective 1/15/99.]

Part 2.3 - Permanent Authority

WAC 480-15-330 Permanent authority. (1) An applicant must apply for permanent authority if he or she is requesting any of the following:

(a) New original authority.

(b) Transfer of existing authority, except as described in WAC 480-15-335.

(c) Acquisition of control of existing authority.

(d) Additional authority for an existing household goods permit.

(2) The commission will grant or deny an application for permanent authority after it conducts a complete review of the application, supporting statements, reports or other information necessary to determine fitness, public interest and current or future public convenience and necessity.

(3) Some transfers of existing permanent authority are not subject to the requirements in this rule. WAC 480-15-335 lists the exceptions.

(4) When determining if an applicant is fit, willing and able to provide the proposed service, the commission will consider statements and reports including any information provided by the applicant and other members of the public. The commission may reject or deny an application for permanent authority if:

(a) The application is incomplete.

(b) The application indicates evidence of fraud, misrepresentation or erroneous information.

(c) The applicant filed within six months of a denial of a previous application or within one year of cancellation of a permit under WAC 480-15-320 or 480-15-450 (1)(c) through (f).

(d) The applicant does not have:

(i) Sufficient experience in the industry.

(ii) Sufficient knowledge of safety regulations.

(iii) Sufficient financial resources or equipment.

(iv) Compliance with tax, labor, employment, business and vehicle licensing laws and rules.

(e) The applicant has:

(i) Previously been denied authority by the commission.

(ii) Been convicted of any crime.

(iii) Previously had permit authority by the commission.

(iv) Paid or incurred penalties or received citations for violation of state law or commission rules.

(v) Been subject to other enforcement actions for violation of state law or commission rules.

(f) The results of any compliance reviews, audits, inspection reports and customer complaints filed against the applicant cause the commission to believe issuing the permit is not in the public interest.

(g) Other circumstances exist that cause the commission to believe issuing the permit is not in the public interest.

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

(a) Enhance choices available to consumers.

(b) Promote a viable yet competitive household goods industry.

(c) Fill an unmet need for service.

(d) Allow the commission to more efficiently regulate the household goods industry.

(e) Provide increased consumer protection through regulation.

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

(a) The number of customers served.

(b) The nature of the service provided.

(c) Customer satisfaction.

(d) Statements regarding future need for services.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-330, filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-330, filed 12/15/98, effective 1/15/99.]

WAC 480-15-335 Exceptions to permanent authority application process. (1) The commission will grant an application to transfer or acquire control of existing permanent authority without requiring temporary operations, public notice or comment if the applicant is fit, willing and able to provide service and the applicant has filed to transfer or acquire control of permanent authority for any one of the following reasons:

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

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

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

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

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

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

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

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

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

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

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

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

(c) The application includes a certified statement from the applicant and the current owner explaining why the transfer of ownership or control is necessary to ensure the company's economic viability.

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

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-335, filed 12/27/07, effective 1/27/08.]

WAC 480-15-340 Commenting on an application for permanent authority. (1) The commission publishes applications for permanent authority in the application docket that it mails to each applicant and, upon written request, to any other person interested in application proceedings.

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

(3) Comments may either support or protest the application. Comments must include the commenter's full name, address, telephone number, e-mail address, fax number and permit number, if available. Comments must be signed and indicate the place and date when they were signed. Comments must indicate support for, or protest of, the permanent authority for any one or more of the following reasons:

(a) Fitness.

(b) Public interest.

(c) Levels of service.

(d) Business practices.

(e) Safety.

(f) Operation of equipment.

(g) Current or future public need for service.

(4) A comment protesting an application will not, on its own, cause the commission to set the matter for a hearing.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-340, filed 12/27/07, effective 1/27/08. Statutory

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

WAC 480-15-350 Setting an application for hearing. The commission may hold a hearing or brief adjudicative proceeding on any application for permanent authority if it is necessary to resolve outstanding issues or concerns related to fitness, public interest, public convenience and necessity or any other issue resulting from a compliance review, audit, inspection report, complaint or public comment. See chapter 480-07 WAC for rules governing hearings and brief adjudicative proceedings.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-350, filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-15-350, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-350, filed 12/15/98, effective 1/15/99.]

Part 2.4 - Using the Permit

WAC 480-15-360 Retaining copies of the permit. Carriers must keep the original permit in their main office and carry a copy in each vehicle used to transport household goods. Carriers must show a copy of the permit to any law enforcement or compliance officer who asks to see it.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-360, filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-360, filed 12/15/98, effective 1/15/99.]

WAC 480-15-370 Lost or destroyed permit. Carriers may write to the commission and request replacement of a lost or destroyed permit. The commission will issue a replacement permit at no charge.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-370, filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-370, filed 12/15/98, effective 1/15/99.]

WAC 480-15-380 Allowing others to use permit authority. Intrastate carriers may not allow others to transport household goods under their permit authority. Only the lawful permit holder may conduct operations under a household goods permit. Carriers may not lease permit authority, but may lease vehicles from others for use in their own operations pursuant to the leasing rules in WAC 480-15-590 and 480-15-600.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-380, filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-380, filed 12/15/98, effective 1/15/99.]

WAC 480-15-390 Permit names or trade names. (1) A carrier must conduct operations under the exact name shown on its household goods permit. If a carrier does business under a trade or assumed name, that name must also appear on the permit.

(2) A carrier may not operate under a name that is similar to another carrier unless one of the following conditions applies:

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

(b) The commission authorizes use of the similar name. Before authorizing use of a similar name, the commission must first determine that the use of the similar name will not mislead the shipping public or result in unfair or destructive competitive practices.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-390, filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-390, filed 12/15/98, effective 1/15/99.]

WAC 480-15-400 Changing a permit name. (1) Carriers must file a name change application to change the permit name, corporate name or trade name or to add a trade name to the permit.

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

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

(4) Carriers may not advertise or operate under the proposed name change until the commission approves the application.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-400, filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-400, filed 12/15/98, effective 1/15/99.]

WAC 480-15-410 Voluntary suspension of a permit. (1) If a carrier is unable to use its permit due to medical reasons or because of active military service, it may request the authority be voluntarily suspended.

(2) The carrier must send its request to the commission in writing and include the following information:

(a) Name, address, and permit number.

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

(c) The date voluntary suspension is requested to begin.

(d) The length of time the carrier will be unable to use the permit.

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

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

(4) To activate a suspended permit, a carrier must send the commission a letter advising that it is ready to resume household goods service and agree to conduct operations in compliance with all laws and rules. The carrier must satisfy any outstanding filing requirements before the commission will issue an order lifting the suspension.

(5) If the carrier does not activate the permit before the suspension period expires, the commission may cancel the permit.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-410, filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-410, filed 12/15/98, effective 1/15/99.]

WAC 480-15-420 Voluntary cancellation of a permit. If a carrier no longer wants to use its permit, the carrier may send the commission a written request that it be canceled. The cancellation request must include the carrier's name, address and permit number. The commission will issue an order canceling the permit, effective on the date of the order.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-420, filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-420, filed 12/15/98, effective 1/15/99.]

Part 2.5 - Suspended and Canceled Permits

WAC 480-15-430 Involuntary suspension. (1) The commission may suspend a permit without the carrier's authorization for good cause. Good cause includes, but is not limited to, the carrier:

(a) Failing to maintain evidence of required cargo insurance coverage for all areas of its operations.

(b) Failing to maintain evidence of required liability insurance coverage for all areas of its operations.

(c) Failing to comply with the rates and rules contained in the commission-published tariff.

(d) Failing or refusing to comply with applicable laws and commission rules pertaining to operations of household goods carriers, including safety requirements set in law or rule.

(e) Allowing others to transport goods under the carrier's permit authority.

(f) Committing fraud.

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

(3) The commission will send the carrier notice of its action to suspend the carrier's permit. The suspension begins on the effective date listed in the notice.

(4) A carrier may contest the suspension of its permit by requesting a hearing or brief adjudicative proceeding. Chapter 480-07 WAC describes the procedures for such hearings.

(5) The commission will lift the suspension of the permit after the carrier corrects all conditions leading to the suspension.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-430, filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-430, filed 12/15/98, effective 1/15/99.]

WAC 480-15-450 Involuntary cancellation of a permit. (1) The commission may cancel a permit without the carrier's authorization for good cause. Good cause includes, but is not limited to, the carrier:

(a) Failing to file an annual report or pay required regulatory fees.

(b) Failing to correct, within the time frame specified in the suspension order, all conditions that led to the suspension of a permit.

(c) Failing or refusing to comply with applicable laws and commission rules pertaining to operations of household goods carriers, including safety requirements set in law or rule.

(d) Failing to supply information necessary to the commission for the performance of its regulatory functions when the commission requests the carrier to do so.

(e) Submitting false, misleading or inaccurate information.

(f) Allowing others to transport goods under the carrier's permit authority.

(g) Operating in a manner that constitutes unfair or deceptive business practices.

(h) Committing fraud.

(2) The commission will hold a hearing prior to canceling a permit unless the permit is subject to cancellation because the carrier failed, within the time frame specified by a suspension order, to correct the causes of the suspension. In that case:

(a) The commission will send the carrier notice of the date the commission will cancel a permit. The commission will enter an order canceling the permit thirty days after the service date of the notice.

(b) A carrier may contest the cancellation of its permit by requesting a hearing or brief adjudicative proceeding. Chapter 480-07 WAC describes the procedures for such hearings.

(3) If the permit is canceled and the carrier corrects all conditions that led to cancellation of the permit, the carrier may apply for reinstatement.

(a) To reinstate the permit within thirty days of cancellation, the carrier must file an application for reinstatement and pay the applicable reinstatement fees as stated in WAC 480-15-230.

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

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-450, filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-450, filed 12/15/98, effective 1/15/99.]

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

Part 3.1 - Annual Reports and Regulatory Fees

WAC 480-15-480 Annual reports and regulatory fees. (1) An annual report is a year end statement that dis-

closes information to the commission about regulated companies.

(a) Carriers must report information as required in the annual report forms.

(b) The commission will mail annual report forms and instructions to each household goods permit holder at its address of record. If a carrier does not receive an annual report form, it is the carrier's responsibility to contact the commission and request the form.

(2) A regulatory fee is an annual assessment paid by each household goods carrier to cover the costs of regulating the household goods industry. The commission reviews the costs of regulating the industry and sets fees proportionate to costs, although not above the maximum amount allowed by law.

(3) Regulatory fees are calculated as a percentage of intrastate gross operating revenues generated from the transportation of household goods during the prior calendar year. For example:

Gross operating revenue	$100,000
Times the regulatory fee percentage	.0025
Equals the regulatory fee due	$250

(4) Carriers must file annual reports and pay regulatory fees by May 1st of each year based on the prior year's operations. The commission must receive both the annual report and the regulatory fee payment no later than May 1.

(a) The commission will assess an automatic late fee of two percent of the amount due, plus one percent interest for each month after that, for any regulatory fees not received by May 1.

(b) The commission may issue penalty assessments or cancel a carrier's permit for failure to pay regulatory fees or file annual reports.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-480, filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-480, filed 12/15/98, effective 1/15/99.]

Part 3.2 - Tariff and Rates

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

(2) The commission publishes tariffs that all household goods carriers must use and allows household goods carriers to file individual tariffs if the commission finds it is impractical to include certain commodities or services in its tariff.

(3) All household goods carriers are required to follow the terms, conditions, rates and all other requirements imposed by the commission-published tariff.

(4) The commission will set minimum and maximum rates carriers may charge within the tariff.

(5) Every household goods permit holder must obtain at least one copy of the current tariff, and may pay applicable tariff maintenance fees. Any interested person may purchase a copy by paying the applicable fees in advance.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-490, filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 81.04.160, 81.04.250, 81.28.040, 81.80.090, 81.80.120, 81.80.130, 81.80.290, 81.80.211, and 80.01.040. 00-14-010 (General Order No. R-471, Docket No. TV-991559), § 480-15-490, filed 6/27/00, effective 7/28/00. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-490, filed 12/15/98, effective 1/15/99.]

WAC 480-15-500 Tariff maintenance and fees. (1) The commission may charge tariff maintenance fees on an annual basis.

(2) The commission may bill any applicable tariff maintenance fees by December 1 of each year. When billed, companies and other tariff subscribers must pay the bill by December 31.

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

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

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-500, filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-500, filed 12/15/98, effective 1/15/99.]

WAC 480-15-510 Changing commission-published tariffs. (1) Companies holding temporary or permanent household goods authority may propose changes to the tariff. In addition, the commission may, on its own motion, propose tariff changes.

(2) Companies must send all proposed changes to the commission's mailing address. Proposed changes must meet all of the following:

(a) Be in writing.

(b) Identify the tariff item to be changed.

(c) Fully describe the proposed change.

(d) State clearly the reason(s) for the proposed change.

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

(f) Identify the name, address, title, telephone number, e-mail address, permit number and fax number (if any) of the person the commission should contact regarding the proposal.

(3) When the commission receives a proposed tariff change, it will:

(a) Assign a docket number.

(b) Schedule each docketed proposal for tariff change for consideration at a regularly scheduled open public meeting.

(c) Notify other interested persons of the date when it will consider the tariff change.

(d) If the application for tariff change is suspended, the commission will process the application under the procedures set forth in chapter 480-07 WAC.

(4) Approved changes are not effective until the commission publishes and distributes a revised tariff page with a stated effective date.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-510, filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-15-510, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-510, filed 12/15/98, effective 1/15/99.]

WAC 480-15-520 Individual carrier tariffs. (1) To file an individual tariff or to amend an approved individual tariff already on file with the commission, a carrier must submit all of the following:

(a) A cover letter requesting permission to publish and file an individual tariff. The letter must describe the reasons the carrier believes permission should be granted. The letter should state the reasons it is impractical for the commission to publish a tariff for the commodities or services contained in the proposed tariff.

(b) Two copies of the proposed tariff. The proposed tariff must comply with the tariff drafting standards in chapter 480-149 WAC.The proposed tariff must contain all rates, charges, and rules the company will use if granted approval to publish and file an individual tariff.

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

(2) When an individual carrier filed tariff is approved, the commission will issue an order stating the date on which the rates become effective. The commission will return one copy of the tariff marked "approved" to the company.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-520, filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-15-520, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-520, filed 12/15/98, effective 1/15/99.]

Part 3.3 - Insurance

WAC 480-15-530 Public liability and property damage insurance. (1) Before operating under a household goods permit, carriers must have public liability and property damage insurance covering every motor vehicle used in its operations. The commission will not issue a permit for authority to operate without acceptable proof of required insurance coverage. Carriers must maintain the required public liability and property damage insurance at all times for every motor vehicle used in Washington intrastate operations.

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

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

(c) The commission will suspend for thirty days and subsequently cancel any carrier operating without proof of required insurance coverage.

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

(a) At least three hundred thousand dollars in combined single limit coverage for motor vehicles with a gross vehicle weight rating of less than ten thousand pounds.

(b) At least seven hundred fifty thousand dollars in combined single limit coverage for motor vehicles with a gross vehicle weight rating of ten thousand pounds or more.

(3) Carriers must file a Uniform Motor Carrier Property Damage and Public Liability Certificate of Insurance (Form E) or Uniform Motor Carrier Property Damage and Public Liability Surety Bond (Form G) as a condition of maintaining a household goods permit.

(a) The Form E or Form G filing must be issued in exactly the same name as the carrier's permit.

(b) The Form E or Form G filing must be continuous, until canceled by a Notice of Cancellation (Form K) filed with the commission no less than thirty days before the cancellation effective date.

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

(a) Certificates or binders must include all of the following:

(i) The commission as the named certificate holder.

(ii) The carrier's name, exactly as it appears on the permit or application, as the insured.

(iii) The insurance company name.

(iv) The insurance policy number.

(v) The effective and expiration dates.

(vi) The insurance limits of coverage.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-530, filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-530, filed 12/15/98, effective 1/15/99.]

WAC 480-15-550 Cargo insurance. (1) Carriers must have cargo insurance coverage at the levels prescribed in subsection (2) of this section to protect all household goods transported under the permit. The commission will not issue a permit for authority to operate without acceptable proof of required cargo insurance coverage.

(2) The minimum limits of required cargo insurance are:

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

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

(3) Carriers must provide proof of required cargo insurance when they apply for a permit. In addition, carriers must have proof of cargo insurance at their main office available for inspection by commission representatives.

(4) The commission may suspend and subsequently cancel the permit of any carrier operating without required cargo insurance coverage.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-550, filed 12/27/07, effective 1/27/08. Statutory

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

PART 4 - EQUIPMENT AND SAFETY REQUIREMENTS

Part 4.1 - Equipment

WAC 480-15-560 Equipment safety requirements. (1) All carriers must comply with all of the following requirements:

(a) Maintain all vehicles in a safe and sanitary condition.

(b) Maintain vehicles free of defects likely to result in an accident or breakdown.

(c) Maintain vehicles consistent with the *North American Uniform Out-Of-Service Criteria* as adopted in WAC 480-15-999.

(d) Make vehicles available for inspection by commission representatives at any time upon request.

(2) 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.

(iv) Permanent. *Exception*: Carriers may use temporary markings on vehicles operated under a lease.

(b) Carriers with both intrastate and interstate authority must display either the commission permit number, federal permit number or both on the power unit.

(3) Carriers must comply with all of the following requirements:

(a) All state and local motor vehicle safety laws and rules including, but not limited to, those contained in this chapter.

(b) 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:

(i) 49 CFR Part 390: Safety Regulations, General; except the following definitions will apply:

(A) Exempt motor carrier: Any person operating a motor vehicle exempt from certain provisions of RCW Title 81 as defined in RCW 81.80.040.

(B) Motor carrier: Any common carrier, exempt carrier and private carrier as defined in WAC 480-15-020.

(C) Motor vehicle: Any vehicle, machine, tractor, trailer or semi-trailer propelled or drawn by mechanical power, or any combination of such vehicles, used on the public roads to transport household goods.

(D) Private carrier: Persons who transport their own household goods, transport household goods bought or sold by them or transport household goods purely as an incidental adjunct to an established business.

(E) Commercial motor vehicle: 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.

(F) Director: The commission.

(ii) 49 CFR Part 392: Driving of Commercial Motor Vehicles.

(A) 49 CFR Part 393: Parts and Accessories Necessary for Safe Operation.

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

(C) All motor vehicles must be equipped with mud flaps which effectively reduce the spray or splash of water from the road.

(D) 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, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-560, filed 12/27/07, effective 1/27/08. 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.]

Part 4.2 - Drivers' Requirements

WAC 480-15-570 Driver safety requirements. (1) No household goods carrier shall employ or allow any driver to operate a motor vehicle who fails to meet minimum criteria related to all of the following requirements:

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

(b) The *North American Uniform Out-Of-Service Criteria* as adopted in WAC 480-15-999.

(c) 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:

(i) 49 CFR Part 390: Safety Regulations, General; except the following definitions will apply:

(A) Exempt motor carrier: Any person operating a motor vehicle exempt from certain provisions of RCW Title 81 as defined in RCW 81.80.040.

(B) Motor carrier: Any common carrier, exempt carrier and private carrier as defined in WAC 480-15-020.

(C) Motor vehicle: Any vehicle, machine, tractor, trailer or semi-trailer propelled or drawn by mechanical power, or any combination of such vehicles, used on the public roads to transport household goods.

(D) Private carrier: Persons who transport their own household goods, transport household goods bought or sold by them or transport household goods purely as an incidental adjunct to an established business.

(E) Commercial motor vehicle: 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.

(F) Director: The commission.

(ii) 49 CFR Part 382: Controlled Substance and Alcohol Use and Testing.

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

(iv) 49 CFR Part 391: Qualification of Drivers.

(v) 49 CFR Part 395: Hours of Service of Drivers.

(2) Operations that are exclusively intrastate commerce are not subject to the following provisions:

(a) 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.

(b) 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.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-570, filed 12/27/07, effective 1/27/08. 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.]

Part 4.3 - Equipment Leasing

WAC 480-15-590 Leasing vehicles. (1) A carrier must file an equipment lease agreement and receive commission approval before operating a leased motor vehicle. The carrier must meet all of the following requirements:

(a) File a completed form provided by the commission or use an alternate form containing the same information.

(b) Sign the form and ensure the lessor signs the form.

(c) Submit two copies to the commission.

(d) Clearly mark "master lease" if the carrier intends to use a master lease instead of submitting individual leases.

(2) A carrier is not required to file a lease for approval on an emergency substitution of a disabled vehicle.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-590, filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-590, filed 12/15/98, effective 1/15/99.]

WAC 480-15-600 Lease responsibilities. When entering into a lease agreement, the carrier must ensure that all of the following conditions are met:

(1) A copy of the approved lease is carried in all leased motor vehicles.

(2) Copies of all approved leases are kept in the carrier's permanent files for at least one year after the lease expires.

(3) The carrier gives a copy of the approved lease to the owner of the leased motor vehicle.

(4) The carrier takes possession, control and use of the motor vehicle during the period of the lease agreement.

(5) The carrier maintains insurance on the leased motor vehicle as specified in WAC 480-15-530 and 480-15-550.

(6) The carrier properly identifies the motor vehicle as specified in RCW 81.80.305.

(7) The carrier charges appropriate tariff rates and charges.

(8) The driver of the leased motor vehicle is on the carrier's payroll during the leased period.

(9) The carrier complies with all safety rules.

(10) The carrier and the owner of the leased motor vehicle specify on the lease form who is responsible for all expenses relating to the leased motor vehicles.

(11) The carrier complies with the terms of the approved lease.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-600, filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-600, filed 12/15/98, effective 1/15/99.]

PART 5 - CARRIER'S RESPONSIBILITIES TO SHIPPERS

Part 5.1 - General Responsibilities

WAC 480-15-610 Advertising. (1) Carriers must include the commission-issued permit number, name or trade name as recorded at the commission, business address and business telephone number in any advertising for household goods moving services. Advertising includes, but is not limited to:

(a) Advertisements in telephone books, newspapers, correspondence, cards, or any other written document.

(b) Signs, posters or similar displays.

(c) Web sites or other on-line advertising.

(2) Advertisements may not be misleading, false or deceptive.

(3) Carriers may advertise services provided as an agent of, or connecting carrier to, another household goods carrier if they include the name and permit number of the other household goods carrier in their advertising.

(4) Carriers may not advertise services or rates and charges that conflict with those in the tariff.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-610, filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-610, filed 12/15/98, effective 1/15/99.]

WAC 480-15-620 Information household goods carriers must provide to customers. (1) Carriers must give each customer a copy of the publication, "*Your Guide to Moving in Washington State*" at the time the carrier gives the customer a written estimate.

(2) The language contained in the publication is prescribed by the commission and may not be changed by the carrier.

(3) The commission will provide carriers the prescribed language but will not provide copies of the publication. Carriers are responsible for making sufficient copies for their needs.

(4) Carriers may access the prescribed language through the commission's web site at www.utc.wa.gov or by contacting the commission at 360-664-1222.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-620, filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 81.04.160, 81.04.250, 81.28.040, 81.80.090, 81.80.120, 81.80.130, 81.80.290, 81.80.211, and 80.01.040. 00-14-010 (General Order

No. R-471, Docket No. TV-991559), § 480-15-620, filed 6/27/00, effective 7/28/00. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-620, filed 12/15/98, effective 1/15/99.]

Part 5.2 - Estimates

WAC 480-15-630 Estimates. Every carrier is required to provide a written estimate to every customer prior to moving a shipment of household goods and must issue a written supplemental estimate when required by commission rule or tariff. The carrier must provide estimates by following the requirements set in the commission-published tariff covering household goods movers. The initial estimate may be a binding or nonbinding estimate.

(1) A binding estimate is the promise of a guaranteed cost of a move from the carrier to the customer. The carrier is bound to charge only the amount of the estimate and no more.

(2) A nonbinding estimate is an estimate of the amount the carrier will charge to move a customer's household goods. The customer may pay charges in excess of the estimate.

(3) A supplemental estimate is in addition to any other estimate. A supplemental estimate is required if the circumstances surrounding the move change in a way that causes rates or charges to increase. The customer must accept and sign the supplemental estimate prior to additional work being performed.

(4) A carrier may provide the hourly rate it charges and the amount of time it believes it will take to make the move. A carrier may provide the rate per unit of weight it charges and the total weight it believes a shipment weighs. However, the carrier must provide a written binding or nonbinding estimate before making the move.

(5) A carrier may not conduct a move until it has visually inspected the goods to be shipped, unless the customer completes a web site calculation or hard-copy calculation sheet as described in subsection (6) of this section, and the carrier has provided a written binding or nonbinding estimate to the customer.

(6) A carrier may provide an estimate based on a customer-completed web site calculation or customer completed hard-copy calculation sheet if:

(a) The estimate contains all of the elements required by the tariff.

(b) The customer electronically "signs" the information provided on the web site by entering the customer's name and the date the information was filled out on the screen. The date must be present and must be entered by the customer.

(c) The carrier provides the customer with a current copy of the brochure "*Your Guide to Moving in Washington State*."

(d) The estimate discloses at the web site or on the hard-copy calculation sheet that:

(i) The estimate is not binding.

(ii) The cost of the move may exceed the estimate.

(iii) The customer will be required to pay up to one hundred ten percent of the estimate upon delivery. Carriers must allow customers at least thirty days from the date of delivery to pay amounts in excess of the one hundred ten percent.

(iv) The customer is not required to pay more than one hundred twenty-five percent of the estimate regardless of the total cost unless the carrier issues and the customer accepts a supplemental estimate.

(7) The carrier must complete the estimates as required by tariff.

(8) All written estimates must be signed and dated by both the carrier and customer prior to the move.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-630, filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-630, filed 12/15/98, effective 1/15/99.]

WAC 480-15-660 Supplemental estimates. (1) Carriers must provide a written supplemental estimate if the circumstances surrounding the move change in any way to cause the rates or charges to increase.

(2) When providing a supplemental estimate, a carrier may not apply a higher rate to the articles and services identified in the original estimate. A carrier may choose to use a higher rate for new services or additional articles not included in the original estimate.

(3) The carrier must complete the supplemental estimate as required by tariff.

(4) The carrier and the customer must sign the supplemental estimate prior to the additional work being performed.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-660, filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 81.04.160, 81.04.250, 81.28.040, 81.80.090, 81.80.120, 81.80.130, 81.80.290, 81.80.211, and 80.01.040. 00-14-010 (General Order No. R-471, Docket No. TV-991559), § 480-15-660, filed 6/27/00, effective 7/28/00. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-660, filed 12/15/98, effective 1/15/99.]

Part 5.3 - Bills of Lading

WAC 480-15-710 Bill of lading. (1) A bill of lading is a shipping document issued by the household goods carrier, signed by both the customer and the household goods carrier that establishes a legal contract with terms and conditions for a shipment of household goods.

(2) The carrier must issue a bill of lading for each shipment of household goods it transports and must give the customer a completed copy of the bill of lading used for the customer's shipment.

(3) The carrier must include the information in a bill of lading as described in the commission's tariff.

(4) The carrier must keep the bill of lading and all associated documents for three years from the date the move was completed.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-710, filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-710, filed 12/15/98, effective 1/15/99.]

Part 5.4 - Weight of Shipment

WAC 480-15-750 Weight. Carriers must follow the requirement of the tariff as it applies to weight of the shipment.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-750, filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-750, filed 12/15/98, effective 1/15/99.]

Part 5.5 - Complaint and Claim Procedures

WAC 480-15-800 Customer complaints and claims. If a customer is not satisfied with the carrier's service:

(1) The carrier must provide the customer with all information and forms necessary to file a complaint or claim.

(2) The customer must file any and all claims for loss or damage within nine months from the actual delivery date. In the case of failure to make delivery, the claim must be filed within nine months after the originally scheduled delivery date.

(3) Claims must contain sufficient information to identify the property involved. A copy of the bill of lading must accompany the claim.

(4) The customer must pay all proper charges for the move prior to filing a claim for loss or damage.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-800, filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-800, filed 12/15/98, effective 1/15/99.]

WAC 480-15-810 Resolving customer complaints or claims. When the carrier receives a complaint or claim, it must:

(1) Notify the customer, in writing, within ten business days that it has received the claim or complaint and advise the customer of the availability of the commission for further review by providing the commission's toll-free number and mailing address: 1-800-562-6150; P.O. Box 47250, Olympia, Washington 98504-7250.

(2) Investigate the complaint or claim.

(3) Advise the customer of the resolution of the complaint or claim in writing.

(4) If it is a loss or damage claim, pay the claim, refuse the claim, or make a compromise offer within ninety days.

(a) If the carrier cannot resolve a loss or damage claim within ninety days, it must, for each thirty-day period thereafter until the claim is settled, inform the customer, in writing, of the reason it failed to resolve the claim or clearly state its final offer or denial and close the claim and advise the customer of the availability of the commission for further review by providing the commission's toll-free number and mailing address: 1-800-562-6150; P.O. Box 47250, Olympia, Washington 98504-7250.

(b) Maintain a copy of the written correspondence required in (a) of this subsection in the complaint or claim file for three years, as directed by WAC 480-15-830.

(5) The carrier may satisfy any claim by reimbursing the customer or repairing or replacing the property lost or damaged with materials of like kind, quality, and condition.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-810, filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-810, filed 12/15/98, effective 1/15/99.]

WAC 480-15-830 Complaint and claim records retention. Carriers must keep all records and papers relating to complaints or claims for three years after the date the complaint or claim is resolved. Carriers must include, at a minimum, the following information in a claim or complaint file:

(1) The date the claim or complaint was received.

(2) The name, address and telephone number of the customer.

(3) Detailed information about the dispute.

(4) Details of any action the carrier has taken in response to the claim or complaint.

(5) The date the claim or complaint was resolved and a description of the final resolution.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-830, filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-830, filed 12/15/98, effective 1/15/99.]

WAC 480-15-890 Commission-referred complaints. When commission staff refers a customer complaint to a carrier, the carrier must:

(1) Provide its initial response to commission staff within five business days from the date commission staff referred the complaint to the carrier. The carrier's response must include the results of its investigation into the informal complaint and any document related to the move requested by staff. The carrier may request and commission staff may allow, if warranted, an extension to the initial response due date.

(2) Respond to commission staff inquiries requesting additional information or documentation relevant to the informal complaint within five business days.

(3) Keep commission staff currently informed of any progress made in resolving a claim for loss or damages not resolved within the first ninety-day period of the claim by informing staff in writing, for each thirty-day period thereafter, of the reason for failure to resolve the claim.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-890, filed 12/27/07, effective 1/27/08. Statutory Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-890, filed 12/15/98, effective 1/15/99.]

PART 6 - INTERSTATE OPERATIONS

WAC 480-15-900 Requirements for interstate operations. General requirements: No household goods carrier may operate any motor vehicle or combination of motor vehicles over the public roads of this state in interstate commerce unless the carrier has met all of the following requirements:

(1) Obtained the appropriate operating authority from the U.S. Department of Transportation (USDOT) or its successor agency.

(2) Obtained valid insurance as required by USDOT.

(3) Participated in any program administered by the commission for registering, paying fees or otherwise regulating interstate motor freight carriers as provided by USDOT or its successor agency.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.250, 81.28.040, 81.80.120, 81.80.130 and 81.80.290. 08-02-049 (Docket TV-070466, General Order R-547), § 480-15-900, filed 12/27/07, effective 1/27/08. Statutory

Authority: RCW 81.04.160 and 80.01.040. 99-01-077 (Order R-454, Docket No. TV-971477), § 480-15-900, filed 12/15/98, effective 1/15/99.]

PART 7 - ADOPTION BY REFERENCE

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 Standard 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, 2008.

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

(c) The *North American Out-of-Service Criteria* is a copyrighted document. Copies are available from CVSA in Washington, D.C.

(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 December 31, 2007.

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

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, http://bookstore.gpo.gov/, and from various third-party vendors.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. 09-01-171 (Docket A-081419, General Order R-554), § 480-15-999, filed 12/23/08, effective 1/23/09; 06-17-087 (Docket A-060475, General Order No. R-537), § 480-15-999, filed 8/14/06, effective 9/14/06; 05-21-022 (Docket No. A-050271, General Order No. R-521), § 480-15-999, filed 10/10/05, effective 11/10/05; 04-01-152 (General Order No. R-511, Docket No. A-030852), § 480-15-999, filed 12/22/03, effective 1/22/04; 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-15-999, filed 8/26/02, effective 9/26/02. 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

PASSENGER TRANSPORTATION COMPANIES

WAC

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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.

480-30-020 Licenses, and rules and regulations. [Statutory Authority: RCW 80.01.040. 90-22-031 (Order R-329, Docket No. T-900076), § 480-30-020, filed 10/31/90, effective 12/1/90; 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-020, filed 7/11/84; Order R-5, § 480-30-020, filed 6/6/69, effective 10/9/69.] Repealed by 06-13-006 (General Order No. R-533, Docket No. TC-020497), filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270.

480-30-030 Certificates—Auto transportation companies. [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.] Repealed by 06-13-006 (General Order No. R-533, Docket No. TC-020497), filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270.

480-30-032 Notice of application; protests; contemporaneous applications. [Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-30-032, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040. 94-11-021 (Order R-415, Docket No. TC-940123), § 480-30-032, filed 5/5/94, effective 6/5/94. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and chapter 34.05 RCW. 91-22-034 (Order R-351, Docket No. A-910835), § 480-30-032, filed 10/30/91, effective 11/30/91.] Repealed by 06-13-006 (General Order No. R-533, Docket No. TC-020497), filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040, 81.04.-160, 81.12.050, 81.68.030, and 81.70.270.

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.

480-30-040 Express. [Statutory Authority: RCW 80.01.040. 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-040, filed 7/11/84; Order R-5, § 480-30-040, filed 6/6/69, effective 10/9/69.] Repealed by 06-13-006 (General Order No. R-533, Docket No. TC-020497), filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270.

480-30-045 Auto transportation company C.O.D. shipments tariff requirements—Bond required—Handling of shipments. [Statutory Authority: RCW 80.01.040 and 81.68.030. 80-12-025 (Order R-152, Cause No. TC-1369), § 480-30-045, filed 8/27/80.] Repealed by 06-13-006 (General Order No. R-533, Docket No. TC-020497), filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270.

480-30-050 Tariff, naming rates and fares. [Statutory Authority: RCW 80.01.040. 94-11-021 (Order R-415, Docket No. TC-940123), § 480-30-050, filed 5/5/94, effective 6/5/94; 90-22-031 (Order R-329, Docket No. T-900076), § 480-30-050, filed 10/31/90, effective 12/1/90; 88-01-115 (Order R-283, Cause No. T-2118), § 480-30-050, filed 12/23/87; 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-050, filed 7/11/84; Order R-5, § 480-30-050, filed 6/6/69, effective 10/9/69.] Repealed by 06-13-006 (General Order No. R-533, Docket No. TC-020497), filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040, 81.04.-160, 81.12.050, 81.68.030, and 81.70.270.

480-30-060 Schedule of time and route. [Statutory Authority: RCW 80.01.040. 90-22-031 (Order R-329, Docket No. T-900076), § 480-30-060, filed 10/31/90, effective 12/1/90; 88-01-115 (Order R-283, Cause No. T-2118), § 480-30-060, filed 12/23/87; 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-060, filed 7/11/84; Order R-5, § 480-30-060, filed 6/6/69, effective 10/9/69.] Repealed by 06-13-006 (General Order No. R-533, Docket No. TC-020497), filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040, 81.04.-160, 81.12.050, 81.68.030, and 81.70.270.

480-30-070 Liability and property damage insurance or surety bond. [Statutory Authority: RCW 80.01.040. 90-22-031 (Order R-329, Docket No. T-900076), § 480-30-070, filed 10/31/90, effective 12/1/90; 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-070, filed 7/11/84; Order R-109, § 480-30-070, filed 10/19/77; Order R-5, § 480-30-070, filed 6/6/69, effective 10/9/69.] Repealed by 06-13-006 (General Order No. R-533, Docket No. TC-020497), filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270.

480-30-080 Self insurance. [Order R-5, § 480-30-080, filed 6/6/69, effective 10/9/69.] Repealed by 06-13-006 (General Order No. R-533, Docket No. TC-020497), filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270.

480-30-090 Equipment of motor vehicles. [Statutory Authority: RCW 80.01.040. 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-090, filed 7/11/84; Order R-5, § 480-30-090, filed 6/6/69, effective 10/9/69.] Repealed by 06-13-006 (General Order No. R-533, Docket No. TC-020497), filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270.

480-30-095 Equipment—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), § 480-30-095, 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.] Repealed by 06-13-006 (General Order No. R-533, Docket No. TC-020497), filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270.

480-30-097 Equipment—Inspection—Ordered for repairs. [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.] Repealed by 06-13-006 (General Order No. R-533, Docket No. TC-020497), filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270.

480-30-100 Operation of motor vehicles. [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.] Repealed by 06-13-006 (General Order No. R-533, Docket No. TC-020497), filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040, 81.04.-160, 81.12.050, 81.68.030, and 81.70.270.

480-30-105 Depot and terminal facilities. [Order R-13, § 480-30-105, filed 11/28/69; Order R-8, § 480-30-105, filed 9/11/69.] Repealed by 06-13-006 (General Order No. R-533, Docket No. TC-020497), filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040, 81.04.-160, 81.12.050, 81.68.030, and 81.70.270.

480-30-110 Regulatory fees. [Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 2003 c 296. 04-05-031 (Docket No. A-031232, General Order No. R-512), § 480-30-110, filed 2/11/04, effective 3/13/04. Statutory Authority: RCW 80.01.040. 90-22-031 (Order R-329, Docket No. T-900076), § 480-30-110, filed 10/31/90, effective 12/1/90; 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-110, filed 7/11/84. Statutory Authority: 1979 c 111 § 6. 79-09-015 (Order R-129, Cause No. TC-1249), § 480-30-110, filed 8/9/79; Order R-78, § 480-30-110, filed 10/15/75; Order R-5, § 480-30-110, filed 6/6/69, effective 10/9/69.] Repealed by 06-13-006 (General Order No. R-533, Docket No. TC-020497), filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270.

480-30-120 Uniform system of accounts and annual reports. [Statutory Authority: RCW 80.01.040. 90-01-058 (Order R-313, Docket No. U-89-3099-R), § 480-30-120, filed 12/15/89, effective 1/15/90; 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-120, filed 7/11/84. Statutory Authority: RCW 80.01.040 and 81.68.030. 81-04-008 (Order R-156, Cause No. TC-1421), § 480-30-120, filed 1/28/81; Order R-80, § 480-30-120, filed 3/24/76; Order R-5, § 480-30-120, filed 6/6/69, effective 10/9/69.] Repealed by 06-13-006 (General Order No. R-533, Docket No. TC-020497), filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040, 81.04.-160, 81.12.050, 81.68.030, and 81.70.270.

480-30-130 Rules and regulations—General application. [Statutory Authority: RCW 80.01.040. 88-01-115 (Order R-283, Cause No. T-2118), § 480-30-130, filed 12/23/87; 84-15-023 (Order R-215, Cause No. TC-1786), § 480-30-130, filed 7/11/84; Order R-5, § 480-30-130, filed 6/6/69, effective 10/9/69.] Repealed by 06-13-006 (General Order No. R-533, Docket No. TC-020497), filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270.

PART 1—GENERAL ADMINISTRATIVE RULES

WAC 480-30-001 Purpose of chapter. (1) The legislature has declared that companies operating as auto transportation companies or as charter and excursion carriers in the state of Washington are engaged in businesses that affect the public interest and should be regulated. The purpose of these rules is to administer and enforce chapters 81.68 and 81.70 RCW by establishing the following standards that apply to auto transportation companies and to charter and excursion carriers, to the extent allowed by the individual chapters of law:

- Public safety;
- Fair practices;
- Just, reasonable and sufficient rates;
- Nondiscriminatory application of rates;
- Adequate and dependable service;
- Consumer protection; and

• Compliance with statutes, rules and commission orders.

(2) This chapter replaces rules formerly contained in chapters 480-40 and 480-30 WAC.

(3) In addition to administering and enforcing chapters 81.68 and 81.70 RCW, the rules under this chapter are established to comply with federal law.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-001, filed 6/8/06, effective 7/9/06.]

WAC 480-30-006 Application of rules. (1) The rules in this chapter apply to passenger transportation companies subject to the jurisdiction of the commission under chapter 81.04, 81.68, or 81.70 RCW. The rules apply to all passenger transportation companies, unless a part, rule, or reference within a rule states otherwise. These rules also include various requirements that apply to the companies' customers and to companies applying for certificates.

(2) The tariffs filed by auto transportation companies must conform to these rules. If the commission accepts a tariff or schedule 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 480-30-046. Tariffs that conflict with these rules and are not specifically approved by the commission are superseded by these rules.

(3) Any affected person may ask the commission to review the interpretation of these rules by filing an informal complaint under WAC 480-07-910 or by filing a formal complaint under WAC 480-07-370.

(4) No deviation from these rules will be permitted without written authorization by the commission. Violation will be subject to penalties as provided by law.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-006, filed 6/8/06, effective 7/9/06.]

WAC 480-30-011 Exempt operations. (1) The commission does not regulate the following passenger transportation operations under this chapter:

(a) Operations conducted wholly within the limits of an incorporated city or town.

(b) Auto transportation company operations from a point in a city or town in the state of Washington for a distance of not more than three road miles beyond the corporate limits of the city or town in which the trip began. The operations must not be part of a journey beyond the three-mile limit, either alone or in conjunction with another vehicle or vehicles.

(c) Commuter ride sharing or ride sharing for persons with special transportation needs under RCW 46.74.010, provided the ride-sharing operation does not compete with nor infringe upon comparable service that was actually provided by an auto transportation company under chapter 81.68 RCW before the ride-sharing operation started.

(d) Municipal corporations and other government entities.

(e) Public transit agencies.

(f) Persons operating vehicles under exclusive contract to a public transit agency.

(g) Persons owning, operating, controlling, or managing taxi cabs, hotel buses, or school buses, when operated as such.

(h) Passenger vehicles carrying passengers on a noncommercial basis, including but not limited to, nonprofit corporations.

(i) Private carriers who, in their own vehicles, transport passengers as an incidental adjunct to some other established private business owned or operated by them in good faith.

(j) Transporting transient air flight crew or in-transit airline passengers between an airport and temporary hotel accommodations under an arrangement between the airline carrier and the passenger transportation company.

(k) Substituting ground transportation for air transportation under an arrangement between the airline carrier and the passenger transportation company in emergency situations arising from the inability of the air carrier to perform air transportation due to adverse weather conditions, equipment failure, or other causes.

(l) Transporting passengers who have had or will have had a prior or subsequent movement by air under a through ticket or common arrangement with an airline or with a connecting out-of-state passenger transportation company.

(m) Any other carrier or company that does not come within the term:

(i) "Auto transportation company" as defined in RCW 81.68.010;

(ii) "Charter party carrier of passengers" as defined in RCW 81.70.020; or

(iii) "Excursion service carrier" as defined in RCW 81.70.020.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-011, filed 6/8/06, effective 7/9/06.]

WAC 480-30-016 Determination of authority. (1) In some instances, a person desiring to transport passengers may be subject to regulation as an auto transportation company under the provisions of chapter 81.68 RCW, a charter and excursion carrier under the provisions of chapter 81.70 RCW, or both chapters, depending on the nature of the services offered and provided.

(2) When determining whether operations require an auto transportation or charter and excursion certificate the commission will consider factors including, but not limited to:

(a) What is the nature of the proposed transportation service?

(b) What is the origin and destination of the proposed transportation?

(c) Who will provide the service?

(d) Who will pay for the service?

(e) How will the rates be assessed? (Time of use, mileage or distance, passenger fares, flat fee, other.)

(f) How will the service be provided?

(g) Will the service be offered to the public?

(h) Will a passenger or group of passengers have exclusive use of the vehicle or will there be shared rides or mixed use?

(i) What type and size vehicle(s) will be used to provide the service?

(j) Who will own the vehicle(s)?

(k) Who will be responsible for the operation and control of the vehicle(s)?

(3) Any person may submit to the commission a detailed written description of a proposed service to transport passengers and request an informal staff determination of the authority required to provide the described service.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-016, filed 6/8/06, effective 7/9/06.]

WAC 480-30-021 Additional requirements. (1) These rules do not relieve any passenger transportation 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 passenger transportation company in appropriate circumstances, consistent with the requirements of law.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-021, filed 6/8/06, effective 7/9/06.]

WAC 480-30-026 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 still valid.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-026, filed 6/8/06, effective 7/9/06.]

WAC 480-30-031 Procedural rules. The commission's procedural rules are contained in chapter 480-07 WAC. If a rule in this chapter conflicts with a rule in chapter 480-07 WAC, the rule in this chapter applies. Copies of chapter 480-07 WAC are available from the commission records center on request.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-031, filed 6/8/06, effective 7/9/06.]

WAC 480-30-036 Definitions, general. (1) See WAC 480-30-261 for definition of terms used primarily in tariffs and time schedules and WAC 480-30-216 for definitions used in driver and vehicle safety rules.

(2) Unless the language or context indicates that a different meaning is intended, the following definitions apply:

"Agent" means a person authorized to transact business for, and in the name of, another.

"Airporter service" means an auto transportation service that starts or ends at a station served by another type of transportation such as, air or rail transportation. Airporter service is often a premium service that involves handling luggage. Although stops may be made along the way, they are usually limited to picking up or discharging passengers, luggage, and/or express freight bound to or from the airport or depot served.

"Alternate arrangements for passengers" means the travel arrangements made by an auto transportation company that has accepted a trip booking or reservation from a passenger and that is unable to provide the agreed transportation. The alternate arrangements may require travel by another carrier or mode of transportation at no additional cost to the passenger beyond what the passenger would have paid for the original transportation arrangement.

"Application docket" means a commission publication providing notice of all applications requesting auto transportation operating authority, with a description of the authority requested. The commission sends this publication to all persons currently holding auto transportation authority, to all persons with pending applications for auto transportation authority, to affected local jurisdictions or agencies, and to all other persons who asked to receive copies of the application docket.

"Area" means a defined geographical location. Examples include, but are not limited to:

(a) A specified city or town;

(b) A specified county, group of counties, or subdivision of the state, e.g., western Washington;

(c) A zone, e.g., company designated territory; or

(d) A route, e.g., area within four road miles of Interstate 5.

"Auto transportation company" means every person owning, controlling, operating, or managing any motor-propelled vehicle not usually operated on or over rails, used in the business of transporting persons 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.

"Between fixed termini or over a regular route" means the fixed points between which an auto transportation company provides service or the route over which an auto transportation company ordinarily operates any motor-propelled vehicle, even though there may be variance whether the variance is periodic or irregular.

"Bus" means a motor vehicle designed, constructed, and/or used for the transportation of passengers.

"Business days" means days of the week excluding Saturdays, Sundays, and official state holidays.

"By-reservation-only service" means transportation of passengers by an auto transportation company, with routes operated only if passengers have made prior reservations.

"Certificate" means:

(a) The certificate of public convenience and necessity issued by the Washington utilities and transportation commission under the provisions of chapter 81.68 RCW to operate as an auto transportation company; or

(b) The certificate issued by the Washington utilities and transportation commission under chapter 81.70 RCW to operate as a charter and excursion carrier in the state of Washington.

"Certificated authority" means:

(a) The territory and services granted by the commission and described in an auto transportation company's certificate of public convenience and necessity; or

(b) Operations in the state of Washington for charter and excursion service carriers.

"Charter party carrier of passengers" or **"charter carrier"** means every person engaged in the transportation of a group of persons who, pursuant to a common purpose and under a single contract, have acquired the use of a motor bus

to travel together as a group to a specified destination or for a particular itinerary, either agreed upon in advance or modified by the chartering group after having left the place of origin.

"Claim" means a demand made on a company for payment resulting from a loss sustained through the company's negligence or for inadequate service provided by the company.

"Closed-door service" means a portion of a route or territory in which an auto transportation company is not allowed to pick up or deliver passengers. Closed-door service restrictions must be clearly stated in an auto transportation company's certificate.

"Common purpose" means that a group of persons is traveling together to achieve a common goal or objective. For example, a group of persons traveling together to attend a common function or to visit a common location. For the purposes of these rules it does not mean a group of persons who have no common goal other than transportation to, or from, the airport.

"Commission" means the Washington utilities and transportation commission.

"Common carrier" means any person who transports passengers by motor vehicle over the public highways for compensation.

"Company" means an entity authorized by the commission to transport passengers, for compensation, using a motor vehicle, over the public highways of the state.

"Complaint" means one of two types of actions by a person against a passenger transportation company that the commission regulates:

(a) **"Informal complaints"** are those complaints filed with the commission under the provisions of WAC 480-07-910. Informal complaints are normally investigated and resolved by commission staff.

(b) **"Formal complaints"** are those complaints filed with the commission under the provisions of WAC 480-07-370. In a formal complaint, the burden of proof resides with the complaining party who must prove its assertions in a formal commission proceeding.

"Connecting service" means an auto transportation company service over a route, or routes, that require passengers to transfer from one vehicle to another vehicle operated by either the same company or a different company before reaching the ending point.

"Contract carrier" means a person holding a certificate issued by the commission authorizing transportation of passengers under special and individual contracts or agreements.

"Customer" means a person who purchased transportation services from an auto transportation company.

"Direct route" means an auto transportation company service over a route that goes from the beginning point to the ending point with limited, if any, stops along the way, and traveling only to points located on the specific route without requiring a passenger to transfer from one vehicle to another.

"Discontinuance of service":

(a) **"Permanent discontinuance of service"** means that a company holding auto transportation authority issued by the commission is unable to continue to provide all, or part of, the service authorized by the company's certificate, filed tariff, or filed time schedule and requests commission permission to permanently discontinue all, or part of, its service and relinquish that certificate or portion of that certificate. See WAC 480-30-186.

(b) **"Temporary discontinuance of service"** means that a company holding auto transportation authority issued by the commission is unable to continue to provide all, or part of, the service authorized by the company's certificate, filed tariff, or filed time schedule and requests commission permission to discontinue all, or part of, its service for a specified, limited period of time.

"Door-to-door service" means an auto transportation company service provided between a location identified by the passenger and a point specifically named by the company in its filed tariff and time schedule.

"Excursion service carrier" or **"excursion carrier"** means every person engaged in the transportation of persons for compensation over any public highway in the state from points of origin within any city, town, or area, to any other location within the state of Washington and returning to that origin. The service will not pick up or drop off passengers after leaving and before returning to the area of origin. The excursions may or may not be regularly scheduled. Compensation for the transportation offered must be computed, charged, or assessed by the excursion service company on an individual fare basis.

"Express freight/package service" means transportation of freight and packages, other than packages or baggage carried or checked by passengers, offered by a passenger transportation company.

"Express passenger service" means auto transportation company service provided between fixed points or stations with few, if any, stops along the route, and is designed to get passengers from origin to destination more quickly than normally scheduled passenger service.

"Federal Motor Carrier Safety Administration" means an agency of the United States Department of Transportation (USDOT) and successor agency to the former Interstate Commerce Commission.

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

"Fixed termini" means points of origin and destination that are set, static locations or defined geographic areas. Examples include a city or town, a building or an airport. In addition "fixed termini" can include service between an airport and unlimited points within a defined geographic area.

"Flag stops" means a point along an auto transportation company's normally traveled routes where the company stops only if it receives notification that a passenger wishes to board the vehicle at that point. An auto transportation company must list available flag stops in the company's tariffs and time schedules. Flag stops may only be named at points that provide waiting passengers safe access to the vehicle.

"Group" means:

(a) Two or more passengers traveling together;

(b) A class of passengers to whom special rates and/or rules apply. For example, active military personnel.

"Intermediate point" means a point located on a route between two other points that are specifically named in an auto transportation company's certificate or tariff.

"Intermediate service" means service to an intermediate point.

"Interruption in service" means a period of time during which an auto transportation company cannot provide service listed in its certificate, its filed tariff, or its filed time schedule. An interruption in service is normally short lived, lasting no more than a few hours or a few days.

"Leasing":

(a) **"Leasing authority"** means one auto transportation company allowing another person to operate all, or a portion, of the authority granted to the first company by the commission. A joint application to, and approval from, the commission is required to lease authority. See WAC 480-30-141.

(b) **"Leasing equipment"** means the act of a passenger transportation company to supplement its fleet by acquiring a vehicle(s) from a third party for a specified period of time under contract. See WAC 480-30-236.

"Motor vehicle" or **"vehicle"** means:

(a) As related to auto transportation companies: Every self-propelled vehicle used on the public highways, for the transportation of persons for compensation.

(b) As related to charter and excursion carriers: Every self-propelled vehicle with a manufacturer's seating capacity for eight or more passengers, including the driver, used on the public highways, for the transportation of persons for compensation.

"Named points" means cities, towns, or specific locations that are listed in an auto transportation company's certificate, tariff, or time schedule.

"Nonstop service" means transportation of passengers from point of origin to point of destination without stopping at any intermediate points.

"On-call service" means unscheduled auto transportation company service provided only to those passengers that have by prior arrangement requested service prior to boarding.

"Passenger facility" means a location at which an auto transportation company stations employees and at which passengers can purchase tickets or pay fares for transportation service.

"Passenger transportation company" means an auto transportation company or charter and excursion carrier.

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

"Premium service" means a type of service provided by an auto transportation company that is outside normal service. Examples include express service, direct route service, and nonstop door-to-door service.

"Private carrier" means a person who transports passengers 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.

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

"Public highway" means every street, road, or highway in this state.

"Public transit agency" means a municipal corporation or agency of state or local government formed under the laws of the state of Washington for the purpose of providing transportation services including, but not limited to, public transportation benefit areas, regional transit authorities, municipal transit authorities, city and county transit agencies.

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

"Route" means a highway or combination of highways over which an auto transportation company provides passenger service. There are two types of routes:

(a) **"Irregular route"** means travel between points named in an auto transportation company's certificate via any highway or combination of highways the company wishes to operate over. The certificate issued to the company does not list highways to be used, but the company defines routes in its tariffs and time schedules.

(b) **"Regular route"** means an auto transportation company providing passenger transportation over a route named in the certificate issued to the company by the commission.

"Scheduled service" means an auto transportation company providing passenger service at specified arrival and/or departure times at points on a route.

"Single contract" means an agreement between a charter carrier and a group of passengers to provide transportation services at a set price for the group or trip. Under a single contract, passengers are not charged individually.

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

"Special or promotional fares" means temporary fares for specific services offered for no more than ninety days.

"State" means the state of Washington.

"Subcontracting - auto transportation company" means that an auto transportation company holding authority from the commission contracts with a second auto transportation company to provide service that the original company has agreed to provide, but finds it is unable to provide. See WAC 480-30-166.

"Subcontracting - charter and excursion carrier" means that a charter and excursion carrier holding authority from the commission contracts with a second charter and excursion carrier to provide service that the original carrier has agreed to provide, but finds it is unable to provide.

"Substitute vehicle" means a vehicle used to replace a disabled vehicle for less than thirty days.

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

"Tariff" or **"tariff schedule"** means a document issued by an auto transportation company containing the services provided, the rates the company must assess its customers for those services, and the rules describing how the rates apply.

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

"Temporary certificate" means the certificate issued by the Washington utilities and transportation commission under RCW 81.68.046 to operate as an auto transportation company for up to one hundred eighty days or pending a decision on a parallel filed auto transportation company certificate application.

"Temporary certificate authority" means the territory and services granted by the commission and described in an auto transportation company's temporary certificate.

"Ticket agent agreements" means a signed agreement between an auto transportation company and a second party in which the second party agrees, for compensation, to sell tickets to passengers on behalf of the auto transportation company. See WAC 480-30-391.

"Time schedule" means a document filed as part of an auto transportation company's tariff, or as a separate document, that lists the routes operated by the company including the times and locations at which passengers may receive service and any rules specific to operating those routes.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-036, filed 6/8/06, effective 7/9/06.]

WAC 480-30-041 Change of address. A company must notify the commission in writing of any change in physical business address, business mailing address, business telephone number, fax number, or e-mail address. This notice must be filed by letter, fax, or e-mail within fifteen days following the change.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-041, filed 6/8/06, effective 7/9/06.]

WAC 480-30-046 Exemptions from rules in chapter 480-30 WAC. The commission may grant an exemption from the provisions of any rule in this chapter consistent with the standards and according to the procedures set forth in WAC 480-07-110 (Exceptions from and modification to the rules in this chapter; special rules).

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-046, filed 6/8/06, effective 7/9/06.]

WAC 480-30-051 Mapping, auto transportation company. (1) **Software and scale compatibility.** The commission uses geographic information system (GIS) software to track regulated public utility and transportation company operating territories. Auto transportation company maps must meet minimum standards to ensure that those maps are compatible with the commission's GIS mapping system. When required by this chapter to file a map, an auto transportation company must file that map in one of the methods described in (a) and (b) of this subsection.

(a) **Electronic maps.** An auto transportation 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.** An auto transportation company may file a paper map or combination of paper maps using:

(i) Official state highway maps or comparable highway maps;

(ii) United States Geological Survey (USGS) maps at a scale of 1:250,000;

(iii) United States Geological Survey (USGS) maps at a scale of 1:24,000, when necessary to clearly resolve any inconsistencies or to reflect local service territories.

(c) **Availability of maps.** USGS maps are available through the Washington state department of natural resources and various private vendors. The official state highway map is available from the Washington state department of transportation.

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

(a) Clearly show counties, cities, freeways, highways, roads, streets, county lines, and any other feature described in the application or 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 auto transportation certificate, the company's registered trade name, the identification number of the filing to which the map applies, and a contact name and phone number.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-051, filed 6/8/06, effective 7/9/06.]

WAC 480-30-056 Records retention, auto transportation company. (1) **General provisions.** An auto transportation company must keep all business records and reports for at least three years following the date those documents are created unless otherwise specified in subsection (2) of this section or unless a longer retention period is required by another governmental body.

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

Type of Record:	Retention Period:
1. **Original certificate**	Until cancellation.
2. **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.
3. **Long-term debt records:** Bond indentures, underwritings, mortgages, and other long-term credit agreements	Until redemption plus three years.
4. **General and subsidiary ledgers and indexes**	Until discontinuance of use plus three years.
5. **General journals**	Until discontinuance of use plus three years.
6. **General cash books**	Until discontinuance of use plus three years.

(3) **Customer service records.** An auto transportation company must maintain complete and accurate customer service records.

(a) Company service records include, but are not limited to:

(i) Daily trip records, by route or by unit of equipment, that show:

(A) The schedules operated;

(B) The number of passengers carried on each schedule;

(C) The point each passenger boarded and disembarked from the vehicle;

(D) The fare charged each customer (for example full-fare, children's fare, round-trip fare, free or reduced fare);

(E) Any condition causing the vehicle to deviate from the company's filed time schedule by more than thirty minutes. For example, traffic backed up at an accident site, inclement weather, or equipment failure.

(ii) Records of revenues received.

(iii) Bills or invoices issued.

(iv) Records of all reservations.

(v) Records of all tickets issued.

(vi) Records of all passenger service provided at free and/or reduced rates.

(b) Customer service records must be kept on file in the general office of the company for at least three years and are subject to commission inspection.

(c) Customer service records must be kept in chronological, numerical, or service route order.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-056, filed 6/8/06, effective 7/9/06.]

WAC 480-30-061 Express freight, property transportation. (1) 49 U.S.C. § 14501 preempts state regulation of the routes, rates, and services of property carriers transporting general commodities, other than residential household goods. This preemption includes passenger transportation companies transporting property even if that property is being transported in the same vehicle as passengers.

(2) A passenger transportation company operating under the provisions of this chapter may transport property in the same motor vehicles that it uses to transport passengers without any additional authority or permits from this commission.

(3) When transporting property in a motor vehicle with passengers, the company must ensure that property may be safely and conveniently carried without causing discomfort to the passengers and that it is of an amount that does not disturb the convenience, speed and other essential qualities of the passenger service.

(4) If a passenger transportation company transports property in motor vehicles other than those used to transport passengers under this chapter, then the company must ensure that its operations comply with the motor freight carrier requirements, including permits, insurance, driver, and equipment safety provisions established for property carriers under chapters 81.80 RCW and 480-14 WAC.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-061, filed 6/8/06, effective 7/9/06.]

PART 2—ACCOUNTING REQUIREMENTS, REPORTING REQUIREMENTS AND REGULATORY FEES

WAC 480-30-066 Accounting requirements, auto transportation company. (1) The commission publishes a uniform system of accounts (USOA) for auto transportation 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 according to 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 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-066, filed 6/8/06, effective 7/9/06.]

WAC 480-30-071 Reporting requirements. (1) **Auto transportation company annual reports.** An annual report is an end-of-the-year summary of financial and operational activity that each regulated auto transportation 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 obtain 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) **Charter and excursion carrier annual safety reports.** An annual safety report is a summary of motor vehicle and safety operating information that each charter and excursion carrier is required to file with the commission.

(a) Each year the commission provides an annual safety 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 safety report. A company that does not receive an annual safety

report form must contact the commission to obtain a copy of the form.

(b) A company must file a complete, accurate annual safety report showing all requested information by December 31 of each year. Information provided on the annual safety 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 safety report after the December 31 due date if the commission receives a request for extension before December 31.

(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 safety report.

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

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-071, filed 6/8/06, effective 7/9/06.]

WAC 480-30-076 Regulatory fees. A regulatory fee is an annual assessment paid by each company to cover the costs of regulation.

(1) **Auto transportation company regulatory fees.** The maximum auto transportation company regulatory fee is set by statute at two-fifths of one percent of gross intrastate operating revenue.

(a) The maximum regulatory fee is assessed each year, unless the commission issues an order establishing the regulatory fee at an amount less than the statutory maximum.

(b) The minimum fee that an auto transportation company must pay is twenty dollars.

(c) The twenty dollar minimum regulatory fee is waived for any auto transportation company with less than five thousand dollars in gross intrastate operating revenue.

(d) Each auto transportation company must pay its regulatory fee by May 1 of each year.

(2) **Charter and excursion carrier regulatory fees.** The charter and excursion carrier regulatory fee is established by commission order.

(a) The minimum fee a charter and excursion carrier must pay is the amount established for a single vehicle.

(b) Each charter and excursion carrier must pay its regulatory fee on or before December 31 of each year to cover the ensuing year beginning February 1.

(3) **Extension of time to pay regulatory fees.** The commission cannot grant extensions for payment of regulatory fees.

(4) **Penalties for late fees.** If a company does not pay its regulatory fee by the due date established in this rule, 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 take action to suspend or cancel a certificate, if a company fails to pay its regulatory fee.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-076, filed 6/8/06, effective 7/9/06.]

WAC 480-30-081 Motor vehicle fund, auto transportation company. (1) In addition to regulatory fees, each auto transportation company must pay mileage fees on each vehicle it operates with a seating capacity over six passengers. RCW 46.16.125 establishes the following mileage fees:

(a) Fifteen cents for each one hundred vehicle miles; or

(b) Twenty cents for each one hundred vehicle miles if the vehicle is propelled by steam, electricity, natural gas, diesel oil, butane, or propane.

(2) The commission transmits mileage fees collected under the provisions of RCW 46.16.125 to the state treasurer to be deposited in the motor vehicle fund.

(3) If a company fails to pay the mileage fees, the company is subject to a penalty of one hundred percent of the payment due.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-081, filed 6/8/06, effective 7/9/06.]

PART 3—CERTIFICATES

WAC 480-30-086 Certificates, general. (1) **Certificate required.** A person must have a certificate from the commission before operating as a passenger transportation 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, a registered trade name, or both. The term "operations" includes, but is not limited to advertising, ticketing, and identifying vehicles.

(c) A company may not operate under a company name or trade name that is similar to that of another company if use of the similar name misleads the public or results in unfair or destructive competitive practices.

(3) **Display.** A company must keep its original certificate on file at its principal place of business open to inspection by any customer, law enforcement officer, or 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 certificate authority includes boundaries such as cities, towns, streets, avenues, roads, highways, townships, ranges or other descriptions, the boundaries remain established 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 take administrative action against a company operating outside its certificated authority. Refer to WAC 480-30-241 for information regarding the commission's compliance policy.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-086, filed 6/8/06, effective 7/9/06.]

WAC 480-30-091 Certificates, application fees. (1) The purpose of an application filing fee is to partially cover handling and processing expenses.

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

Auto transportation company certificate application Application for certificate to provide regular route or fixed termini service. Forms include: Application for new certificate, to reinstate a previously canceled certificate, to transfer all or a portion of a certificate to a new owner or business structure, to lease all or a portion of a certificate. Note: Auto transportation company certificates include statewide charter and excursion carrier service. No additional application is required.	$200
Auto transportation company certificate extension application Application for extension of certificate authority to add new or additional regular route or fixed termini service to an existing auto transportation certificate.	$150
Auto transportation company temporary certificate application Application for new temporary authority or temporary authority to operate pending a commission decision on a parallel filed certificate application.	$150
Charter and excursion carrier certificate application Application for single certificate to provide both charter and excursion carrier service statewide. Forms include: Application for new certificate, to reinstate a previously canceled certificate, to transfer an existing certificate to a new owner or business structure.	$200
Certificate name change application Application to change a company's corporate name, change a trade name, add a new trade name, or change the surname of an individual owner or partner.	$35
Auto transportation company certificate mortgage application Application for permission to mortgage or otherwise encumber an auto transportation company certificate.	$35

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-091, filed 6/8/06, effective 7/9/06.]

WAC 480-30-096 Certificates, application filings, general. (1) A company must submit its certificate application 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, fines, or penalties; or

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

(3) Applications for auto transportation certificate authority must include, but are not limited to:

(a) A complete description of the proposed service including the line, route, or service territory described in terms such as streets, avenues, roads, highways, townships, ranges, cities, towns, counties, or other geographic descriptions;

(b) A map of the proposed line, route, or service territory that meets the standards described in WAC 480-30-051;

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

(d) A proposed tariff and time schedule;

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

(f) Ridership and revenue forecasts for the first twelve months of operation;

(g) A pro forma balance sheet and income statement for first twelve months of operation;

(h) A list of equipment to be used in providing the proposed service; and

(i) A statement of the applicant's prior experience and familiarity with the statutes and rules that govern the operations it proposes.

(4) The provisions of this rule do not apply to applications for auto transportation company certificate authority to provide intrastate service over an interstate regular route under a federal grant of authority. Refer to WAC 480-30-101.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-096, filed 6/8/06, effective 7/9/06.]

WAC 480-30-101 Certificates, federal grant of authority, auto transportation company. (1) This rule governs applications for auto transportation company certificates for authority to provide intrastate regular route service under a federal grant of authority under the provisions of 49 U.S.C. § 13902.

(2) A company operating under a federal grant of authority must comply with state filing requirements no later than thirty days after the date the company first begins providing transportation entirely within the state.

(3) The commission will grant an auto transportation company application for certificate consistent with the federal grant of authority and limited to intrastate operations that are conducted together with regularly scheduled interstate operations on the same route.

(a) An application for a certificate filed under the provisions of this rule must be submitted on forms provided by the commission and accompanied by the required auto transportation company certificate application filing fee in WAC 480-30-091.

(b) A copy of the federal order granting authority and any other documents or correspondence relevant to the federal grant of authority must accompany the application.

(c) The application may be published on the commission's application docket for informational purposes only, but is not subject to protest by any party.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-101, filed 6/8/06, effective 7/9/06.]

WAC 480-30-106 Certificates, acquisition of control. (1) **Notice required.** Any person acquiring control of a passenger transportation 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, fax 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 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-106, filed 6/8/06, effective 7/9/06.]

WAC 480-30-111 Certificates, starting service. (1) Filing an application under WAC 480-30-096 does not authorize the applicant to start operations of the type requested or in the territory described in the application. The commission must grant the application and issue a certificate before a company may start the requested service.

(2) This rule does not apply to applications for auto transportation company certificates under a preemptive federal grant of authority to provide intrastate service over an interstate route.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-111, filed 6/8/06, effective 7/9/06.]

WAC 480-30-116 Certificates, application docket, protests, and intervention, auto transportation company. (1) **Application docket.** The commission publishes a notice of pending certificate applications in the application docket. The commission mails the application docket to each existing auto transportation company certificate holder, to each person with a pending auto transportation company certificate application, to affected local jurisdictions or agencies, and to any other interested person who has asked to receive copies of the application docket. It includes notice of auto transportation company certificate applications for:

(a) New certificate authority.

(b) Extension of existing certificate authority.

(c) Transfer or lease of all or a portion of certificate authority.

(2) **Protests.** An existing auto transportation company certificate holder may file a protest to an application published in the application docket.

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

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

(ii) Be filed according to the provisions of WAC 480-07-370.

(iii) Be served on the applicant and the applicant's attorney, if one is identified in the application docket.

(iv) Specify the reasons for the protest.

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

(vi) Specify the approximate number of witnesses the protestant intends to present and an estimate of hearing time required for the protestant's presentation;

(vii) Include the name and address of each person on whose behalf the protest is filed including that person's certificate number, a copy of the certificate authority, and identification of the portion or portions of the protestant's certificate that is the basis for the protest.

(viii) Describe any restrictive amendment that could eliminate the protestant's interest in the application.

(b) **Failure to file protest on time.** A person who fails to file a protest 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, or that good cause exists for the failure to make a timely protest.

(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 to be an intervener. Refer to WAC 480-07-355 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 for charter and excursion carrier certificates;

(b) Applications to reinstate a certificate canceled for cause under the provisions of WAC 480-30-181, when the application is filed within thirty days of the certificate cancellation date;

(c) Applications for name change;

(d) Applications to mortgage an auto transportation company certificate;

(e) Applications for an auto transportation company certificate under a federal grant of authority to provide intrastate service over an interstate route; and

(f) Applications for temporary certificate authority.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-116, filed 6/8/06, effective 7/9/06.]

WAC 480-30-121 Certificates, applications, charter and excursion carrier. (1) A person applying for a certificate to provide charter and excursion carrier services must be fit, willing, and able to provide service and to comply with state law and the safety and insurance requirements of this chapter.

(2) The commission will issue to any qualified applicant a certificate to provide charter and excursion carrier services in Washington upon receipt of:

(a) A complete application filing as required by WAC 480-30-096;

(b) Proof of insurance as required by WAC 480-30-191; and

(c) Proof of a passing Commercial Vehicle Safety Alliance (CVSA) safety inspection of each motor vehicle to be operated by the applicant under its certificate.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-121, filed 6/8/06, effective 7/9/06.]

WAC 480-30-126 Certificates, applications, auto transportation company. (1) A person applying for a certificate to provide auto transportation company services must have the knowledge, experience, and resources to conduct the service it proposes in its application. The applicant must be fit, willing and able to comply with state law and the requirements of this chapter.

(2) The commission must determine that the public convenience and necessity requires the proposed service when considering an application for a new certificate or extension of an existing certificate.

(3) Auto transportation company certificate applications are subject to the application docket notice and protest provisions of WAC 480-30-116.

(4) The commission may set for hearing any auto transportation company certificate application.

(5) The commission must provide the opportunity for a hearing and determine that an existing auto transportation company is not providing service to the satisfaction of the commission before it may grant a new certificate or extension of an existing certificate to provide service in a territory already served by another auto transportation company, unless the existing auto transportation company or companies do not object to the application by filing a protest under the provisions of WAC 480-30-116.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-126, filed 6/8/06, effective 7/9/06.]

WAC 480-30-131 Certificates, overlapping applications, auto transportation company. (1) The commission may consolidate applications for certificated auto transportation 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 date the initial application appears on the application docket.

(2) Applications for overlapping authority not filed within thirty days after the initial application appears on the application docket 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 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-131, filed 6/8/06, effective 7/9/06.]

WAC 480-30-136 Certificates, application hearings, auto transportation company. (1) Auto transportation company certificate application hearings are governed by the provisions of chapter 480-07 WAC.

(2) When an application has been protested, the commission will generally not consider written statements from witnesses that have not been available for cross examination at hearing.

(3) An applicant must be prepared to present information at hearing, through documents or the testimony of witnesses, including but not limited to, the following:

(a) A description of the service proposed and the cost of that service for the area to be served;

(b) An estimate of the cost of the facilities to be used in providing the proposed service;

(c) The condition of the applicant's equipment and the applicant's program for maintenance and repair;

(d) A statement of the assets available to the applicant that will be used to provide the proposed service;

(e) Prior experience, if any;

(f) Familiarity with the statutes and rules that govern the proposed operations;

(g) The public need for the proposed service.

(i) The commission will not accept as support an applicant's own statements that its proposed service is needed by the public.

(ii) The applicant must support its application with independent witnesses who actually require the service or are knowledgeable about the need for service in the territory in which the applicant seeks authority.

(4) If an applicant requests a certificate or extension of certificate to operate in a territory already served by another certificate holder, the applicant must also show that the existing transportation company or companies will not provide service in that territory to the satisfaction of the commission.

(5) When determining if the territory at issue is already served by another certificate holder the commission may, among other things consider:

(a) The authority of existing companies and whether or not they are serving to the full extent of that authority.

(b) The kinds, means, and methods of service provided.

(c) Whether the type of service provided reasonably serves the market.

(d) Whether the population density warrants additional facilities or transportation.

(e) The topography, character, and condition of the territory into which the proposed services are to be introduced, and the proposed territory's relation to the nearest territory through which transportation service is already provided.

(f) Whether a grant of the requested authority and the resulting increased competition will benefit the public.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-136, filed 6/8/06, effective 7/9/06.]

WAC 480-30-141 Certificates, sale, lease, assignment, transfer or mortgage, auto transportation company. (1) The commission must approve any sale, assignment, lease, transfer, or mortgage of a company's certificate, or any portion of the operating authority described in a company's auto transportation company certificate.

(2) To obtain commission approval for sale, assignment, lease, transfer, or mortgage, the parties to the transaction must jointly file an auto transportation company certificate application with the commission under the provisions of WAC 480-30-096.

(3) The provisions of this rule do not apply to change in ownership resulting from an acquisition of control of a corporation through stock sale or purchase. Refer to WAC 480-30-106.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-141, filed 6/8/06, effective 7/9/06.]

WAC 480-30-146 Certificates, name change. (1) A company must file a name change application under the provisions of WAC 480-30-096 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) Copies of any corporate minutes or other legal documents authorizing the name change; and

(b) 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 the company must file an application to transfer the certificate according to the provisions of WAC 480-30-141.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-146, filed 6/8/06, effective 7/9/06.]

WAC 480-30-151 Certificates, refiling application prohibited, auto transportation company. A person whose application for auto transportation company authority has been denied after hearing, 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 or denying the application.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-151, filed 6/8/06, effective 7/9/06.]

WAC 480-30-156 Certificates, temporary, auto transportation company. (1) **Temporary certificates prohibited.** The commission is prohibited from granting a temporary certificate to operate in territory that is:

(a) Contained in an existing certificate, unless the existing certificate holder is not providing service or does not object to the temporary certificate.

(b) Contained in a pending certificate application unless the temporary certificate application filing is made by the applicant or the applicant does not object to the temporary certificate.

(2) **Requirements.** Temporary certificate applications must meet the general filing requirements of WAC 480-30-096.

(3) **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 need for the requested service.

(c) Availability of existing service.

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

(4) **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.

(5) **Investigation of applications.** Commission staff will investigate the facts surrounding an application and need for the proposed service before making a recommendation that the commission grant or deny an application for temporary certificate. The staff investigation will include notice of the temporary certificate application to those companies identified in subsection (1) of this section, and allow twenty days for those companies to object to the temporary certificate application.

(6) **Special terms, conditions, and limitations.** The commission may impose special terms, conditions, and limitations in connection with the grant of any temporary certificate.

(7) **Length of service allowed under temporary certificate.** The commission may grant a temporary certificate for up to one hundred eighty days. If a company files an auto transportation company certificate application and a temporary certificate application within thirty days of each other or files an auto transportation company certificate application within thirty days of the order granting the temporary certificate, then the temporary certificate will continue until the commission grants, denies, or dismisses the parallel certificate application, or until the temporary certificate is otherwise canceled, whichever happens first.

(8) **Docketing.** The commission will publish on its application docket:

(a) A list of temporary certificate applications that the commission considered and granted, including any terms and conditions attached to the grant of such authorities; and

(b) A list of temporary certificate applications the commission considered and denied.

(9) **Protests.** An existing auto transportation company or applicant for certificate may file a protest opposing the grant or denial of a temporary certificate.

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

(a) Be filed with the commission in writing within ten days after the date the commission mails its notice;

(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.

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

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

(13) **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 to be an intervener. Refer to chapter 480-07 WAC for information on intervention.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-156, filed 6/8/06, effective 7/9/06.]

WAC 480-30-161 Certificates, notice of purchase or condemnation, auto transportation. (1) An auto transportation company must notify the commission in writing within thirty days of a public transit agency purchasing or condemning all or a portion of the company's certificated authority.

(2) Notice must include a cover letter identifying the company, the affected authority, and a copy of the document such as an ordinance, resolution, franchise, contract, or court order that results in the purchase or condemnation of the certificated authority.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-161, filed 6/8/06, effective 7/9/06.]

WAC 480-30-166 Certificates, service agreements, auto transportation company. (1) An auto transportation company may enter into an agreement to allow another certificated auto transportation company to operate in the first company's territory or over its route(s) when the first company:

(a) Holds exclusive authority in the territory or over the route(s) to be served; and

(b) Lacks suitable equipment to adequately serve its route(s) or customers, or is unable to provide service on a temporary basis due to situations such as, but not limited to, road closures 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 charge customers for service provided by the second company at rates 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 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-166, filed 6/8/06, effective 7/9/06.]

WAC 480-30-171 Certificates, suspending and canceling. (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 passenger transportation 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 an auto transportation company's filed tariff;

(d) Failure to comply with an auto transportation company's filed time schedule;

(e) Failure or refusal to comply with operating standards that protect the public health, safety, or welfare;

(f) Allowing others to operate under a provider's certificated authority without having first obtained commission approval;

(g) Operating in a manner that violates the rights of customers and/or constitutes an unfair or deceptive business practice; or

(h) Repeated failure or refusal to comply with laws and rules pertaining to operations of passenger transportation companies.

(2) **Cause for cancellation.** 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 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 laws and rules affecting the public health, safety, or welfare when the commission has reason to believe the passenger transportation company will not comply with those laws and rules following a specified period of suspension;

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

(f) Submission of false, misleading or inaccurate information.

(3) **Notice of pending suspension and cancellation.** When the commission believes cause exists to suspend or cancel a certificate, it will issue a notice to the passenger transportation company of the commission's intention to suspend or cancel the authority.

(4) **Contest of suspension and cancellation.** A passenger transportation company may contest the pending suspension and/or cancellation of its certificate by requesting a hearing or brief adjudicative proceeding within ten days following the date of the notice.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-171, filed 6/8/06, effective 7/9/06.]

WAC 480-30-181 Certificates, reinstatement. (1) The commission may reinstate a certificate canceled for cause under the provisions of WAC 480-30-171 if the company:

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

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

(2) The commission may reinstate a certificate suspended under the provisions of WAC 480-30-171 if the company satisfies the terms of the suspension and all conditions leading to the suspension are corrected.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-181, filed 6/8/06, effective 7/9/06.]

WAC 480-30-186 Certificates, service interruptions or discontinued operations, auto transportation company. (1) **Interruptions in service.**

(a) An auto transportation company must file a written report with the commission and must post appropriate public notice of any interruption in regular service that is likely to continue for more than twenty-four hours.

(i) The written report must contain a full description of the cause for the interruption.

(ii) The written report and notice to the public must state the anticipated duration of the interruption.

(iii) Notice to the commission may be made via regular mail, by fax, or by e-mail.

(b) If an auto transportation company fails to notify the commission of any interruption in service that lasts five or more consecutive days, the commission will consider that the company has forfeited its certificate rights and the commission may institute administrative action to cancel the company's certificate of public convenience and necessity. Exception: The commission may allow resumption of operations after an interruption lasting five or more days if the auto transportation company can show that it was not responsible for the failure to provide service and that failure to notify the commission resulted from conditions outside the control of the company.

(2) **Discontinuance of service.** An auto transportation company must not temporarily or permanently discontinue operations authorized under its certificate without prior approval from the commission.

(a) A company requesting commission approval to discontinue operations must give at least thirty days' written notice to its customers, officials of cities and counties where affected passengers reside, and the commission.

(b) The auto transportation company must file a written request with the commission for approval to discontinue operations. The written request for commission approval must contain at least the following:

(i) The name, telephone number, mailing address, fax number (if any) and e-mail address (if any) of a contact person;

(ii) An explanation of the company's reasons for requesting approval to discontinue operations;

(iii) An explanation of consequences for the company if the commission does not approve the request to discontinue operations;

(iv) A statement of the number of passengers, by class of service provided, who will lose service if the commission approves the discontinuance of operations;

(v) An explanation of options available to the customers who will lose service; and

(vi) If the request is for approval to temporarily discontinue service, the written request must contain a statement declaring the date by which the company will return to service.

(c) Upon receipt of a request to discontinue operations, the commission will assign a docket number to the filing and will act on the request under the commission's normal open meeting process.

(i) In considering the request for approval to discontinue operations, the commission may consider the information required in this section, in addition to other information it deems necessary on a case-by-case basis.

(ii) The commission may attach conditions to any grant of discontinuance of operations that it deems necessary to protect the rights and interests of the public.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-186, filed 6/8/06, effective 7/9/06.]

PART 4—INSURANCE

WAC 480-30-191 Bodily injury and property damage liability insurance. (1) **Insurance coverage.** A company must have bodily injury and property damage liability 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 480-30-171.

(2) **Insurance limits.** The minimum limits of required bodily injury and property damage liability insurance for motor vehicles operated by companies are:

Motor vehicles that:	Must have bodily injury and property damage insurance or surety bond with the following minimum limits:
Have a passenger seating capacity of fifteen or less (including the driver)	$1,500,000 combined single limit coverage
Have a passenger seating capacity of sixteen or more (including the driver)	$5,000,000 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 to operate as a passenger transportation company.

(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;

(vi) The insurance limits of coverage; and

(vii) The agent's or other insurance representative's signature.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-191, filed 6/8/06, effective 7/9/06.]

WAC 480-30-196 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 certificate application or withhold issuance of a certificate;

(2) Suspend or cancel a company's certificate under the provisions of WAC 480-30-171.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-196, filed 6/8/06, effective 7/9/06.]

WAC 480-30-201 Self-insurance. (1) A company conducting interstate passenger transportation services that has qualified as a self-insurer under 49 U.S.C. § 13906 may be exempt from the bodily injury and property damage liability insurance filing provisions under these rules, provided the company files with the commission:

(a) A certified copy of the order issued by the Federal Motor Carrier Safety Administration showing that the company has qualified as a self-insurer;

(b) A certified statement that the company is operating under that self-insuring authority; and

(c) A certified statement that the self-insuring authority granted by the Federal Motor Carrier Safety Administration is in full force and effect.

(2) Upon the effective date of an order by the Federal Motor Carrier Safety Administration canceling a company's rights to act as a self-insurer, that company must file with the commission proper bodily injury and property damage liability insurance or surety bond as required by WAC 480-30-191.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-201, filed 6/8/06, effective 7/9/06.]

PART 5—EQUIPMENT AND DRIVERS

WAC 480-30-206 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 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-206, filed 6/8/06, effective 7/9/06.]

WAC 480-30-211 Commercial vehicle defined. Unless otherwise stated, for the purposes of the rules in Part 5—Equipment and Drivers, "commercial motor vehicle" means any motor vehicle used by an auto transportation company or charter and excursion carrier to provide passenger transportation services over the public highways of Washington state.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-211, filed 6/8/06, effective 7/9/06.]

WAC 480-30-213 Vehicles and drivers. (1) The vehicles operated by a passenger transportation company must be owned by or leased to the certificate holder.

(2) The driver of a vehicle operated by a passenger transportation company must be the certificate holder or an employee of the certificate holder.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-213, filed 6/8/06, effective 7/9/06.]

WAC 480-30-216 Operation of motor vehicles, general. (1) **Discrimination prohibited.** No company operating motor vehicles under the provisions of this chapter will operate a vehicle in intrastate commerce on which the seating of passengers is based on race, color, creed, or national origin.

(2) **Inspection of baggage and other materials passengers wish to be carried in or on a motor vehicle.** Auto transportation companies are responsible for the safety and comfort of all passengers transported. To ensure the safety and comfort of passengers and employees it may be necessary for companies to inspect baggage and other materials to be transported in or on motor vehicles.

(a) Companies must include in their filed tariffs, in information provided to passengers, and on their tickets, information that advises passengers that all baggage and other materials to be carried in or on a motor vehicle is subject to inspection by the company.

(b) The information required by (a) of this subsection must include a list of examples of materials that will not be accepted for transportation. Examples may include, but are not limited to, the following items:

(i) Articles whose transportation as baggage are prohibited by law or regulation;

(ii) Fragile or perishable articles;

(iii) Articles whose dimensions exceed the size limitations in the company's filed tariff;

(iv) Packages, bags, or parcels that are leaking;

(v) Firearms;

(vi) Articles that have foul and obnoxious odors; or

(vii) Items that cause annoyance, discomfort, or harm to persons or property.

(3) **Service requirement.**

(a) An auto transportation company is a public service company with an obligation to provide service to the satisfaction of the commission to all customers within its certificated authority.

(b) Except to the extent allowed by WAC 480-30-451, no driver or operator of a motor vehicle used in the transportation of passengers by an auto transportation company shall refuse to carry any person presenting him or herself at a regular stopping place who tenders the appropriate fare. Exception: Companies limiting operations to passengers with prior reservations are not subject to this provision.

(4) **Passenger loading capacity.** No motor vehicle used in the transportation of passengers will carry more passengers than can be carried safely. In no case will a motor vehicle transport more than one hundred fifty percent of its rated seating capacity.

(5) **Standing passengers.** No passenger will 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 properly equipped, no passenger will be permitted to stand for a distance exceeding thirty-five miles.

(6) **Reserve equipment.** All auto transportation companies must maintain sufficient reserve equipment to insure the reasonable operation of established routes and fixed time schedules.

(7) **Smoking on motor vehicles.**

(a) Smoking or carrying lit cigars, cigarettes, or other smoking materials is prohibited on vehicles operated by auto transportation companies.

(b) Each auto transportation company must post signs in its vehicles informing passengers that smoking is not permitted.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-216, filed 6/8/06, effective 7/9/06.]

WAC 480-30-221 Vehicle and driver safety requirements. (1) Companies must comply with all state and local laws and rules governing licensing, vehicle safety, and driver safety. Companies must also comply with the parts of Title 49, Code of Federal Regulations (49 CFR), adopted by reference, that are shown in the following chart. Information about 49 CFR, including the version adopted by the commission and where to obtain copies is set out in WAC 480-30-999.

49 CFR Part:		Notes:
Part 40 -	Procedures For Transportation Workplace Drug and Alcohol Testing Programs	Entire Part 40 is adopted and applies to Washington intrastate operations.
Part 382 -	Controlled Substance and Alcohol Use and Testing	Entire Part 382, including definition of commercial motor vehicle, is adopted and applies to Washington intrastate operations.
Part 383 -	Commercial Driver's License Standards; Requirements and Penalties	Entire Part 383, including definition of commercial motor vehicle, is adopted and applies to Washington intrastate operations.
Part 390 -	Safety Regulations, General	Entire Part 390 is adopted and applies to Washington intrastate operations, with the following exceptions: (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 have the meanings assigned to them in WAC 480-30-036 (Motor vehicle and private vehicle) and WAC 480-30-211 (Commercial motor vehicle). (2) Whenever the term "director" is used in Title 49 CFR, it means the commission.
Part 391 -	Qualification of Drivers	Entire Part 391 is adopted and applies to Washington intrastate operations, with the following exceptions: (1) Part 391.49 (alternative physical qualification standards for the loss or impairment of limbs) is not adopted for drivers who operate vehicles exclusively within Washington state. Instead refer to WAC 480-30-226 for intrastate medical waivers.

49 CFR Part:		Notes:
Part 392 -	Driving of Motor Vehicles	Entire Part 392 is adopted and applies to Washington intrastate operations.
Part 393 -	Parts and Accessories Necessary for Safe Operation	Entire Part 393 is adopted and applies to Washington intrastate operations.
Part 395 -	Hours of Service of Drivers	Entire Part 395 is adopted and applies to Washington intrastate operations.
Part 396 -	Inspection, Repair, and Maintenance	Entire Part 396 is adopted and applies to Washington intrastate operations.
Part 397 -	Transportation of Hazardous Materials, Driving and Parking Rules	Entire Part 397 is adopted and applies to Washington intrastate operations.

(2) Companies must:

(a) Maintain all motor vehicles in a safe and sanitary condition; and

(b) Ensure that vehicles are free of defects likely to result in an accident or breakdown.

(3) No company, its agents, officers, or employees, will allow any article, commodity, or substance to be loaded in or on any motor vehicle used by the company to transport passengers that is dangerous to the lives and safety of passengers.

(4) No company, its agents, officers, or employees will allow any article, commodity, or substance to be loaded in or on any motor vehicle used by the company to transport passengers that is prohibited by the hazardous materials rules in Title 49 CFR from being transported on passenger-carrying vehicles.

(5) All motor vehicles operated under the provisions of this chapter are at all times subject to inspection by the commission or its duly authorized representatives.

(6) 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* including the version adopted and where to obtain copies is set out in WAC 480-30-999. A company must not operate any vehicle placed out-of-service until proper repairs have been completed.

(7) 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 the conditions causing the driver to be placed out-of-service have been corrected.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-221, filed 6/8/06, effective 7/9/06.]

WAC 480-30-226 Intrastate medical waivers. (1) **Department of licensing intrastate medical waiver.** A passenger transportation company may employ a driver that is not physically qualified to drive a commercial motor vehicle under Title 49 CFR Part 391.41, if the driver:

(a) Only operates motor vehicles intrastate, wholly within the state of Washington; and

(b) Has obtained from the Washington state department of licensing an intrastate medical waiver to drive a commercial motor vehicle.

For the purposes of a department of licensing medical waiver, a commercial motor vehicle means a motor vehicle:

(i) With a gross vehicle weight rating over 26,000 lbs.;

(ii) Transporting sixteen or more passengers, including the driver; or

(iii) With a manufacturer's seating capacity of sixteen or more passengers, including the driver.

(2) **Doctor's statement of intrastate medical waiver.** A passenger transportation company may employ a driver that is not physically qualified to drive a commercial motor vehicle under Title 49 CFR Part 391.41, if the driver:

(a) Holds a valid Washington state driver's license;

(b) Has received a doctor's statement that:

(i) The driver's medical condition is not likely to interfere with the driver's ability to safely operate a commercial motor vehicle; and

(ii) The doctor's opinion is that the driver's condition is likely to remain stable for the two years that the medical certificate is valid.

(c) Operates commercial motor vehicles intrastate wholly within the state of Washington. For the purposes of a doctor's statement of intrastate medical waiver, a commercial motor vehicle means a motor vehicle:

(i) With a gross vehicle weight rating under 26,001 lbs.,

(ii) Transporting fifteen or fewer passengers, including the driver, or

(iii) With a manufacturer's seating capacity of fifteen or fewer passengers, including the driver.

(3) **Driver qualification files.** A passenger transportation company that employs a driver under an intrastate medical waiver must maintain in the driver's qualification file a copy of the doctor's statement of intrastate medical waiver.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-226, filed 6/8/06, effective 7/9/06.]

WAC 480-30-231 Vehicle and driver identification. (1) A company must ensure that all motor vehicles operated in the transportation of passengers are properly identified.

(a) Each motor vehicle must display the certificate holder's name (or registered trade name) and certificate number on each side of the vehicle. A company with both intrastate and interstate operations may display its U.S. Department of Transportation identification number in addition to, or in place of, its commission-issued certificate number.

(b) Each motor vehicle operated in regular route service with scheduled stops must display a suitable destination sign.

(c) Each motor vehicle operated in transportation of passengers must display on the vehicle a company identification or unit number.

(d) All identifications must be clearly legible, conspicuous, and of a size that is easily readable.

(e) All identifications, except those displayed on leased or substitute vehicles, must be permanent.

(2) An auto transportation company must ensure that all drivers operating motor vehicles in the transportation of passengers are properly identified. Identification may include, but is not limited to, an identification badge or a uniform with a name tag identifying the driver by name or number.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-231, filed 6/8/06, effective 7/9/06.]

WAC 480-30-236 Leasing vehicles. (1) A passenger transportation 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, unless the vehicle's registration names the certificate holder as registered owner or lessee.

(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 at all times during the period of the lease;

(e) The leased motor vehicle is properly insured as specified in WAC 480-30-191;

(f) The leased vehicle is properly identified as specified in WAC 480-30-231;

(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. These requirements do not apply to substitute vehicles or vehicles leased without drivers from a person principally engaged in the business of leasing vehicles.

Sample lease form.

EQUIPMENT LEASE AGREEMENT
A copy of this lease must be carried in the leased vehicle
unless the vehicle's registration names the certificate holder as registered owner or lessee.
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):		Certificate number:
Name and address of party from whom the vehicle is being leased (lessor):		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 prior to 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 indication whether the lessee or
lessor is responsible for the listed expenses.

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:

- have complete possession, control and use of the vehicle at all times during the lease period
- be in complete control of all certificate operations
- provide bodily injury and property damage liability insurance
- ensure that the driver of the leased vehicle is an employee of the lessee
- ensure that the vehicle is properly identified
- comply with all safety regulations
- bill and collect proper tariff rates

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.

Lessee Signature/Title_____ date signed_____

Lessor Signature/Title_____ date signed_____

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-236, filed 6/8/06, effective 7/9/06.]

PART 6—COMPLIANCE

WAC 480-30-241 Commission compliance policy. (1) The commission is authorized to administer and enforce laws and rules relating to passenger transportation companies. The commission may delegate authority to the commission staff to inspect equipment, drivers, records, files, accounts, books, and documents. The commission may also delegate to its staff authority to place vehicles and drivers out-of-service and to arrest without warrant, or issue citations to any person found violating this chapter in the presence of its staff as provided under RCW 81.04.460.

(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 and billing practices of auto transportation companies;

(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 may 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 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-241, filed 6/8/06, effective 7/9/06.]

WAC 480-30-246 Sanctions for operating without a valid certificate. (1) **Operating without a certificate.**

(a) If a representative of the commission or other law enforcement agency observes a company operating as a passenger transportation company without a certificate from the commission, that company is subject to a gross misdemeanor citation, for which the company must appear in court.

(b) If the commission receives information that a company is operating as a passenger transportation company 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 company and provide education and technical assistance concerning applicable regulations. This includes giving the company a copy of the applicable laws, rules, and certificate application forms.

(c) If the company continues to operate without a certificate after commission education and technical assistance is offered, the commission may begin an administrative proceeding to classify the company as a regulated company under RCW 81.04.510. If, as a result of that proceeding, the commission formally classifies the company as an auto transportation company or a charter and excursion carrier operating without the required certificate, the commission will issue a cease and desist order under 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 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-246, filed 6/8/06, effective 7/9/06.]

PART 7—TARIFFS, TIME SCHEDULES, RATES, AND RATE FILINGS

WAC 480-30-251 Charter and excursion carriers not subject to provisions of Part 7. The rules in Part 7 of this chapter relating to tariffs, time schedules, rates, and rate filings apply only to auto transportation companies. Charter and excursion carriers are not subject to the provisions of this part.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-251, filed 6/8/06, effective 7/9/06.]

WAC 480-30-256 Tariffs and time schedules, federal preemption. (1) The commission interprets the provisions of 49 U.S.C. § 14501 as preempting the requirements of state laws and regulations relating to intrastate fares for the transportation of passengers by an interstate motor carrier of passengers operating over a regular route authorized by the Federal Motor Carrier Safety Administration (FMCSA). Because of this federal preemption, the commission will no longer require the filing of rate tariffs or time schedules for the transportation of passengers in Washington intrastate commerce by interstate motor carriers of passengers, if that transporta-

tion is provided over a regular route authorized by the FMCSA.

(2) Auto transportation companies operating in Washington intrastate commerce on routes not authorized by the FMCSA are subject to the tariff and time schedule rules contained in this chapter.

(3) Auto transportation companies operating over routes authorized by the FMCSA and over routes not authorized by the FMCSA must file tariffs and time schedules for those routes not authorized by the FMCSA.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-256, filed 6/8/06, effective 7/9/06.]

WAC 480-30-261 Tariffs and time schedules, definitions used in. Definitions of general terms and terms specific to driver and equipment safety are contained in WAC 480-30-036 and 480-30-216, respectively. Unless the language or context indicates that a different meaning is intended, the following definitions apply:

"Charge" means a rate assessed by an auto transportation company for providing a service other than the transportation of a passenger(s). For example: The charge for carrying extra baggage on board the bus.

"Checked baggage" means passenger baggage that is accepted for transportation but is not carried in the passenger compartment of the vehicle.

"Fare" or **"ticket price"** means a rate assessed by an auto transportation company for the transportation of a passenger(s).

"Joint fare" means a rate charged by an auto transportation company for the transportation of a passenger(s) that applies from a point located on one auto transportation company's route to a point located on another auto transportation company's route, made by agreement or arrangement between the companies. A joint fare agreement is also known as a through-ticketing agreement.

"Local fare" means a rate charged by an auto transportation company for the transportation of a passenger(s) between stations within a single company's authority.

"Long and short haul clause" means a clause that prohibits an auto transportation company from charging more for a shorter than for a longer haul over the same route.

"Rate" means an amount in a company's tariff approved by the commission or allowed to become effective by operation of law, for services provided by an auto transportation company. For example: Passenger fares, ticket prices, additional baggage charges.

"Sales commission" means a fee paid to an agent for selling tickets on behalf of an auto transportation company.

"Seasonal fares and seasonal time schedules" means filing of tariffs or time schedules naming different fares, routes, or arrival and/or departure times for different periods of the year. For example: A company may offer more scheduled routes during certain periods than it does in others; or, a company may assess different fares in heavily traveled months than it does during off-peak months.

"Through fare" means a single rate applying from point of origin to point of destination that combines two or more rates in one auto transportation company's tariff or rates from two or more auto transportation companies.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-261, filed 6/8/06, effective 7/9/06.]

WAC 480-30-266 Tariffs and time schedules, general. (1) **Tariffs and time schedules no longer subject to chapter 480-149 WAC.** As of the effective date of these rules, those auto transportation companies that are required to file Washington intrastate tariffs and time schedules are no longer subject to tariff and time schedule provisions of the commission's Tariff Circular No. 6 (chapter 480-149 WAC). Auto transportation companies are instead subject to, and must comply with, the tariff and time schedule requirements of this chapter.

(2) **Additional regulatory requirements.** Auto transportation companies are also subject to additional rules regarding tariff and time schedule filings contained in chapter 480-07 WAC, including, but not limited to:

(a) WAC 480-07-160 Confidential information; and

(b) WAC 480-07-145 Filing documents in adjudicative proceedings.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-266, filed 6/8/06, effective 7/9/06.]

WAC 480-30-271 Tariffs and time schedules, must file before starting service. (1) **Tariffs.** No auto transportation company subject to tariff filing requirements of Part 7 of this chapter will provide service until it files a tariff with the commission and the commission approves that tariff or allows it to become effective by operation of law.

(2) **Time schedules.** No auto transportation company subject to time schedule filing requirements of Part 7 of this chapter will provide service until it files a time schedule with the commission and the commission approves that time schedule or allows it to become effective by operation of law.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-271, filed 6/8/06, effective 7/9/06.]

WAC 480-30-276 Tariffs and time schedules, companies must comply with the provisions of filed tariffs and time schedules. (1) **Tariffs.** No auto transportation company may assess rates that are higher, lower, or different from those contained in the company's filed tariff. Further, no auto transportation company may accept a payment for service provided that is higher, lower, or different from the rates contained in the company's filed tariff.

(2) **Time schedules.** An auto transportation company must provide service along all routes, and to all points, listed on the company's filed time schedule. Further, an auto transportation company must make a good faith effort to operate in compliance with the times of arrival and/or departure shown on the company's filed time schedule.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-276, filed 6/8/06, effective 7/9/06.]

WAC 480-30-281 Tariffs and time schedules, content. (1) **Tariffs.** The tariff filed with the commission by an auto transportation company must show all rates it will impose on its customers, together with rules that govern how

those rates will be assessed. The tariff must contain, but is not limited to the following sections:

(a) A title page meeting the requirements of WAC 480-30-341;

(b) A rules section meeting the requirements of WAC 480-30-356;

(c) A fares section meeting the requirements of WAC 480-30-281; and

(d) A map meeting the requirements of WAC 480-30-351 and 480-30-051.

(2) **Time schedules.**

(a) The time schedule filed with the commission by an auto transportation company must be filed as a separate document or as a section of the company's tariff. The filed time schedule must provide sufficient information to allow prospective passengers to make informed decisions regarding their travel arrangements.

(b) The time schedule filed by an auto transportation company that provides scheduled service must contain, but is not limited to:

(i) The times of arrival at, and/or departure from, all termini.

(ii) The times of arrival at, and/or departure from, all intermediate points served.

(iii) The distance between all points shown in the schedule.

(iv) A list of all flag stops at which the company will provide service.

(v) A list of points the company is authorized to serve but is not serving, if any, and the reason.

(c) The time schedule filed by an auto transportation company that provides nonscheduled service must contain, but is not limited to:

(i) Days of the week that the company's service is available.

(ii) Hours of the day that the company's service is available.

Example: A carrier providing door-to-door airporter service by reservation only may state in its time schedule that it offers service between the hours of 6:00 a.m. and 12:00 midnight, seven days a week.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-281, filed 6/8/06, effective 7/9/06.]

WAC 480-30-286 Tariffs and time schedules, posting. An auto transportation company must maintain a copy of its filed tariff and its filed time schedule in the company's offices and at each passenger facility. Each vehicle operated must carry a copy of the schedule and fares for each route served by that vehicle. The company must make these documents available to customers for inspection on request during the company's regular business hours.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-286, filed 6/8/06, effective 7/9/06.]

WAC 480-30-291 Tariffs, rates, general. (1) Tariffs must provide adult fares, stated in dollars and cents, per passenger, together with the names of the stations or stopping places to or from which those fares apply, arranged in a simple and systematic manner.

(2) The tariff must clearly state whether fares apply "one way" or "round trip."

(3) Fares applying to specific groups of passengers must clearly define the criteria that define that group. For example, "children, under two years of age" or "active military personnel with military identification."

(4) Fares applying during specific periods must be clearly labeled with definitions of those periods. For example: A company may charge one fare during peak service months, and charge a different fare during off-peak service months.

Illustration of rate page:

John Doe Transportation Co., Inc. C-9999, d/b/a John's Buses Tariff No. 2	2nd Revised Page 18 Cancels 1st Revised Page 18

Rate Schedule

Fares named below are for adults (persons 12 years of age and over) stated in dollars and cents per person for one-way travel.

	Between			
And	Spokane	Deer Park	Chewelah	Colville
Spokane	--	#$3.50 @$4.50	#$8.50 @$9.50	#$10.50 @$11.50
Deer Park	#$3.50 @$4.50	--	#$5.00 @$6.00	#$7.00 @$8.00
Chewelah	#$8.50 @$9.50	#$5.00 @$6.00	--	#$3.50 @$4.50
Colville	#$10.50 @$11.50	#$7.00 @$8.00	#$3.50 @$4.50	--

Fares in effect April through December.
@ Fares in effect January through March.

Note 1: Refer to page ___ for children's fares, group fares, extra baggage charges, etc.

Note 2: Round-trip fares will be 180 percent of the one-way fares.

Issued by: John Jones, President
Issue date: July 6, 2002 Effective Date: August 20, 2002

(For official use only)

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-291, filed 6/8/06, effective 7/9/06.]

WAC 480-30-296 Tariffs and time schedules, rejection. The commission will reject tariff or time schedule filings that:

(1) Are not accompanied by the required transmittal letter;

(2) Are not accompanied by all required documentation;

(3) Do not contain all required information;

(4) Do not comply with format rules;

(5) Are not accompanied by required maps;

(6) Reflect retroactive rate treatment;

(7) Are not filed as provided in the notice requirements shown in WAC 480-30-301 through 480-30-316; or

(8) Contain provisions that conflict with state statutes, commission rules, or an auto transportation company's certificated authority.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-296, filed 6/8/06, effective 7/9/06.]

WAC 480-30-301 Tariffs and time schedules, one business-day notice to the commission. A company must provide at least one business-day notice to the commission for the following filings:

(1) Initial tariff and time schedule filings that accompany applications for certificated authority;

(2) Tariff and time schedule adoptions filed under the provisions of WAC 480-30-376; and

(3) Tariff and time schedule 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.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-301, filed 6/8/06, effective 7/9/06.]

WAC 480-30-306 Tariffs and time schedules, one calendar day notice to the commission. A company must provide at least one calendar day's notice to the commission for filings whose only purpose is to implement decreases in rates.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-23-058 (Docket TC-060177, General Order No. R-539), § 480-30-306, filed 11/8/06, effective 12/9/06. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-306, filed 6/8/06, effective 7/9/06.]

WAC 480-30-311 Tariffs and time schedules, requiring thirty calendar day notice to the commission. A company must provide at least thirty calendar days' notice to the commission for any filing that will result in an increase in rates to customers.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-311, filed 6/8/06, effective 7/9/06.]

WAC 480-30-316 Tariffs and time schedules, customer notice requirements. (1) **Notice.** Each auto transportation company must provide notice to its customers at least thirty days prior to the stated effective date for any proposed tariff change that would increase recurring or prepaid rates or restrict access to services (e.g., rate increase, route reduction, time schedule change).

(2) **Thirty-day notice to public.** At least thirty days prior to the stated effective date, the company must post a notice in a conspicuous place for each affected route or routes. The published notice must remain posted until the commission takes action on the request. The notice must be posted:

(a) In each vehicle;

(b) At each passenger facility; and

(c) On the company's internet web site, if the company maintains an internet web site accessible to the public through which it sells its transportation services and posts its rates or time schedules.

(3) **Content of postings.** The published notice required by this rule must include:

(a) The date the notice is issued;

(b) The company's name, address, and telephone number;

(c) A comparison of current and proposed rates by service, when applicable;

(d) The requested effective date;

(e) A description of how customers may contact the company if they have specific questions or need additional information about the proposal;

(f) A description of how customers may contact the commission to comment or oppose the company's proposal.

(4) **Other customer notice.** The commission may require additional notice to customers other than described in this rule when the commission is holding a public hearing in a contested case, or when a company proposal may have a significant impact on customer rates or access to services or when the commission determines that additional customer education is needed.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-316, filed 6/8/06, effective 7/9/06.]

WAC 480-30-321 Tariffs and time schedules, notice verification and assistance. (1) Within five days of making a filing requiring posting of a customer notice under WAC 480-30-316, but no sooner than the date the filing is submitted to the commission, a company must file a statement with the commission's records center that the required notice has been posted. The declaration must include:

(a) Description of where the notice was posted;

(b) Date the notice was posted; and

(c) A copy of the customer notice.

(2) A company may request assistance from the commission's consumer affairs section in preparing notice.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-321, filed 6/8/06, effective 7/9/06.]

WAC 480-30-326 Tariffs and time schedules, less than statutory notice handling. (1) The commission may allow auto transportation company tariff or time schedule filings to become effective with less notice than is shown in WAC 480-30-306 and 480-30-311 when there is an emergency or when good cause is shown. This process is known as "less than statutory notice" (LSN) handling.

(2) **LSN application process.** An auto transportation company filing for LSN handling may use an LSN form supplied by the commission, or a letter containing at least the following information:

(a) Company identification information:

(i) Name and registered trade name;

(ii) Certificate number;

(iii) Mailing address;

(iv) Telephone number, e-mail address, and fax number; and

(v) The name and telephone number of a person to contact regarding the filing;

(b) Tariff or time schedule identification information:

(i) The identifying number and title of the tariff or time schedule being amended;

(ii) The identifying number and title of the tariff or time schedule item(s) being amended; and

(iii) The identifying number of the tariff or time schedule page being amended;

(c) A concise description of the provisions being proposed;

(d) A statement of the reason(s) for requesting LSN handling; and

(e) The effective date requested.

(3) **Dates on pages.** Granting LSN handling is at the discretion of the commission. All tariff or time schedule pages accompanying an application for LSN handling must display the effective date that would apply were the company not requesting LSN handling. If the commission grants the company's request for LSN handling, commission staff will enter the effective date authorized by the commission's order on the tariff or time schedule pages before returning copies to the company.

(4) **Notice requirements.** An auto transportation company requesting LSN handling of a filing must post notice in its offices, passenger facilities, and on all vehicles concurrent with submitting the filing to the commission. The company must file a copy of its public notice with the application for LSN handling.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-326, filed 6/8/06, effective 7/9/06.]

WAC 480-30-331 Tariffs and time schedules, format and size requirements. (1) An auto transportation company must file tariffs and time schedules that:

(a) Are filed in loose-leaf format;

(b) Are typed or mechanically printed (not handwritten) using at least ten-point type; and

(c) Are printed on eight and one-half inch by eleven-inch paper, with margins of at least one-half inch on each side.

(2) Auto transportation companies are encouraged to file their tariffs and time schedules electronically, according to established commission policies and procedures.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-331, filed 6/8/06, effective 7/9/06.]

WAC 480-30-336 Tariffs and time schedules, changes must be identified. Each change in rates, times of arrival and/or departure, routes, schedules, or rules must be clearly identified in filed tariffs and time schedules 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) or ▼	Reductions in rates
(A) or ▲	Increases in rates
(C) or ⬍	Changes resulting in neither increases nor decreases; also changes in arrival and/or departure times
(N)	New rates, routes, service points, services, or rules
***	Material previously shown has been deleted

(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 on a tariff page or on a tariff supplement page.	All rates 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 in a tariff.	All rates in this tariff 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 title page.
All times of arrival and/or departure.	All times of arrival and/or departure on this page are changed.	In the upper corner of the page.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-336, filed 6/8/06, effective 7/9/06.]

WAC 480-30-341 Tariffs and time schedules, title pages. (1) **Tariff.** The title page of every auto transportation tariff filed with the commission must show at least the following:

(a) The certificate name of the auto transportation company, its certificate number, and all trade names filed with the commission to which the tariff applies.

(b) An identifying tariff number.

(c) 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).

(d) The types of services covered by the tariff. For example: "rates for passenger service" or "rates and time schedule for passenger service."

(e) A clear description of the territory and routes to which the tariff applies;

(f) The date the tariff is issued and the date it becomes effective;

(g) The name, title, telephone number, fax number (if any), e-mail address (if any), and mailing address of the person who files the tariff; and

(h) A box that is at least three-fourths of one inch in height, spans from margin to margin, and is labeled "for official use only."

Illustration of a sample tariff title page:

(2) **Time schedule.** If the time schedule is filed as a separate document, not part of the auto transportation company's tariff, the title page of a time schedule must include the same information as is required in subsection (1)(a) through (h) of this section. If the time schedule is filed as a section or part of an auto transportation company's tariff, no separate title page is required.

Original Title Page

Tariff No. 2

Cancels

Tariff No. 1

of

John Doe Bus Company, Inc.
d/b/a John's Buses

Certificate No. 1999

Naming rates for passenger service
In the following described territory:

Between Spokane and Olympia,
with intermediate stops at Moses Lake, Ellensburg,
North Bend, Seattle, and Tacoma and with flag stops at other points on
Interstate 90 and Interstate 5

Issued by:
John Jones, President
1234 East Easy Street
Any City, Washington
Phone: (555) 555-5555
Fax: (555) 555-5556

For official use only

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-341, filed 6/8/06, effective 7/9/06.]

WAC 480-30-346 Tariffs and time schedules, page format. (1) **Tariff.** All pages in an auto transportation company's tariff, except the title page, must include the following:

(a) A page header that includes:

(i) The identifying number of the tariff and canceled number, if any;

(ii) A page number and canceled number, if any;

(iii) A revision number and canceled number, if any;

Illustration of a sample tariff page:

(iv) The name and certificate number of the company filing the tariff; and

(v) Any applicable registered trade name.

(b) A page footer that includes:

(i) The name of the person filing the tariff;

(ii) The date the page is issued;

(iii) The date the page becomes effective; and

(iv) A box that is at least three-fourths of an inch in height, spanning from margin to margin, that is labeled "for official use only."

John Doe Bus Company, Inc. C-9999, d/b/a John's Buses Tariff No. 2	2nd Revised Page 18 Cancels 1st Revised Page 18
Issued by: John Jones, President Issue date: _____ Effective Date:_____	
(For official use only)	

(2) **Time schedule.** An auto transportation company's filed time schedule must:

(a) Be numbered consecutively in the upper right-hand corner, beginning with number one, and must show the number of the time schedule canceled by it, if any. See sample time schedule.

(b) Show the company's identifying information, including but not limited to:

(i) The company's official name, as shown on the company's certificate;

(ii) The company's registered trade name(s), if any; and

(iii) The company's certificate number.

(c) Show all termini and points served.

(d) Show the routes served, including the exact location of each regular stop, each flag stop, and any point to which service is provided.

(e) Show points the company is authorized to serve but is not serving, if any, and the reason.

(f) Show the time of arrival and/or departure from all termini and scheduled stops.

(g) Show the periods in which specific provisions of the time schedule apply. For example, if a company services some routes only on certain days of the week, in certain seasons, or in certain months, that information must be clearly stated on the time schedule.

(h) At the bottom of the page, there must be 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."

Illustrations of sample time schedules:

Time Schedule No. 2
Cancels
Time Schedule No. 1

TIME SCHEDULE NO. 2
Canceling
Time Schedule No. 1
of
Walter A. Keys, d/b/a Wenatchee-Cashmere Stage Line
PASSENGER SERVICE – both scheduled and door-to-door
Between
Wenatchee, Washington and Cashmere, Washington
With scheduled stops as shown below.

Door-to-door service provided, by reservation only,
to and from points within 10 miles of the stops named below.

Routes from Wenatchee To Cashmere	Daily, excluding Sunday -	@Sunday Only-	Daily, excluding Sunday	@Sunday Only –
Wenatchee – Bill's Hotel, 4th and Main	11:00a	11:30a	5:30p	6:00p
Wenatchee River Bridge – 7/11 Market	11:15a	11:45a	5:45p	6:15p
Olds Corner—Park and Ride Lot	11:30a	12:00p	6:00p	6:30p
Sunnyslope – 76 Station	12:00p	12:15p	6:15p	6:45p
Monitor – Post Office	12:15p	12:30p	6:30p	7:00p
Cashmere	12:30p	12:45p	6:45p	7:15p

Routes from Cashmere to Wenatchee	Daily, excluding Sunday	@Sunday Only	Daily, excluding Sunday	@Sunday Only
Cashmere	12:40p	12:50p	6:50p	7:20p
Monitor – Post Office	12:55p	1:10p	7:05p	7:35p
Sunnyslope – 76 Station	1:10p	1:25p	7:20p	7:50p
Olds Corner—Park and Ride Lot	1:25p	1:40p	7:35p	8:10p
Wenatchee River Bridge – 7/11 Market	1:40p	1:55p	7:50p	8:35p
Wenatchee – Bill's Hotel, 4th and Main	2:00p	2:10p	8:10p	8:50p

@NOTE: All trips noted above are run during the months of April through November. During the months of December through March, none of the "Sunday Only" trips will be run.

Issued by: Walter A. Keys, Owner and Manager, 123 So. Wenatchee Ave., Wenatchee, Washington

Issued: June 8, 2005 Effective: July 6, 2005

"For Official Use Only"

Time Schedule No. 2
Cancels
Time Schedule No. 1

TIME SCHEDULE NO. 2
Canceling
Time Schedule No. 1
of
Walter A. Keys, d/b/a Wenatchee-Cashmere Stage Line
PASSENGER SERVICE
Wenatchee, Washington and Spokane International Airport
With stops at: Rock Island, George, and Moses Lake

Routes from Wenatchee to Spokane:		
	During the months of March through October:	Vehicles leave Wenatchee every two hours between the hours of 5:00 a.m. and 9:00 p.m.
	During the months of November through February:	Vehicles leave Wenatchee every two hours between the hours of 8:00 a.m. and 6::00 p.m.
Routes from Spokane and Wenatchee:		
	During the months of March through October:	Vehicles leave Spokane every two hours between the hours of 9:00 a.m. and 9:00 p.m.
	During the months of November through February:	Vehicles leave Spokane every two hours between the hours of 10:00 a.m. and 6:00 p.m.

Issued by: Walter A. Keys, Owner and Manager, 123 So. Wenatchee Ave., Wenatchee, Washington

Issued: June 8, 2005 Effective: July 6, 2005

"For Official Use Only"

Bill's Airporter Service, C-9999 Tariff No. 8	4th Revised Page 16 Cancels 3rd Revised Page 16
Bill's Airporter Service Providing Passenger Service Between Points in Kittitas County and SeaTac Airport Door-to-Door Service By Reservation Only	
Door-to-door service is unscheduled. The actual time the vehicle will arrive to pick up passengers depends on the number of passengers making reservations, and the locations that those passengers request pickup. Bill's will develop actual routes to balance passenger convenience and company efficiency. Reservations must be made on at least 24 hours advance notice.	Service is available: June 1 through September 30 Monday through Saturday Between 6 am and 12 midnight Sunday service available Between 8 am and 9 pm October 1 through May 31 Monday through Sunday Between 8 am and 9 pm
Note: The company is not responsible for delays caused by weather, accidents, or other circumstances beyond its control.	
Issued by: Bill Jones, President, Bills Airporter Issue Date: July 16, 2000	Effective Date: August 20, 2000
(For Official Use Only)	

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-346, filed 6/8/06, effective 7/9/06.]

WAC 480-30-351 Tariffs and time schedules, maps with tariffs. An auto transportation company must file a map with its tariff that clearly identifies the company's entire certificated authority area. If an auto transportation company divides its authorized certificate area into service territories, areas, or zones the company must also file a map showing each of the tariff service territory divisions. The maps must meet the specifications in WAC 480-30-051.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-351, filed 6/8/06, effective 7/9/06.]

WAC 480-30-356 Tariffs and time schedules, tariff rules. (1) Tariff rules must be stated in clear language and explicit terms, setting forth all standards and policies that will govern how the auto transportation company assesses rates to its customers.

(2) All provisions contained in an auto transportation company's tariff must be clearly labeled as to the type of service to which they apply. Example: Scheduled, door-to-door, by reservation only.

(3) Auto transportation company tariffs must contain rules addressing at least the following subjects:

(a) Children's fares. Rules must clearly indicate the ages for which children's fares apply.

(b) Baggage. Rules must state the amount of baggage that may be transported free of additional charge, baggage liability (see WAC 480-30-476), and overweight or excess baggage charges. Baggage rules must also state company policies regarding carry-on items such as skis and bicycles.

(c) Transportation of animals. Rules must state that service animals, such as dogs traveling with sight or hearing impaired passengers, will be transported free of charge if they

lie at the feet of their master and do not occupy passenger seats.

(d) Refunds for unused and partially used tickets.

(i) Rules must state, "Subject to the exceptions of (d)(ii) and (iii) of this subsection unused tickets will be redeemed at the purchase price and unused portions of round-trip or commutation tickets will be redeemed by charging the regular fare or fares for the portion or portions used, and refunding the balance of the purchase price."

(ii) A company offering "door-to-door" service or "by reservation only" service may assess an administrative fee in those instances where a cost is incurred because the customer requested a change. If a company assesses an administrative fee, the tariff must include rules that clearly identify the fee and under what circumstances the fee will be assessed. Example of an administrative fee rule: A ten-dollar administrative fee will be assessed for customer requested changes made less than twenty-four hours in advance of the scheduled departure time. Administrative fees are deducted from ticket refunds.

(iii) A customer who has made a reservation but fails to cancel, reschedule, or appear at the designated pick-up point by the scheduled departure time is not eligible for a refund unless the failure was caused by an airline delay or cancellation.

(e) Long haul/short haul provisions. Rules must state that no customer will be required to pay more for transportation to an intermediate point along a route than is charged for a longer trip over that same route.

(f) Areas or zones to which rates apply. When fares to or from a named point include stops beyond the regular terminal, or where no regular terminal is maintained, the tariff must define the zone within which fares to and from a named point apply. For example: "Rates apply within five road miles of points named."

(g) Commuter fares, if offered by the company.

(h) Whether alternate means of transport will be provided by the company when it is unable to provide transportation at the time and place specified in the reservation that the company has accepted for that passenger.

(i) Holidays observed by the company.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-356, filed 6/8/06, effective 7/9/06.]

WAC 480-30-361 Tariffs and time schedules, changes. Companies may change filed tariffs or time schedules by one of two methods:

(1) Issuing revised pages to the tariff or time schedule. A revised page must have the same page number as the page it cancels. For example: "1st revised page 1" cancels "Original page 1."

(2) Issuing a complete new tariff or time schedule. Each of the pages in a new tariff or time schedule must be identified as an original page. For example: "Original Title Page," "Original Page 1," "Original Page 2," and so on.

(3) Tariff and time schedule changes must be filed with the commission under the provisions of WAC 480-30-381.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-361, filed 6/8/06, effective 7/9/06.]

WAC 480-30-366 Tariffs and time schedules, supplements. (1) Auto transportation companies may issue supplements to filed tariffs or time schedules to reflect short-term situations.

(2) Auto transportation companies may not issue tariff supplements to make general rate increases.

(3) Supplements are subject to all applicable rules and procedures including transmittal letters, notice to customers and the commission, and proper format.

(4) Supplements to a tariff or time schedule 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 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-366, filed 6/8/06, effective 7/9/06.]

WAC 480-30-371 Tariffs and time schedules, supplements or new filings required. (1) **Discontinuance of service.** When the commission grants permission for an auto transportation company to discontinue service, the company must file supplements to cancel tariffs and time schedules on file with the commission. If permission is granted to discontinue service to only a portion of routes operated, the company must file supplements reflecting the discontinued routes or new tariffs and time schedules reflecting the routes that are not discontinued.

(2) **Lease or sale of authority.** An auto transportation company leasing or selling a portion of its certificated authority to another company must file supplements reflecting the transferred routes or new tariffs and time schedules reflecting the routes retained.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-371, filed 6/8/06, effective 7/9/06.]

WAC 480-30-376 Tariffs and time schedules, filings after name change or change in ownership. (1) When an auto transportation company changes the name on its certificate, the company must file a tariff and time schedule in its new name or must adopt the existing filed tariff and time schedule.

(2) When an auto transportation company leases, transfers, or acquires a portion of the certificated authority of another company, it must file a new tariff and time schedule reflecting the same rates and routes as the prior company.

(3) When an auto transportation company obtains operating control of another company, it must file a new tariff and time schedule at the same rate levels and on the same time schedule as the prior company or adopt the existing filed tariff and time schedule of the prior company.

(4) An auto transportation company filing a tariff to comply with subsections (1), (2), and (3) of this section cannot raise rates in that filing. A separate rate increase filing must be made.

(5) To adopt existing filed tariffs or time schedules, the auto transportation company must file with the commission an adoption form.

(a) Adoption forms are available from the commission on request.

(b) Companies may use alternate forms as long as those forms are substantively equal to that shown in the example below.

Tariff No. _____
and/or
Time Schedule No._____

_____
(Name and registered trade name of new company)

_____
Adopts all tariffs, Supplements to the tariff, and Time Schedules
filed with the Washington Utilities and Transportation Commission by:

_____
(Insert here name of prior company)

before the date of its (new company) acquired possession of that (prior) company
or a portion of that (prior) company's authority.

Notice issued by:

Name _____

Title _____

Telephone _____

E-mail _____

Fax # _____

Date filed _____

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-376, filed 6/8/06, effective 7/9/06.]

WAC 480-30-381 Tariffs and time schedules, filing procedures. (1) **Method of filing.** An auto transportation company may submit tariff and time schedule filings to the commission in person, electronically, by mail, or by fax. If an auto transportation company files by fax, the company must mail a hard copy on the same day as the fax transmission. Companies are encouraged to file their tariffs and time schedules electronically, according to the commission's policies and procedures.

(2) **Transmittal letter.** An auto transportation company must file a transmittal letter with each tariff or time schedule filing submitted to the commission.

(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 in the tariff or time schedule and a brief statement of the reason for each change;

(iii) If the filing requires customer notice under the provisions of WAC 480-30-316, the transmittal may also include the information required by WAC 480-30-321; and

(iv) A contact person's name, mailing address, telephone number, fax number (if any), and e-mail address (if any).

(b) Transmittal letters accompanying rate filings must also include the following:

(i) The percentage amount that rates will change if they become effective;

(ii) The amount revenue is expected to change if the proposed rates become effective.

(c) A company wanting confirmation that a hard copy tariff or time schedule filing was received must include two copies of the transmittal letter and a self-addressed, stamped envelope. The commission will stamp one copy of the letter and return it to the company as acknowledgement that the filing was received.

(3) **Revised pages.** Pages of the company's tariff affected by the tariff filing must include the appropriate reference marks indicating changes as provided in WAC 480-30-336.

(4) **Additional documents required.**

(a) **Filing due to governmental, or other entity, action.** If the filing results from action of another entity or governmental body, the company must file documentation of that action. For example: Notices of increased fees to use depots or stations.

(b) **Tariff or time schedule filed by an agent.** If the tariff or time schedule filing is made by a person other than an owner, partner, or corporate officer, the company must include with its 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.

(c) **Rate increase filings.** Rate increase filings must include work papers that support the requested increase. Work papers supporting a general rate increase as defined in WAC 480-30-421 must include the additional documentation described in WAC 480-30-426.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-381, filed 6/8/06, effective 7/9/06.]

WAC 480-30-386 Tariffs and time schedules, approval. Receipt by the commission of a tariff or time schedule filing does not mean that the provisions of the filing are approved. Companies may not implement provisions contained in filings until the commission approves the filing or until the commission allows the filed provisions to become effective by operation of law.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-386, filed 6/8/06, effective 7/9/06.]

WAC 480-30-391 Tariffs and time schedules, ticket agent agreements must be filed and approved. (1) An auto transportation company may enter into contracts or agreements with a second party for the sale of tickets or fares on behalf of the company, provided the form of such contracts or agreements has been previously approved by the commission.

(2) The contract or agreement form submitted to the commission for approval must contain, but is not limited to, the following:

(a) The name and certificate number of the auto transportation company;

(b) Spaces in which to record identifying information about the person entering into the contract or agreement with the company. This information must include at least the person's:

(i) Name;

(ii) Business address;

(iii) Business telephone number;

(iv) Business fax number;

(v) Business e-mail address;

(c) Spaces in which will be recorded the date on which the contract or agreement becomes valid and the date on which the contract or agreement will expire;

(d) A clear description of the services that will be provided by the second party on behalf of the company;

(e) A statement of the percentage of revenue or the set dollar amount that the company will pay the second party for performing those services; and

(f) A statement as to how and when payment will be made to the company for tickets, less commission.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-391, filed 6/8/06, effective 7/9/06.]

WAC 480-30-396 Tariffs and time schedules, free and reduced rates. (1) No auto transportation company will charge, demand, collect, or receive a greater, lesser, or different compensation for transportation of persons, than the rates that are contained in that company's effective tariff filed with the commission. Further, no auto transportation may extend to any person any privilege that is not uniformly extended to all persons under the same circumstances.

(2) An auto transportation company wishing to provide service at free or reduced rates must first publish those free or reduced rates in its filed tariff.

(3) If an auto transportation company chooses to provide service at free or reduced rates, the company must publish in its tariff:

(a) A detailed description of the customer class and criteria to qualify;

(b) The service provided;

(c) The expiration date, if any; and

(d) The applicable rate(s), amount of reduction (such as, twenty percent), or if free, "$0.00" or "no charge."

(4) The auto transportation company must record the number of passengers transported under each free or reduced rate published in its tariff.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-396, filed 6/8/06, effective 7/9/06.]

WAC 480-30-401 Tariffs and time schedules, substitute page filings. (1) An auto transportation company may file substitute tariff or time schedule pages within a pending tariff filing if:

(a) There is no material change to the terms and conditions of service contained in the pending tariff page. This restriction does not apply to changes made to address commission concerns with the filing;

(b) The change does not increase the rates or fares contained in the pending tariff page; or

(c) The change makes typographical corrections to the pending tariff page.

(2) The filing of substitute tariff pages must include a transmittal letter as set forth in WAC 480-30-381. The substitute filing must include the notation "Do Not Redocket."

(3) The commission may reject any substitute tariff or time schedule pages when rejection is in the public interest.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-401, filed 6/8/06, effective 7/9/06.]

WAC 480-30-406 Tariffs and time schedules, withdrawing a filing. When withdrawing a tariff or time schedule filing, an auto transportation company must submit a letter that includes the following:

(1) The name and address of the auto transportation company;

(2) Docket number of the filing being withdrawn;

(3) The name of the company's contact person;

(4) An explanation of why the company is requesting the withdrawal; and

(5) A statement certifying that the submitting person has authority to withdraw the filing on behalf of the auto transportation company.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-406, filed 6/8/06, effective 7/9/06.]

WAC 480-30-411 Tariffs and time schedules, suspension by the commission. (1) The commission may, on receiving a complaint or protest, or on its own motion, suspend tariff rates, tariff charges, tariff rules, or tariff time schedules as provided in RCW 81.04.130.

(2) The commission will not take action to suspend a tariff or time schedule, or any part of a tariff or time schedule, based on a complaint or protest unless the complaint or protest complies with the commission's rules of practice and procedure as set out in chapter 480-07 WAC.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-411, filed 6/8/06, effective 7/9/06.]

WAC 480-30-416 Tariffs, joint tariffs and through-ticketing arrangements. (1) Auto transportation companies may file joint tariffs providing through-ticket arrangements. Such tariffs must list all companies participating in the tariff, must show all fares, rates and charges applicable between points on its line and all affected points on the line of the connecting carrier or carriers, and all rules that govern how those rates will be assessed to customers.

(2) Joint tariffs and amendments or supplements to joint tariffs must be issued and filed under the rules in Part 5 of this chapter.

(3) Companies must provide information to customers, at the time a ticket is purchased, or a reservation is made, as to the identities of all companies that will be providing transportation, the locations of any transfer points, and any policies that differ between the companies.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-416, filed 6/8/06, effective 7/9/06.]

WAC 480-30-421 Tariffs, general rate increase filings. (1) A general rate increase filing is a tariff change that would:

(a) Increase the company's gross annual revenue from activities regulated by the commission by three percent or more.

(b) Restructure tariffs so that the gross revenue generated by any customer class would increase by three percent or more.

(2) The following tariff changes are not considered general rate increase filings even though the request may meet one or more criteria identified above:

(a) Filings for collection of per-customer pass-through surcharges and taxes imposed by the jurisdictional local government based on the current year customer count either as a specified dollar amount or percentage fee amount.

(b) Filings by existing auto transportation companies for the implementation of new transportation services.

(3) The commission may require that any filing to increase rates for any customer class, or to restructure rates, is subject to the additional requirements of WAC 480-30-426.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-421, filed 6/8/06, effective 7/9/06.]

WAC 480-30-426 Tariffs, general rate increase filings, work papers. (1) General rate increase filings must include work papers supporting the proposed tariff changes based on a test year which is the most recent or appropriate consecutive twelve-month period for which financial data are available. Work papers must include, but are not limited to, the following:

(a) A detailed pro forma income statement by account including restating and pro forma adjustments, and all supporting calculations and documentation for each adjustment. See sample pro forma income statement below.

(i) Restating adjustments modify historic operating results to more properly reflect a "normal, representative" twelve-month test period and give recognition to those areas where the company's accounting methodology may differ

from accepted regulatory practice. Restating adjustments fall into three categories:

(A) Reclassification - reclassification moves dollars from one account to another with no effect on the final net income.

(B) Accounting adjustments - accounting adjustments are necessary if the income statement does not properly apply basic accounting principles, such as an out-of-period expense posted in the test year, or to correct an error or oversight.

(C) Ratemaking - ratemaking adjustments modify the records of the company to reflect proper ratemaking theory, such as removing expenses that were incurred by the company but are not generally allowed to be passed on to ratepayers, or converting from accelerated depreciation to straight line depreciation.

(ii) Pro forma adjustments give effect to all known and measurable changes in revenues and expenses not offset by other factors that have or will soon occur as if they had been in effect for the full twelve months of the test year. Examples include changes in tax rates, revenue impact of the tariff changes sought to be changed in the filing. Pro forma adjustments give effect to changes in expense or revenue levels, not the gallons of fuel used, passengers transported, or labor hours worked, etc.

(b) A total passenger count or representative sample of all tickets sold and fares charged during the test year, including all routes, zones, and types of service, and breakdowns between one-way and round trip fares, adults, children, commuters, etc. Revenues of the passenger count/tickets sold analysis must be reconciled to the revenues of the chosen test period. The passenger count/tickets sold analysis forms the basis of the revenue impact of the filing called for in WAC 480-30-381 (2)(b)(ii). See sample passenger count below.

(c) A current depreciation schedule separately listing all assets used by the company during the test period including the date the asset was placed into service, cost, salvage value, service life, and straight-line depreciation expense and accumulated depreciation at the beginning and at the end of the test period.

(d) A balance sheet as of the last day of the test period chosen.

(e) If nonregulated operations represent more than ten percent of total company test period revenue, then the starting point of the pro forma income statement must be total company operations, supplemented with a detailed separation of all total company revenues and expenses between regulated and nonregulated operations.

(f) Backup information concerning every transaction between the regulated company and any affiliated or subsidiary entity describing the services or transactions that occurred, the costs assessed and the basis of the charge, and the relationship to the regulated company.

Sample - pro forma income statement

XYZ Bus Company
ProForma Income Statement
12 months ended December 31, 2004

	Per Books (a)		Restating Adjustments (b)	Per Books Restated (c)		ProForma Present Adjustments (d)	ProForma Present Level (e)		May 1 ProForma Proposed Adjustments (f)	ProForma Proposed Level (f)
Revenues										
Passenger	530,000			530,000	A	22,159	552,159	G	31,752	583,911
Charter	51,410			51,410	A	2,149	53,559	G	3,080	56,639
Fuel Surcharge	6,292			6,292	C	(6,292)	-			-
Baggage, etc.	3,400			3,400	A	341	3,741			3,741
Total Revenues	591,102			591,102		18,357	609,459		34,832	644,292
Expenses										
Maintenance	56,377	1	(10,000)	46,377			46,377			46,377
Driver Payroll	153,687	2	5,000	158,687	B	7,300	165,986			165,986
Fuel	44,924	4	(4,351)	40,573	C	1,623	42,196			42,196
Insurance	36,944			36,944	F	1,105	38,049			38,049
Payroll Taxes	33,811	2	383	34,194	B	823	35,017			35,017
Employee Benefits	13,004			13,004	E	1,951	14,955			14,955
Taxes & Fees	44,877			44,877	A	349	45,226	G	603	45,829
Licenses	591			591			591			591
Depreciation	53,199	3	(5,000)	48,199			48,199			48,199
Advertising	12,000			12,000			12,000			12,000
Office & Admin Expense	9,000			9,000	B	270	9,270			9,270
Office & Admin Wages	106,398			106,398	B	3,192	109,590			109,590
Selling Expenses	9,112			9,112			9,112			9,112
Utilities	6,500			6,500			6,500			6,500
Rents	20,000			20,000	D	5,000	25,000			25,000
Total Expenses	600,424		(13,968)	586,456		21,612	608,068		603	608,672
Net Operating Income	(9,322)			4,646			1,391			35,620
Operating Ratio %	101.58%			99.21%			99.77%			94.47%

1. To capitalize extraordinary repair
2. To adjust payroll to accrual
3. To adjust to straight line depreciation
4. To remove $.184 fuel tax

A. To proforma revenue for June 1, 2004 rate increase
B. To proforma payroll to February 1, 2005 pay increase
C. To proforma fuel to most recent 12 month average; remove fuel surcharge revenue
D. To adjust to current rent levels
E. To increase health insurance to current premium per employee
F. To adjust insurance to March 1, 2005 premium
G. To proforma the May 1, 2005, proposed rate increase

Sample - passenger count

XYZ Bus Company
Sample Passenger Count -Tickets Sold
12 months ended December 31, 2004

	Passengers	Fares Before June 2004	Extension	Fares Effective June 2004 Increase %	Extension	Proposed New Fares $2.00 one way	Extension
Route A - One Way				10%			
Adults	2,000	25.00	50,000	27.50	55,000	29.50	59,000
Children	800	12.50	10,000	13.75	11,000	14.75	11,800
Commute	700	20.00	14,000	22.00	15,400	23.50	16,450
Subtotal			74,000		81,400		87,250
Route A - Round Trip							
Adults	4,900	40.00	196,000	44.00	215,600	46.00	225,400
Children	1,000	20.00	20,000	22.00	22,000	23.00	23,000
Commute	2,000	32.00	64,000	35.25	70,500	36.90	73,800
Subtotal			280,000		308,100		322,200
Route B - One Way							
Adults	1,600	18.00	28,800	19.80	31,680	21.80	34,880
Children	439	9.00	3,951	9.90	4,346	10.90	4,785
Commute	100	14.50	1,450	15.95	1,595	17.50	1,750
Group	200	9.00	1,800	9.90	1,980	10.90	2,180
Subtotal			36,001		39,601		43,595
Route B - Round Trip							
Adults	3,200	28.80	92,160	31.70	101,440	33.70	107,840
Children	200	14.40	2,880	15.85	3,170	16.85	3,370
Commute	400	23.00	9,200	25.30	10,120	27.00	10,800
Group	560	14.40	8,064	15.85	8,876	16.85	9,436
Subtotal			112,304		123,606		131,446
Grand Total			502,305		552,707		584,491
Pro forma - Revenue Increase Percent					10.03%		5.75%

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-426, filed 6/8/06, effective 7/9/06.]

WAC 480-30-431 Tariffs, general rate increase filings and fuel cost update. An auto transportation 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 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-431, filed 6/8/06, effective 7/9/06.]

WAC 480-30-436 Tariffs, special or promotional fare tariff filings. (1) The commission encourages auto transportation companies to explore innovative rates and rate structures including special or promotional fares intended to:

(a) Retain or increase the number of passengers using the company's services;

(b) Provide the public with flexible transportation options; and

(c) Make more efficient and effective use of the company's equipment and other resources.

(2) When an auto transportation company files a special or promotional fare, the filing must at a minimum include the following:

(a) A statement supporting the use of the proposed special or promotional fare; and

(b) Information detailing the potential effect on revenue of the proposed special or promotional fare, as well as the effect on revenue of the current fare.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-436, filed 6/8/06, effective 7/9/06.]

PART 8—CONSUMER RULES

WAC 480-30-441 Charter and excursion carriers not subject to provisions of Part 8. The consumer rules apply only to auto transportation companies. Charter and excursion carriers are not subject to the provisions of Part 8 of this chapter.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-441, filed 6/8/06, effective 7/9/06.]

WAC 480-30-446 Availability of information. (1) **Company information.** A company that provides auto transportation company service must have a:

(a) Toll-free or local business telephone number for customers located within the company's authorized service area; and

(b) 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 all nonwritten messages within twenty-four hours excluding weekends and holidays, as defined in the company's tariff.

(b) A company must acknowledge and respond to a customer's written inquiry within two weeks of receipt.

(4) **Information that must be available.** A company must make the following items available to customers for inspection upon request at no charge during the company's regular business hours:

(a) The commission's passenger transportation company rules in chapter 480-30 WAC;

(b) The company's current tariff and time schedule;

(c) The company's current certificate; and

(d) Any current, proposed, or most recently canceled tariff page that relates to the customer's service.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-446, filed 6/8/06, effective 7/9/06.]

WAC 480-30-451 Refusal of service. (1) A company may refuse service to a person when:

(a) In the company's judgment, providing the service would be hazardous, unsafe, or dangerous to persons or property;

(b) In the company's judgment, driveways or roads are improperly constructed or maintained, do not have adequate turn arounds, or have other unsafe conditions;

(c) The customer has an outstanding amount due to the company;

(d) The customer refuses to allow company personnel, drivers, agents, or representatives access to baggage or other materials prior to it being loaded in or on the vehicle;

(e) The customer appears to be under the influence of drugs or alcohol; or

(f) The customer attempts to bring onboard the vehicle materials that would be detrimental to the safety or comfort of other passengers.

(2) A company may refuse service to a person under other conditions that would be detrimental to the safety and comfort of passengers when those conditions are contained in the company's filed tariff and time schedule.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-451, filed 6/8/06, effective 7/9/06.]

WAC 480-30-456 Fair use of customer information. (1) Customer information includes the customer's name, address, and telephone number.

(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.

(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 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-456, filed 6/8/06, effective 7/9/06.]

WAC 480-30-461 Service or rate complaints. (1) **Company responsibility.**

(a) **Complaints from customer.** When a company receives a service or rate complaint from a customer it must:

(i) Acknowledge the complaint within twenty-four hours;

(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) Advise that if the complainant is still dissatisfied after speaking with the higher level representative, the commission is available to review the complaint; and

(vii) Provide the complainant with the commission's address and toll-free telephone number.

(b) **Complaint referred by commission.** When commission staff refers an informal complaint to the company, the company must:

(i) Investigate and report the results to commission staff within two business days (commission staff may grant an extension of time for responding to the complaint if requested and warranted);

(ii) Keep commission staff informed of progress toward the resolution on a weekly basis; and

(iii) Inform the commission staff of the final result.

(c) **Complaint record.** A company must keep a record of all complaints for at least three years. The record of complaints must be 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;

(iv) The final result; and

(v) All official documents regarding the complaint.

(2) **Complaints to commission.** Customers may file with the commission either:

(a) An informal complaint against the company under the provisions of WAC 480-07-910; or

(b) A formal complaint against the company under the provisions of WAC 480-07-370.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-461, filed 6/8/06, effective 7/9/06.]

WAC 480-30-466 Credits or refunds as compensation in consumer complaints or problems. Companies may offer customers a credit or refund as compensation for service quality problems, billing problems, or other problems experienced by the customer.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-466, filed 6/8/06, effective 7/9/06.]

WAC 480-30-471 Ticketing requirements. (1) An auto transportation company must provide its customers with tickets, receipts, or other alternate informational documents that include, but are not limited to, the following information:

(a) The name of the company;

(b) The service, trip, or route on which the ticket applies;

(c) The date or dates on which ticket is valid;

(d) Information about the company's policy for refunds;

(e) A list of items that are prohibited from being brought onboard the vehicle or being packed in checked baggage;

(f) Notice that baggage may be inspected and the consequences of failing to allow access to baggage for such inspection;

(g) Information related to baggage liability, the ability to declare higher value, and the charges for such declaration;

(h) The company's toll-free or local business telephone number.

(2) An auto transportation company that maintains an internet web site accessible to the public using generally available browser software may offer tickets or receipts to its customers on request and satisfy the additional information requirements of this rule by:

(a) Posting the required information to its internet web site;

(b) Directing customers to its web site; and

(c) Providing customers with a description of how to contact the company if they have specific questions or need additional information.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-471, filed 6/8/06, effective 7/9/06.]

WAC 480-30-476 Baggage liability and claims for loss or damage. (1) **Baggage liability.** An auto transportation company must include provisions in its filed tariff relating to its liability for loss or damage to baggage checked by the passenger.

(a) The minimum amount of liability must be:

(i) At least two hundred fifty dollars per adult fare; and

(ii) At least one hundred dollars per child's fare.

(b) The company's tariff must also contain provisions allowing passengers to declare a value in excess of two hundred fifty dollars, by paying an additional charge, and must allow the passenger to recover the increased amount. The passenger's declared amount may not exceed the actual value of the baggage and its contents.

(c) Company tariff provisions may limit the maximum value for which the company will be liable. This maximum value may not be less than one thousand dollars per bag or item checked.

(d) Companies do not have to offer excess value coverage on articles of extraordinary value including, but not limited to:

(i) Negotiable instruments;

(ii) Papers;

(iii) Money;

(iv) Manuscripts;

(v) Irreplaceable publications;

(vi) Documents;

(vii) Jewelry and watches.

(2) **Delivery of checked baggage.** The company must make all checked baggage available to the passenger within a reasonable time of arrival at destination. If not, the company will deliver the baggage to the passenger's local address at the company's expense.

(3) **Claims.** Auto transportation companies must make claim forms available to their passengers upon request at each of the company's offices, passenger facilities, and from the driver of each vehicle operated. The forms must be prepared in duplicate. The company will retain one copy. The second copy will be given to the passenger filing the claim.

(a) Checked baggage that the company cannot locate within one hour of arrival at destination will be designated as lost. The company must notify the passenger at that time and furnish the passenger with a claim form.

(b) The company must give a claim form to any passenger declaring lost or damaged baggage.

(c) The company must resolve claims for baggage loss or damage within sixty days of receipt with a firm offer of settlement or with a written explanation of denial of the claim.

(4) **Loss or damage to carry-on items.** The company shall not be held responsible for loss or damage to baggage carried onboard the vehicle unless it can be shown that the company was in some way negligent. Each company shall have a written policy detailing the manner in which items, articles, or baggage left onboard a company's vehicles will be handled and the way in which the company will make efforts to return the articles to their rightful owners.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-476, filed 6/8/06, effective 7/9/06.]

PART 9—INTERSTATE OPERATIONS

WAC 480-30-900 General requirements for interstate operations. (1) **General requirements:** No passenger transportation company may operate any motor vehicle or combination of motor vehicles over the public highways of this state in interstate commerce unless the company has:

(a) Obtained the appropriate operating authority from the Federal Motor Carrier Safety Administration (FMCSA) if operating as a registered carrier;

(b) Obtained valid insurance as required by FMCSA;

(c) Registered:

(i) With a base state as required by 49 CFR Part 1023, if operating as a registered carrier; or

(ii) With the commission if operating as a registered exempt carrier; and

(d) Paid the annual Washington state registration fee for each vehicle.

(2) **Applicable laws and rules:**

(a) When conducting interstate operations, registered and registered exempt carriers and the motor vehicles they operate must comply with the laws and rules that apply to interstate operations.

(b) When conducting Washington intrastate operations, registered and registered exempt carriers and the motor vehicles they operate must comply with the laws and rules that apply to intrastate operations.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-900, filed 6/8/06, effective 7/9/06.]

WAC 480-30-910 Registered carriers. (1) **Single state registration system.** Washington participates in the base state insurance registration program established in 49 U.S.C. § 11506 and 49 CFR Part 1023. To register as a registered carrier in interstate commerce within the state of Washington, you must register with a base state, pay the appropriate fee for any motor vehicles operated within Washington state, and show proof of insurance.

(2) **Passenger carriers based outside of Washington state.** Any passenger carrier whose base state, as defined in federal regulation, is a state other than the state of Washington, must register with that state and carry a legible receipt in each motor vehicle operated within the state of Washington showing base state registration, payment of the appropriate per vehicle fee, and proof of insurance.

(3) **Washington-based passenger carriers.** Any passenger carrier whose base state, as defined in federal regulation, is Washington state, must register for interstate operations as follows:

(a) Between August 1 and November 30 of each year, each Washington-based interstate passenger carrier must apply to the commission to register for the following year, on forms provided by the commission.

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

(c) Within thirty days after receiving the registration fee and application, the commission will provide to the carrier a receipt or receipts showing, at a minimum, the carrier's name and address, its USDOT permit number, and the names of the states for which it is registered.

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

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

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-910, filed 6/8/06, effective 7/9/06.]

WAC 480-30-920 Registered exempt carriers. (1) Any passenger carrier operating under the exemptions of the Federal Motor Carrier Act, with no authority issued by the USDOT or its successor agency, may not operate over the public highways of the state of Washington unless it registers with the commission between August 1 and November 30 of each year, or at any time after November 30 when it begins interstate exempt operations, or when it will operate additional motor vehicles within the state.

(2) To register with the commission as a registered exempt carrier, a passenger transportation company must:

(a) Complete a registration application on a form provided by the commission;

(b) Identify the number of motor vehicles that the company will operate within the state;

(c) Pay the registration fee for each motor vehicle; and

(d) Provide proof of insurance.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-920, filed 6/8/06, effective 7/9/06.]

WAC 480-30-930 Registration fee and receipts. (1) **Registration fee.** The annual registration fee for registered and registered exempt interstate passenger transportation companies operating vehicles over the public highways of Washington state is:

(a) $10 For each motor vehicle operated by a passenger transportation company providing interstate charter or excursion service.

(b) $0 For each motor vehicle operated by a passenger transportation company providing interstate regular route service.

(2) **Registration receipts.**

(a) A legible receipt showing registration with a base state or the commission as a registered or registered exempt carrier must be present in each motor vehicle and the receipt is subject to inspection at all times by law enforcement agents and commission representatives. No person or firm may use a registration receipt issued by the commission other than the registered or registered exempt carrier to whom it was issued.

(b) All receipts issued for a calendar year expire on December 31 of that year.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-930, filed 6/8/06, effective 7/9/06.]

WAC 480-30-940 Insurance requirements for interstate operations. Registered and registered exempt carriers conducting interstate operations must provide evidence of insurance in the amount required by the USDOT or its successor agency written by a company authorized to write insurance in any state.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-940, filed 6/8/06, effective 7/9/06.]

PART 10—ADOPTION BY REFERENCE

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 Standard 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, 2008.

(b) This publication is referenced in WAC 480-30-121 (Certificates, applications, charter and excursion) and WAC 480-30-221 (Vehicle and driver safety requirements).

(c) The *North American Out-of-Service Criteria* is a copyrighted document. Copies are available from CVSA in Washington, D.C.

(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 December 31, 2007.

(b) This publication is referenced in WAC 480-30-221 (Vehicle and driver safety requirements) and WAC 480-30-226 (Intrastate medical waivers).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, http://bookstore.gpo.gov/, and from various third-party vendors.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.-353. 09-01-171 (Docket A-081419, General Order R-554), § 480-30-999, filed 12/23/08, effective 1/23/09. Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-999, filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-21-022 (Docket No. A-050271, General Order No. R-521), § 480-30-999, filed 10/10/05, effective 11/10/05; 04-01-152 (General Order No. R-511, Docket No. A-030852), § 480-30-999, filed 12/22/03, effective 1/22/04; 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-30-999, filed 8/26/02, effective 9/26/02. 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

480-31-010 Purpose.
480-31-020 Application of rules.
480-31-030 Definitions.
480-31-040 Licenses, and rules and regulations.
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480-31-052 Suspending and canceling certificates.
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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.

480-31-140 Safety inspections. [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.] Repealed by 06-11-013 (Docket T-051915, General Order No. R-532), filed 5/4/06, effective 6/4/06. Statutory Authority: RCW 81.04.160 and 34.05.353.

WAC 480-31-010 Purpose. The purpose of this section is to ensure that private, nonprofit transportation providers, who primarily operate by using revenues received from governmental grants and/or charitable organizations, do so in a manner that is safe and reasonable for persons with special transportation needs.

[Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-010, filed 3/27/97, effective 4/27/97.]

WAC 480-31-020 Application of rules. These rules will apply to any private, nonprofit transportation provider so defined by the laws of the state of Washington, engaged in the business of providing transportation subject to the jurisdiction of this commission for persons with special transportation needs.

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 480-31-040 Licenses, and rules and regulations. No provider may operate a motor vehicle upon the public highways of this state until the owner of the vehicle or person lawfully responsible for the vehicle has complied with the laws of this state pertaining to licenses, obtained a certificate from the commission, and complied with all rules and regulations of the commission governing the operation of private, nonprofit transportation providers.

[Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-040, filed 3/27/97, effective 4/27/97.]

WAC 480-31-050 Certificates. (1) The commission will issue a certificate to any corporation which files a completed application, as provided by the commission, which provides:

(a) Satisfactory proof of its status as a private, nonprofit corporation;

(b) Information sufficient to determine the particular service to be provided;

(c) Satisfactory proof of insurance or surety bond, in accordance with WAC 480-31-070 (Insurance);

(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) No certificate will be sold, assigned, leased, acquired, or transferred except upon authorization of the commission.

[Statutory Authority: RCW 80.01.040(4), 81.04.160. 06-07-100 (Docket No. T-051359, General Order No. R-529), § 480-31-050, filed 3/15/06, effective 4/15/06. 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 480-31-052 Suspending and canceling 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 private, nonprofit transportation provider's operations;

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

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

(d) Allowing others to operate under a provider's certificated authority without having first obtained commission approval;

(e) Operating in a manner that violates the rights of customers and/or constitutes an unfair or deceptive business practice; or

(f) Repeated failure or refusal to comply with laws and rules pertaining to operations of private, nonprofit transportation providers.

(2) **Cause for cancellation.** 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 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 laws and rules affecting the public health, safety, or welfare when the commission has reason to believe the private, nonprofit transportation provider will not comply with those laws and rules following a specified period of suspension;

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

(f) Submission of false, misleading or inaccurate information.

(3) **Notice of pending suspension and cancellation.** When the commission believes cause exists to suspend or cancel a certificate, it will issue a notice to the private, nonprofit transportation provider of the commission's intention to suspend or cancel the authority.

(4) **Contest of suspension and cancellation.** A private, nonprofit transportation provider may contest the pending suspension and/or cancellation of its certificate by requesting a hearing or brief adjudicative proceeding within ten days following the date of the notice.

[Statutory Authority: RCW 80.01.040(4), 81.04.160. 06-07-100 (Docket No. T-051359, General Order No. R-529), § 480-31-052, filed 3/15/06, effective 4/15/06.]

WAC 480-31-054 Certificates, reinstatement. (1) The commission may reinstate a certificate canceled for cause under the provisions of WAC 480-31-052 (Suspending and canceling certificates) if the private, nonprofit transportation provider:

(a) Corrects all conditions leading to the cancellation;

(b) Provides a written statement explaining the circumstances surrounding the cancellation and commits that it is unlikely to recur; and

(c) Files an application to reinstate authority with the proper application fee.

(2) The commission may reinstate a certificate suspended under the provisions of WAC 480-31-052 (Suspending and canceling certificates) if the provider satisfies the terms of the suspension and all conditions leading to the suspension are corrected.

[Statutory Authority: RCW 80.01.040(4), 81.04.160. 06-07-100 (Docket No. T-051359, General Order No. R-529), § 480-31-054, filed 3/15/06, effective 4/15/06.]

WAC 480-31-070 Insurance. (1) Evidence of liability and property damage insurance or a surety bond must be on file before a certificate will be issued to a private, nonprofit transportation provider. The insurance or surety bond must have been written by a company authorized to write such insurance in the state of Washington. The combined bodily injury and property damage liability insurance or surety bond must not be less than:

Five hundred thousand dollars combined single limit for vehicles with a passenger capacity of less than sixteen passengers, including the driver;

One million dollars combined single limit for vehicles with a passenger capacity of sixteen or more passengers, including the driver.

(2) A provider's insurance agency or company must submit evidence of insurance on a "uniform motor carrier bodily injury and property damage liability certificate of insurance" (form E).

(3) All liability and property damage insurance policies issued to providers must carry a "uniform motor carrier bodily injury and property damage liability endorsement."

(4) Insurance termination. All insurance policies issued must provide that the same will continue in full force and effect until canceled by at least thirty days' written notice served on the insured and the commission by the insurance company. The thirty-day notice will commence to run from the date notice is actually received by the commission, except for binders which may be canceled on ten days' written notice.

A provider's insurance agency or company must submit notice of cancellation or expiration in duplicate on forms prescribed by the commission and must not submit the notice more than sixty days before the desired termination date, except binders which may be canceled by ten days' written notice from the insurance agency or company.

(5) No provider may operate upon the public highways of this state without insurance as required by this section.

[Statutory Authority: RCW 80.01.040(4), 81.04.160. 06-07-100 (Docket No. T-051359, General Order No. R-529), § 480-31-070, filed 3/15/06, effective 4/15/06. Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-070, filed 3/27/97, effective 4/27/97.]

WAC 480-31-080 Fees and annual report. (1) A private, nonprofit transportation provider must pay to the commission an annual fee for each vehicle operated. The fee is established by commission order. The provider must pay the annual fee with the filing of the annual report.

(2) At the close of each calendar year, every provider must secure from the commission the proper forms and file with the commission its annual report as soon as possible after the close of the calendar year, but no later than May 1st of the succeeding year.

[Statutory Authority: RCW 80.01.040, 80.04.160, and 81.66.030. 08-21-027 (Docket TN-080875, General Order R-552), § 480-31-080, filed 10/7/08, effective 11/7/08. Statutory Authority: RCW 80.01.040(4), 81.04.160. 06-07-100 (Docket No. T-051359, General Order No. R-529), § 480-31-080, filed 3/15/06, effective 4/15/06. Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-080, filed 3/27/97, effective 4/27/97.]

WAC 480-31-090 Passenger complaints and disputes. Any complaint or dispute involving a passenger and a provider for which the commission has jurisdiction must be treated in the following manner:

(1) Each complaint or dispute received by a provider from a passenger must be investigated promptly as required by the particular case, and the results reported to the passenger. When the circumstances indicate the need for corrective action, such action must be taken as soon as possible.

(2) Each provider must ensure that personnel engaged in initial contact with a dissatisfied or complaining passenger will inform the passenger that if dissatisfied with the decision or explanation provided, the passenger has the right to have the problem considered and acted upon by supervisory personnel. The passenger must be provided with the name or department of such supervisory personnel and a telephone number by which they can be reached.

(3) Each provider must ensure that supervisory personnel contacted by a dissatisfied passenger will inform a still-dissatisfied passenger of the availability of the commission for further review of any complaint or dispute. The telephone number and address of the commission must also be provided.

(4) All parties to a dispute between a passenger and the provider have the right to bring before the commission an informal complaint pursuant to the provisions of WAC 480-07-910 and/or a formal complaint pursuant to the provisions of WAC 480-07-370.

(5) When a complaint is referred to a provider by the commission, the provider must, within two business days, report the results of any investigation made regarding the complaint to the commission and must keep the commission currently informed as to progress made with respect to the solution of, and final disposition of, the complaint. If warranted in a particular case, the provider may request an extension of time.

(6) Records - each provider must keep a record of all complaints concerning its service or rates. The record must show at least the name and address of the complainant, the nature and date of the complaint, action taken, and the final disposition of the complaint. Such records must be maintained in a suitable place readily available for commission review and will be provided to the commission upon request.

All written complaints made to a provider must be acknowledged within five business days. Correspondence and records of complaints must be retained by the provider for a minimum period of one year.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-31-090, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-090, filed 3/27/97, effective 4/27/97.]

WAC 480-31-100 Equipment—Safety. In addition to other laws and regulations of this state, all providers must comply with the following:

The rules and regulations governing motor carrier safety prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 392 (Driving of Motor Vehicles), part 393 (Parts and Accessories Necessary for Safe Operation), part 396 (Inspection, Repair and Maintenance), and part 397 (Transportation of Hazardous Materials; Driving and Parking rules).

The commission adopts by reference the provisions of federal rules in effect on 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.]

WAC 480-31-110 Identification of motor vehicle equipment. Providers must display identification markings on the driver and passenger side of the vehicles.

The markings must include the name of the provider as registered with the commission and the certificate number. Provided however, providers holding both intrastate and interstate authority may display either the U.S. Department of Transportation certificate number, commission certificate number, or both.

The markings must be clearly legible, with letters no less than three inches high, in a color that contrasts with the surrounding body panel. Leased vehicles may display either permanent markings or placards on the driver and passenger sides of the vehicle.

Vehicles operated by or under lease must display the name and permit number of either the business operating the vehicle or the registered owner. The markings may be permanent or placards on the driver and passenger sides of the vehicle.

When identification of the provider would create an embarrassment to the persons with special transportation needs, the name of the provider may be omitted when authorized by letter from the secretary of the commission.

The commission adopts by reference the provisions of federal rules cited in this section. The material incorporated by reference in this section is available for public examination in the Washington utilities and transportation commission branch of the Washington state library associated with the commission's headquarters office in Olympia and is available for purchase at the Seattle office of the government printing office.

[Statutory Authority: RCW 80.01.040 and chapter 80.01 RCW. 97-08-037 (Order R-440, Docket No. TC 961102), § 480-31-110, filed 3/27/97, effective 4/27/97.]

WAC 480-31-120 Equipment—Inspection—Ordered for repairs. (1) All motor vehicles operated by providers must be maintained in a safe and sanitary condition. They must at all times be subject to inspection by the commission and its duly authorized representatives who will have power to order out-of-service any vehicle failing to meet the standards set forth in this section, or if not being operated in compliance with state laws in regard to equipment or method.

(2) Every provider must ensure that all its vehicles are regularly inspected, repaired and maintained, as required by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 396 (Inspection, Repair and Maintenance) 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 480-31-999 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 Standard 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, 2008.

(b) This publication is referenced in WAC 480-31-120 (Equipment—Inspection—Ordered for repairs).

(c) The *North American Out-of-Service Criteria* is a copyrighted document. Copies are available from CVSA in Washington, D.C.

(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 December 31, 2007.

(b) This publication is referenced in WAC 480-31-100 (Equipment—Safety), WAC 480-31-120 (Equipment—Inspection—Ordered for repairs), and WAC 480-31-130 (Operation of motor vehicles).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, http://bookstore.gpo.gov/, and from various third-party vendors.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.-353. 09-01-171 (Docket A-081419, General Order R-554), § 480-31-999, filed 12/23/08, effective 1/23/09. Statutory Authority: RCW 81.04.160 and 34.05.353. 06-11-013 (Docket T-051915, General Order No. R-532), § 480-31-999, filed 5/4/06, effective 6/4/06. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-21-022, § 480-31-999, filed 10/10/05, effective 11/10/05; 04-01-152 (General Order No. R-511, Docket No. A-030852), § 480-31-999, filed 12/22/03, effective 1/22/04; 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-31-999, filed 8/26/02, effective 9/26/02. 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 480-51 WAC
COMMERCIAL FERRIES

WAC

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480-51-140 Temporary interruptions of service—Suspension of service.
480-51-150 Certificates, involuntary cancellation, revocation, suspension, alteration or amendment by the commission.

WAC 480-51-010 General. (1) Commercial ferries shall comply with the terms of this chapter in addition to rules prescribed by the commission for public service companies in general.

(2) This chapter is subject to such exceptions as the commission may consider just and reasonable in individual cases.

(3) Application for exception to any of the rules of this chapter shall be made in accordance with the following:

(a) Application must be directed to the commission at its Olympia headquarters office;

(b) The application must be legibly presented on 8-1/2 inch by 11 inch paper, on one side of each sheet only;

(c) The applicant must identify the rule to which exception is sought and give a full explanation of the reasons for requesting the exception.

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-010, filed 10/18/95, effective 11/18/95.]

WAC 480-51-020 Definitions. For the purposes of these rules, the following definitions shall apply:

(1) The term "commercial ferry" means every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers, appointed by any court whatever, owning, controlling, leasing, operating or managing any vessel over and upon the waters of this state.

(2) The term "certificated commercial ferry" means a person required by chapter 81.84 RCW to obtain a certificate of public convenience and necessity before operating any vessel upon the waters of this state.

(3) The term "common carrier ferry vessel" means a vessel primarily engaged in transporting freight other than vehicles, whose gross earnings from the transportation of passengers and/or vehicles are not more than ten percent of the total gross annual earnings of such vessel.

(4) The term "vessel" includes every species of watercraft, by whatever power operated, for public use in the conveyance of persons or property for hire over and upon the waters within this state, excepting all towboats, tugs, scows, barges, and lighters, and excepting rowboats and sailing boats under twenty gross tons burden, open steam launches of five tons gross and under, and vessels under five tons gross propelled by gas, fluid, naphtha, or electric motors.

(5) The term "transportation of property" includes any service in connection with the receiving, delivery, elevation, transfer in transit, ventilation, refrigeration, icing, storage and handling of the property transported, and the transmission of credit.

(6) The term "transportation of persons" includes any service in connection with the receiving, carriage and delivery of the person transported and that passenger's baggage and all facilities used, or necessary to be used in connection with the safety, comfort and convenience of the person transported.

(7) The term "for hire" means transportation offered to the general public for compensation.

(8) The term "transfer" means sale, assignment, mortgage, lease or any other voluntary or involuntary conveyance of an interest in a certificate by the entity owning a certificate.

(9) The term "launch service" means transportation of passengers and/or freight to or from a vessel under way, at anchor or at a dock.

(10) The term "person" means any natural person or persons or any entity legally capable of taking any action.

(11) The term "published schedule" means a time schedule that is published by the certificate holder and filed with the commission in accordance with the provisions of WAC 480-51-090.

(12) For the purposes of these rules, where the terms "United States Coast Guard" and/or "Coast Guard" are used, the term "Washington state department of labor and industries, marine division" shall be substituted if the commercial ferry boat operates on Washington state waterways not subject to Coast Guard regulation or if the vessel itself is subject to department of labor and industries, marine division, rules and regulations rather than those of the United States Coast Guard.

(13) The term "excursion service" means the carriage or conveyance of persons for compensation over the waters of this state from a point of origin and returning to the point of origin with an intermediate stop or stops at which passengers leave the vessel and reboard before the vessel returns to its point of origin.

(14) The term "charter service" means the hiring of a vessel, with captain and crew, by a person or group for carriage or conveyance of persons or property.

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-020, filed 10/18/95, effective 11/18/95.]

WAC 480-51-022 Exempt vessels and operations. The rules of this chapter do not apply to the following vessels or operations:

(1) Charter services;

(2) Passenger-carrying vessels that depart and return to the point of origin without stopping at another location within the state where passengers leave the vessel;

(3) Vessels operated by not-for-profit or governmental entities that are replicas of historical vessels or that are recognized by the United States Department of the Interior as national historical landmarks;

(4) Excursion services that:

(a) Originate and primarily operate at least six months per year in San Juan County waters and use vessels less than sixty-five feet in length with a United States Coast Guard certificate that limits them to forty-nine passengers or less;

(b) Do not depart from the point of origin on a regular published schedule;

(c) Do not operate between the same point of origin and the same intermediate stop more than four times in any month or more than fifteen times during any twelve-month period;

(d) Use vessels that do not return to the point of origin on the day of departure; or

(e) Operate vessels upon the waters of the Pend Oreille River, Pend Oreille County, Washington.

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-022, filed 10/18/95, effective 11/18/95.]

WAC 480-51-025 General operation. (1) Commercial ferries must comply with all pertinent federal and state laws, chapter 81.84 RCW, and the rules of this commission.

(2) No certificated commercial ferry shall provide service subject to the regulation of this commission without first having obtained from the commission a certificate declaring that public convenience and necessity require, or will require, that service.

(3) No company may operate any vessel providing excursion service subject to the regulation of this commission over the waters of this state without first having obtained a certificate of public convenience and necessity as provided in RCW 81.84.010.

(4) Any operator holding unrestricted commercial ferry authority may provide excursion service on an existing route without the need to obtain additional authority. The commission may restrict grants of commercial ferry authority to operations in excursion service.

(5) Any certificate of public convenience and necessity obtained by any false affidavit, statement or misrepresentation shall be subject to revocation and cancellation by this commission.

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-025, filed 10/18/95, effective 11/18/95.]

WAC 480-51-030 Applications. (1) Any person desiring to operate a commercial ferry which is required by the provisions of chapter 81.84 RCW to be certificated, to acquire a controlling interest in, or to acquire by transfer any certificate, shall file with the Washington utilities and transportation commission an application for a certificate of public convenience and necessity on a form furnished by the commission. Applications shall include, but are not limited to the following:

(a) Pro forma financial statement of operations;

(b) Ridership and revenue forecasts;

(c) The cost of service for the proposed operation;

(d) An estimate of the cost of the assets to be used in providing service;

(e) A statement of the total assets on hand of the applicant that will be expended on the proposed operation; and

(f) A statement of prior experience, if any, in providing commercial ferry service.

(2) Certificate holders wishing to issue stocks and stock certificates, or other evidences of interest or ownership, and bonds, notes, and other evidences of indebtedness and to create liens on their property in this state shall comply with chapter 81.08 RCW, as amended, and with all pertinent commission rules.

(3) Application fees:

Original application for certificate	$200.00
Application for extension of certificate	200.00
Application to transfer a certificate	200.00
Application for issuance of a duplicate certificate	3.00
Application for temporary certificate	200.00

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-030, filed 10/18/95, effective 11/18/95.]

WAC 480-51-040 Notice of application—Protests—Contemporaneous applications. (1) The commission shall send a notice of each application for certificated commercial ferry service and each application to operate vessels providing excursion service, with a description of the terms of that application, to all persons presently certificated to provide service; all present applicants for certificates to provide service; the department of transportation; affected cities and counties; and any other person who has requested, in writing, to receive such notices. Interested persons may file a protest with the commission within thirty days after service of the notice. The protest shall state the specific grounds for opposing the application and contain a concise statement of the interest of the protestant in the proceeding. A person who is eligible to file a protest and fails to do so may not participate further in the proceeding in any way, unless it can be demonstrated that failure to file a protest was due to an omission by the commission in providing proper notification of the pending application.

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

(3) The commission may consolidate overlapping pending applications, pursuant to WAC 480-07-320, for joint consideration.

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

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

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

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

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-51-040, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-040, filed 10/18/95, effective 11/18/95.]

WAC 480-51-050 Waiver of ten-mile restriction. (1) **Application.** An application to provide service otherwise forbidden by the ten-mile restriction in RCW 47.60.120 shall include a request for waiver of that restriction.

(2) **Notice—Protests.** The commission shall send a notice of each application for waiver of the ten-mile restriction pursuant to WAC 480-51-030. Interested persons shall have twenty days from the date of mailing of the notice in which to file a protest with the commission stating opposition to the waiver petition and application. Protests should set forth specifically the grounds upon which they are made and contain a concise statement of the interest of the protestant in the proceeding.

(3) **Standards.** In determining whether to grant or deny a waiver, the commission shall consider, but is not limited to, the impact of the waiver on:

(a) Transportation congestion mitigation;

(b) Air quality improvement; and

(c) The Washington state ferry system.

(4) **Resolution—Hearing.** The commission shall act upon a request for a waiver of the ten-mile restriction within ninety days after the conclusion of the hearing. The commission may in its discretion separate the request for a waiver of the ten-mile restriction from other issues in the application when necessary to comply with the statutory ninety-day deadline.

(5) **Effective period of waiver.**

(a) A waiver granted to an applicant or certificate holder under RCW 47.60.010(3) shall be effective for a period of five years from the date of grant of the waiver.

(b) Pursuant to RCW 47.60.010(3), the waiver shall automatically become permanent unless appealed to the commission, or unless reviewed by the commission upon its own motion, no later than thirty days after the fifth anniversary of the effective date of the waiver as set forth in (a) of this subsection. The commission will issue no notice of the expiration date of the five-year period. The burden of proof to show that the waiver should not become permanent shall be upon the party who files the appeal or upon the commission, if the review is on the commission's own motion. Persons who may appeal include the department of transportation, affected cities and counties, and any interested party. An interested party, for the purposes of this rule, means any party to the proceeding in which the application was granted, any person certificated to provide service possessing overlapping authority, and any applicant for overlapping authority.

(c) Upon receipt of an appeal of a waiver and the holder's answer, if any, the commission shall set the matter for adjudication. The commission may, in its discretion, on the request of a party, or on its own motion, order a brief adjudicative proceeding on the appeal. WAC 480-07-610 governs applications for and procedures in brief adjudicative proceedings.

(6) **Certificates containing waiver.** Certificates granted in conjunction with the grant of a waiver shall include the following proviso:

> "*Pursuant to RCW 47.60.010(3), the waiver of the ten-mile restriction granted in this certificate is effective until (DATE). This waiver shall become permanent if not appealed within thirty days after this date.*"

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-51-050, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-050, filed 10/18/95, effective 11/18/95.]

WAC 480-51-060 Temporary certificates. (1) The commission may issue temporary certificates for authority to provide service for a period not to exceed one hundred eighty days.

(2) The commission shall not issue a temporary certificate to operate on a route for which a certificate has been issued or for which an application is pending.

(3) The commission shall only issue temporary certificates upon finding that the issuance is due to an urgent and immediate need and is otherwise consistent with the public interest. In determining whether to grant the requested temporary certificate, the commission will consider evidence of the following factors:

(a) An immediate and urgent need for the requested service;

(b) Any available service capable of meeting the need;

(c) The fitness of the applicant; and

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

(4) An application for a temporary certificate shall be completed legibly on a form furnished by the commission, giving all information requested and accompanied by:

(a) The application fee;

(b) A copy of a certificate or letter from the United States Coast Guard certifying that any vessel to be used under that temporary certificate has been inspected by the United States Coast Guard and is safe and seaworthy for the intended operation;

(c) Evidence of proper insurance as required by WAC 480-51-070;

(d) Statements from potential customers, riders, shippers or interested parties demonstrating that there is an immediate and urgent need for the requested service.

(5) The commission shall send a notice of each temporary certificate granted, with a description of the temporary certificate's terms, to all persons presently certificated to provide service; all present applicants for certificates to provide service; the department of transportation; affected cities and counties; and any other person who has requested, in writing, to receive such notices. Interested persons may file a protest with the commission within twenty days after service of the notice. The protest shall state the specific grounds for opposing the application and contain a statement of the interest of the protestant in the proceeding.

(6) The commission may grant or deny the protest without hearing. The commission may, in its discretion, on the application of a party, or on its own motion, order a brief adjudicative proceeding on the protest. WAC 480-07-610 governs applications for and procedures in brief adjudicative proceedings.

(7) The commission may impose special terms and conditions in connection with the grant of any temporary certificate.

(8) If the holder of temporary authority files a valid application for parallel permanent certificated authority within thirty days after the grant of temporary authority, that

temporary authority shall continue in force until the commission grants or denies the application for the permanent certificate authority, or until the temporary certificate is otherwise cancelled pursuant to law, whichever occurs first.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-51-060, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-060, filed 10/18/95, effective 11/18/95.]

WAC 480-51-070 Insurance. (1) **Liability and property damage insurance or surety bond.**

(a) Prior to the commission issuing a certificate, and prior to the commission issuing a registration to a common carrier ferry operating passenger-carrying vessels, each applicant shall file with the commission evidence of currently effective liability and property damage insurance or a surety bond, the form of which is set out below, written by a company authorized to write such insurance or bond in the state of Washington, covering each vessel to be used under the certificate or registration granted. Coverage shall be for not less than the following amounts:

$100,000	for any recovery for personal injury by one person, and
$1,000,000	for all persons receiving personal injury and property damage by reason of one act of negligence, and
$50,000	for damage to property of any person other than the insured, or
$1,000,000	combined bodily injury and property damage liability insurance.

(b) Evidence of insurance shall be submitted on either a certificate of insurance, filed in triplicate with the commission, or a written binder issued by an insurance agent or insurance company evidencing the coverage as required above. If a binder is submitted, it shall be effective for not longer than sixty days, during which time the operator must file the required certificate of insurance.

(c) Form of surety bond.

"*Know all persons by these presents:*

That we_____ of the City of _____, State of Washington, as principal, and _____, a corporation organized and existing under and by virtue of the Laws of the State of Washington under the laws thereof, as surety, are held and firmly bound unto the State of Washington, in the just and full sum or lawful money of the United States of America, upon each and every vessel operated by the principal herein in the amounts as set out in the schedule above for the payment of which well and truly to be made, do hereby bind ourselves, or heirs, executors, administrators, successors and assigns, severally by these presents.

Signed, sealed and dated this _____ day of _____ 19__.

This bond is written in pursuance of and is to be construed in accordance with chapter 81.84 RCW, and the rules and regulations of the Washington Utilities and Transportation Commission, adopted thereunder; is to be filed with the State for the benefit of persons who sustain damage or injury from the negligent operations of any and all vessels operated by the company (principal herein) under and by virtue of its certificate or registration granted by the Washington Utilities and Transportation Commission, and Tariffs and Time Schedules filed thereunder.

SCHEDULE

$100,000	*for any recovery for personal injury by one person and*
$1,000,000	*for all persons receiving personal injury and property damage by reason of one act of negligence, and*
$50,000	*for damage to property of any person other than the insured, or*
$1,000,000	*combined bodily injury and property damage liability.*

Now, therefore, the condition of this obligation is such that if the said principal in accordance with the provision of chapter 81.84 RCW, shall pay all damages for personal injuries which may be sustained by any person or any damage to property of any person other than the assured, by reason of any act of negligence on the part of the said principal, its agents or employees in the operation of vessels in transporting persons and property for compensation, under its Certificate of Public Convenience and Necessity or registration issued by the Washington Utilities and Transportation Commission, and Tariffs and Time Schedules filed thereunder, then this obligation to be void, otherwise to remain in full force and effect.

This bond may be cancelled by the surety at any time by filing written notice with the Washington Utilities and Transportation Commission stating when the cancellation shall be effective, but in no case shall such cancellation notice be effective until thirty (30) days after the receipt of such notice by the Washington Utilities and Transportation Commission.

_____
Principal

_____
Surety"

(2) **Insurance, continuance of.** Proper evidence of continued insurance or surety bond shall be filed with the commission not less than ten days prior to the termination date of coverage then on file so there is no question of continuous coverage as required by law.

(3) **Insurance termination.**

(a) All insurance policies issued under the requirements of chapter 81.84 RCW shall provide that the coverage shall continue in full force and effect unless and until cancelled by at least thirty days' written notice served on the insured and the Washington utilities and transportation commission by the insurance company. The thirty days' notice period runs from the date the notice is actually received by the commission. Exception: Binders may be cancelled on ten days' written notice.

(b) Notice of cancellation or expiration shall be submitted in duplicate and shall not be submitted more than sixty days before the intended termination date, except that binders may be cancelled by written notification from the insurance agency or insurance company on ten days' written notice.

(4) **Involuntary suspension—Cancellation.**

(a) **Involuntary suspension.** No certificate holder and no registered passenger-carrying common carrier may operate in this state without the required insurance. Any certificate holder or registered passenger-carrying common carrier who fails to maintain evidence that its insurance is in current force and effect shall have its certificate or registration suspended by operation of law beginning with the time of the failure.

(i) A person whose certificate or registration is suspended may secure reinstatement of the same by correcting conditions leading to suspension.

(ii) A certificate or registration holder may contest suspension by requesting a brief adjudication or an adjudication.

(iii) The suspension shall last until the cause of the suspension is cured and the certificate or registration is reinstated or until the certificate or registration is cancelled.

(b) **Cancellation.**

(i) The commission may cancel a certificate or registration for failure to demonstrate that the holder has corrected the conditions leading to suspension with the time defined in the order of suspension.

(ii) The commission will hold a hearing prior to canceling a certificate or registration, except when cancellation results from failure to correct causes of a suspension in which an adjudicative or brief adjudication was held or was available to the certificate or registration holder.

(5) All persons holding certificates on the effective date of this rule shall, within sixty days of the effective date, file evidence of proper insurance with the commission.

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-070, filed 10/18/95, effective 11/18/95.]

WAC 480-51-075 Safety. (1) No commercial ferry shall operate any vessel that has not been inspected by the United States Coast Guard and certified to be safe and seaworthy for its intended operation.

(2) Each commercial ferry shall maintain in its main office a copy of the most current certificate issued for each vessel operated.

(3) The commission may periodically require commercial ferry operators to provide proof that each vessel operated has been inspected and found to be safe and seaworthy. Such proof may be contained on the annual report form required by WAC 480-51-100.

(4) No commercial ferry shall augment its fleet with a vessel leased, borrowed, or obtained from another party unless the commercial ferry operator first obtains proof that the vessel has been inspected within the past twelve months and found to be safe and seaworthy for its intended purpose. A copy of the inspection certificate must be maintained in the commercial ferry operator's files for a period of not less than twelve months following use of such vessel.

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-075, filed 10/18/95, effective 11/18/95.]

WAC 480-51-077 Operators of common carrier ferry vessels—Registration—Regulations. (1) No person shall operate a common carrier ferry vessel without first having registered with the commission and filing a tariff in accordance with the provisions of WAC 480-51-080. Registration to be made on forms supplied by the commission. Operators of passenger-carrying common carrier ferry vessels must provide evidence of insurance as required by WAC 480-51-070.

(2) Any person who operates a common carrier ferry vessel shall be required to submit annual reports and regulatory fees in accordance with the provisions of WAC 480-51-100.

(3) Operators of common carrier ferry vessels shall maintain accounts in accordance with the provisions of WAC 480-51-110.

(4) Any person operating a common carrier ferry vessel on the date this rule is adopted must file a registration application within sixty days of the effective date of the rule.

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-077, filed 10/18/95, effective 11/18/95.]

WAC 480-51-080 Tariffs. (1) All commercial ferries shall file with the commission tariffs containing fair, just and reasonable rates governing the transportation services to be provided.

(a) Pursuant to Article 12, section 12 of the Washington Constitution and RCW 81.28.180 and 81.28.190, rates contained in commercial ferry tariffs must be nondiscriminatory and nonpreferential.

(b) Tariffs may provide for variations within a band of rates, and may provide for exceptions and conditions in defined circumstances.

(2) Operators of commercial ferries shall prepare, publish, file and reissue their tariffs in accordance with the provisions of the commission's Tariff Circular No. 6.

(3) Tariffs must be issued in the registered name of the operator and must show its certificate or registration number.

(4) Tariffs must contain a title page which identifies the name of the company; its business name, if any; its business address; its business telephone number; and the name, address and business telephone number of the issuing agent.

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-080, filed 10/18/95, effective 11/18/95.]

WAC 480-51-090 Time schedules. Each certificate holder, excluding launch services, shall publish and file with the commission, time schedules showing all service given under their certificate and the manner in which it is available, as follows:

(1) Time schedules shall be typewritten or printed on 8-1/2 x 11 inch paper.

(2) The title page of each time schedule must show the following (see sample time schedule in subsection (8) of this section):

(a) A consecutive number in the upper right hand corner, indicating the number of the current version of the time schedule (beginning with Number 1), and must show the number of the time schedule cancelled thereby, if any.

(b) The name of the certificate holder, approved trade name under which operation is conducted, and the number of the certificate.

(c) The termini or points between which the time schedule applies, briefly stated.

(d) A definite statement of the regular route or routes traversed including all intermediate stops and the names and locations of all docks and landings used along the route.

(e) The date when the time schedule is issued, posted and filed with the commission and the date when the time schedule is to become effective.

(f) The name, title and address (including both street address and mailing address, if different from street address) of the official issuing the time schedule.

(3) Time schedules must show (see sample time schedule in subsection (8) of this section):

(a) The time of **Arrival** and **Departure** at and from all **Points Served.**

(b) The **Days** upon which each trip will be given.

(c) The **Distance** between all points shown in the schedule.

(e) Any limitations of service contained in the certificate and any restriction or limitation of the service given at or between the points shown as served.

(4) At least one copy of each time schedule shall be posted on or before the date shown as the date of its issuance, in a conspicuous place, easily accessible for public inspection, at each dock, waiting room and regular stopping place on the route and on each vessel used.

(5) Two copies of each time schedule shall be filed with the commission at its Olympia headquarters on or before the date shown as the date of its issuance.

(6) Changes in the operation under a certificate which affect in any way the information or service shown in the time schedule then in effect must be made only after a new time schedule has been issued and been made effective as follows:

(a) A new time schedule must be issued, bearing the next consecutive number, and stating the number of the time schedule cancelled thereby as provided in subsection (2) of this section, as for example:

"*Time Schedule No. 2*
cancels
Time Schedule No. 1"

(b) **Notice period required.** Copies of the new time schedule shall be posted and filed, in accordance with subsections (3) and (4) of this section, at least fifteen days before the effective date thereof. *Exception*: If the sole change accomplished by a new time schedule is to increase the number of runs on an established route currently operated, and no change is otherwise made in existing schedules, the filing must be made with the commission not less than one full day before the effective date and advance notice to the public will not be required.

(c) After such fifteen days, the new time schedule will be considered in full force and effect, unless ordered withdrawn, modified or suspended.

(d) The commission may, prior to the effective date of a new time schedule, on its own motion or on the filing of a sufficient protest by any person or persons affected, order the time schedule withdrawn, modified or suspended.

(e) In case of actual emergency or when real merit is shown, the commission may, in its discretion, permit a time schedule to become effective on less than fifteen days notice.

(7) Time schedules as filed with the commission and posted for the information of the public must be adhered to.

(8) Sample time schedule:

Time Schedule No. 2
cancels
Time Schedule No. 1

TIME SCHEDULE
of
NELS PETERSON

Certificate No. 500

Operating Under Trade Name of
PUGET FERRIES
Furnishing
passenger, freight and ferry service
Between
PONSEND, Washington, and BELL, Washington
via
CORTANA
With terminals at

PONSEND: Puget Dock, Foot of Puget St.
CORTANA: Dock at 912 Water St.
BELL: Pier 4, Foot of Victoria Way

Issued January 1, 1995 *Effective January 16, 1995*

Issued by J. B. Doe, Manager
912 Water Street
Cortana, Washington

Northbound (Daily, except Sunday)

Miles	Stations	Daily A.M.	Daily P.M.	Sunday Only P.M.
0.0	Lv. PONSEND	7:30	2:30	5:30
18.5	Lv. CORTANA	8:45	3:45	6:45
32.5	Ar. BELL	9:30	4:30	7:30

Southbound (Daily Except Sunday)

Miles	Stations	Daily A.M.	Daily P.M.	Sunday Only P.M.
0.0	Lv. BELL	10:00	5:00	8:00
14.0	Lv. CORTANA	10:45	5:45	8:45
32.5	Ar. PONSEND	12:00	7:00	10:00

Note 1: In bad weather, landing will be made at Long Cove Dock instead of Cortana.

Note 2: Vehicles more than 8 ft. 6 in. in height cannot be carried except by special arrangement.

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-090, filed 10/18/95, effective 11/18/95.]

WAC 480-51-100 Annual reports—Regulatory fees. (1) Each person operating a commercial ferry shall after the close of each year file with the commission reports covering its operations during the preceding calendar year containing the information required by the commission. The annual report must be prepared on forms furnished by the commission and must be filed, along with the regulatory fee, not later than May 1st of each year.

(2) The commercial ferry regulatory fee is set by statute at two-fifths of one percent of gross intrastate operating revenue.

(a) The maximum regulatory fee is assessed each year, unless the commission issues an order establishing the regulatory fee at an amount less than the statutory maximum.

(b) The minimum regulatory fee that a commercial ferry must pay is twenty dollars.

(c) The twenty dollar minimum regulatory fee is waived for any commercial ferry with less than five thousand dollars in gross intrastate operating revenue.

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

(e) If a company does not pay its regulatory fee by May 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.

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

(3) When a certificate is transferred or cancelled or for any reason a certificate holder ceases its operation under a certificate, an annual report must be filed with the commission within fifteen days after the certificate operator ceases operation and must cover the period from the first day of the year to the date operations ceased.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 2003 c 296. 04-05-031 (Docket No. A-031232, General Order No. R-512), § 480-51-100, filed 2/11/04, effective 3/13/04. Statutory Authority: RCW 81.84.-070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-100, filed 10/18/95, effective 11/18/95.]

WAC 480-51-110 Accounts. (1) The accounts and records of certificate holders shall be kept in accordance with the commission's "uniform classification of accounts and statistics for water transportation companies" including all current supplements, amendments, revisions and reissuances.

(2) The accounts, records and statistics of certificate holders must be kept reasonably up-to-date to disclose at all times the information and data required to be kept.

(3) Operators of common carrier ferry vessels shall maintain accounts, books and records sufficient to allow calculation of the gross revenue earned in providing passenger and vehicle water transportation services and sufficient to complete annual reports as required in WAC 480-51-100.

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-110, filed 10/18/95, effective 11/18/95.]

WAC 480-51-120 Failure to initiate service—Extensions of time to initiate service—Progress reports. (1) **Progress reports.**

(a) If a certificate holder has not initiated service to all or any portion of the route or routes granted in its certificate, the

certificate holder must, during the first five years after obtaining the certificate, and during each twelve-month extension period granted by the commission, file written progress reports with the commission every six months after the certificate is granted.

(b) For purposes of these rules the following definitions shall apply:

(i) The term "portion of a route or routes" means service to any named point or points along a route, and service between two or more points named in a certificated commercial ferry certificate; and

(ii) The term "initiating service" means providing regular, ongoing service to all points and between all points granted in a certificated commercial ferry certificate.

(c) Progress reports must include a statement of progress toward overcoming impediments to initiating service, including, but not limited to, the following information: The progress of environmental impact, parking, local government land use, docking, and financial considerations, the purchase or lease of a vessel or vessels, hiring of employees, advertising, and the ability to handle proposed traffic.

(2) **Extensions of time to initiate service.**

(a) If a certificate holder has not initiated all or any portion of the route or routes granted in its certificate during the first five years after obtaining the certificate, the certificate holder may petition the commission to extend the certificate on a twelve-month basis for up to three years.

(b) If a certificate holder obtained its certificate prior to July 25, 1993, and is not providing service on all or any portion of the route or routes granted in its certificate during the first five years after obtaining its certificate, and has not initiated service during the three-year extension period discussed above in (a) of this subsection, the certificate holder may petition the commission to extend its certificate on a twelve-month basis for up to an additional two years.

(c) The term "providing service" means operating to all points and between all points granted in a certificate by the commission. In determining whether a certificated commercial ferry which operates in on-call service, such as launch service or service to flag stops, is providing service, the commission shall consider whether the certificated commercial ferry is ready, willing, and able to provide the service when requested, and makes a reasonable effort to obtain traffic.

(d) For purposes of these rules, the term "not providing service on all or any portion of the route or routes" does not include:

(i) Service discontinued by grant of the commission under WAC 480-51-130; or

(ii) Temporary interruptions of regular service reported promptly to the commission in accordance with WAC 480-51-140.

(e) In determining whether to grant an extension of time in which to initiate service, the commission will consider whether:

(i) The certificate holder has submitted timely progress reports during the first five years after obtaining the certificate and during any extension period; and

(ii) The progress reports indicate significant advancement toward initiating service.

(3) **Failure to initiate service.** Certificates, or portions thereof, are subject to cancellation, alteration or amendment by the commission under the provisions of RCW 81.84.060 (1) if:

(a) A certificate holder has not initiated all or a portion of the route or routes granted in its certificate during the first five years after obtaining its certificate, and has not submitted timely progress reports to the commission as required in RCW 81.84.010(2);

(b) The commission has denied a certificate holder's request for an extension of time to initiate service and the certificate holder has not initiated service within thirty days of the denial; or

(c) A certificate holder has not initiated all or a portion of the route or routes granted before the expiration of any extensions of time to initiate service, and the certificate holder has not timely filed for an additional extension.

(4) **Petitions for extension of time to initiate service.**

(a) A certificate holder must file a petition with the commission seeking an extension of time to initiate service no later than ninety days prior to:

(i) The date upon which the five-year period following the grant of the certificate expires; or

(ii) The date upon which the current twelve-month extension period expires.

(b) Petitions for extension of time to initiate service shall be legibly prepared on forms to be furnished by the commission, giving all information requested.

(c) The commission may grant or deny petitions for extension without hearing. The grant or denial of extensions will be issued by letter of the secretary of the commission. A certificate holder aggrieved by the denial of an extension petition may seek review of the denial by filing a request for review of the decision within twenty days after service of the letter notifying the certificate holder of the denial. Within thirty days after receipt of the request for review, the commission shall schedule an adjudicative proceeding, and provide at least twenty days notice of the proceeding to the certificate holder requesting review. The commission may, in its own discretion, on the request of the aggrieved certificate holder, or on its own motion, order a brief adjudicative proceeding on the petition. WAC 480-07-610 governs applications for and procedures in brief adjudicative proceedings.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-51-120, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-120, filed 10/18/95, effective 11/18/95.]

WAC 480-51-130 Indefinite discontinuance of service. No certificate holder shall discontinue the service authorized under its certificate and set forth in its filed time schedule without first having given to the commission and to the public, at least fifteen days' notice, in writing, of its intention to discontinue such service, and without having secured the commission's permission. The commission shall not grant permission for discontinuance of service for periods exceeding twelve months.

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-130, filed 10/18/95, effective 11/18/95.]

WAC 480-51-140 Temporary interruptions of service—Suspension of service. (1) Certificate holders shall report promptly in writing to the commission, and to the public along the route, all interruptions of regular service, where such interruptions are likely to continue for more than twenty-four hours. Said report to include a full statement of the cause of such interruption and its probable duration.

(2) Discontinuance or suspension of service by a certificate holder for a period of five consecutive days without notice to the commission shall be deemed a forfeiture of all right secured under and by virtue of any order or permission to operate, issued by the commission: Provided, however, That the commission may permit the resumption of operation after such five-day discontinuance or suspension, on proper showing that the certificate holder was not responsible for the failure to give service or notice.

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-140, filed 10/18/95, effective 11/18/95.]

WAC 480-51-150 Certificates, involuntary cancellation, revocation, suspension, alteration or amendment by the commission. (1) Upon complaint by an interested party, or upon its own motion after notice and opportunity for hearing, the commission may cancel, revoke, suspend, alter, or amend a certificate issued under this chapter for any of the following grounds:

(a) Violation of an order, decision, rule, regulation, or requirement established by the commission or the requirements of law;

(b) Failure of the certificate holder to initiate service by the conclusion of the fifth year after the certificate has been granted or by the conclusion of an extension granted under RCW 81.84.010 (2) or (3), if the commission has considered the progress report information required under RCW 81.84.-010 (2) or (3);

(c) Failure of the certificate holder to file an annual report;

(d) Filing by the certificate holder of an annual report that shows no revenue in the previous twelve-month period after service has been initiated;

(e) Violation of any provision of this chapter;

(f) Violation of or failure to observe the provisions or conditions of the certificate, tariffs or filed time schedule;

(g) Failure of the certificate holder to maintain the required insurance coverage in full force and effect; or

(h) Failure or refusal to furnish reasonable and adequate service after initiating service.

(2) The commission shall institute an investigation upon receipt of a complaint by an interested party to determine whether the complaint has merit.

(3) Within thirty days of a finding that a complaint filed by an interested party has merit and that the certificate holder is in violation, or upon its own finding that the certificate holder is in violation, as described in subsection (1)(a) through (h) of this section, the commission shall take appropriate action to cancel, revoke, suspend, alter or amend the certificate. The commission shall notify the certificate holder of the action to be taken, and shall at the same time offer the certificate holder an opportunity for hearing through an adjudication or brief adjudication.

[Statutory Authority: RCW 81.84.070, 1993 c 427, 1995 c 361 and RCW 80.01.040(4). 95-22-001 (Order R-435, Docket No. TS-941485), § 480-51-150, filed 10/18/95, effective 11/18/95.]

Chapter 480-60 WAC
RAILROAD COMPANIES—CLEARANCES

WAC

480-60-010	Application of rules.
480-60-012	Contacting the commission.
480-60-014	Rules of practice and procedure.
480-60-020	Exemptions.
480-60-030	Definitions.
480-60-035	Walkways.
480-60-040	Overhead clearances.
480-60-050	Side clearances.
480-60-060	Track clearances.
480-60-080	Operation of excess dimension loads.
480-60-090	Narrow gauge railroads transporting freight cars.
480-60-990	Illustration—Typical clearance of structures from railroad tracks.
480-60-99001	Illustration—Typical track spacing.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-60-070	Marking of cars. [Order R-5, § 480-60-070, filed 6/6/69, effective 10/9/69.] Repealed by 00-04-011 (Order No. R-469, Docket No. TR-981101), filed 1/21/00, effective 2/21/00. Statutory Authority: RCW 81.04.160 and 80.01.040.
480-60-99002	Table—Class of highway. [Order R-5, Table (codified as WAC 480-60-99002), filed 6/6/69, effective 10/9/69.] Repealed by 00-04-011 (Order No. R-469, Docket No. TR-981101), filed 1/21/00, effective 2/21/00. Statutory Authority: RCW 81.04.160 and 80.01.040.
480-60-99003	Diagram—Clearance diagram for underpasses two-way highway traffic. [Order R-5, Diagram (codified as WAC 480-60-99003), filed 6/6/69, effective 10/9/69.] Repealed by 00-04-011 (Order No. R-469, Docket No. TR-981101), filed 1/21/00, effective 2/21/00. Statutory Authority: RCW 81.04.160 and 80.01.040.

Reviser's note: WAC 480-60-010 through 480-60-090 as filed June 6, 1969, was to become effective upon publication in the Washington Administrative Code. The declared effective date of the rules as filed by Order R-5, and as published in Supplement #3, is October 9, 1969. See also, reviser's note Title 480 WAC digest.

WAC 480-60-010 Application of rules. (1) The rules in this chapter apply to all common carrier railroad companies operating within the state of Washington, including any facilities or structures owned or operated by the railroad, and to the construction and reconstruction of tracks or structures adjacent thereto.

(2) A railroad company must not operate any equipment over tracks where the clearances are less than those required by these rules, unless a commission order has been entered granting an exemption or an exemption is contained in these rules.

(3) Side clearances are based on the assumption that equipment used on tracks is not greater than ten feet ten inches wide. Height clearances are based on the assumption that equipment used on tracks is not higher than fifteen feet six inches. If equipment exceeds ten feet ten inches in width, the railroad must comply with WAC 480-60-080.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-60-010, filed 1/21/00, effective 2/21/00; Order R-5, § 480-60-010, filed 6/6/69, effective 10/9/69.]

WAC 480-60-012 Contacting the commission. You may contact the commission in writing, in person, by telephone, by e-mail, or by facsimile. The commission's location, mailing address, e-mail address and telefax number are found in WAC 480-07-125. The commission's internet home page address is found in WAC 480-04-035.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-60-012, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-60-012, filed 1/21/00, effective 2/21/00.]

WAC 480-60-014 Rules of practice and procedure. The commission's rules governing administrative practices and procedures are in chapter 480-07 WAC. When a rule in this chapter conflicts with a rule in chapter 480-07 WAC, the rule in this chapter applies to railroad companies.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-60-014, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-60-014, filed 1/21/00, effective 2/21/00.]

WAC 480-60-020 Exemptions. (1) When the overhead or side clearances between a track and any building, structure, or facility are less than the minimum required by these rules, but were lawfully created prior to October 9, 1969, the minimum clearances required by these rules must be provided whenever the building, structure, or facility is relocated or reconstructed. However, the commission will consider specific requests for the future continuance of these previously lawful clearances when the railroad or owner or manager of the building, structure, or facility applies for an exemption under the provision set forth below.

(2) Where restricted clearances are unavoidable, the following moves are allowed without requesting an exemption from the commission:

(a) The movement of material over tracks when the material is needed for the construction or maintenance of the tracks;

(b) The movement of special work equipment used in the construction, maintenance or operation of the railroad;

(c) Movements during periods of actual emergency due to wrecks, derailments, washouts and like conditions;

(d) All movements authorized in this subsection may be made only after all reasonable steps are taken to provide for the safety of all who could be harmed by the move.

(3) The commission may grant an exemption of any rule in this chapter, if consistent with the public interest, the purposes underlying regulation, and applicable statutes.

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

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

(6) The commission will enter an order granting or denying the request, or setting it for hearing pursuant to chapter 480-07 WAC.

(7) Logging railroads, or any operation directly incident to logging, now subject to the provisions of the safety standards for logging operations in chapter 296-54 WAC, published by the division of safety of the department of labor and industries of the state of Washington, are exempted from these rules.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-60-020, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-60-020, filed 1/21/00, effective 2/21/00; Order R-5, § 480-60-020, filed 6/6/69, effective 10/9/69.]

WAC 480-60-030 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

"Car width" means twice the distance from the centerline of the car to its extreme outside part.

"Commission" means the Washington utilities and transportation commission.

"Icing platforms" means structures used in performing the service of icing, precooling, heating, ventilating and servicing of cars used in the handling of commodities requiring those services.

"Overcrossing" means any point or place where a highway crosses a railroad by passing above it.

"Overhead clearance" means the distance measured along a line which is perpendicular to and joins a horizontal plane passing through the top of the highest rail and a horizontal plane passing through the lowest point of the overhead structure or obstruction.

"Side clearance" means the shortest distance from centerline of track to a structure or appurtenances such as downspouts, ladders, or other obstructions at the side of the track.

"Track clearance" means the shortest distance between the centerlines of adjacent tracks.

"Walkways" means pathways located alongside or in the vicinity of a railroad track, or on a trestle or bridge, that provide an area for a railroad employee to perform duties associated with the track, trestle or bridge.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-60-030, filed 1/21/00, effective 2/21/00; Order R-5, § 480-60-030, filed 6/6/69, effective 10/9/69.]

WAC 480-60-035 Walkways. (1) Walkways must be provided in yards where employees regularly work on the ground.

(2) Ease and safety of walking are the primary considerations for providing walkways. Ease and safety of walking and adequate track drainage are the primary considerations for selecting surface materials. Accordingly, walkways required by this rule must have a reasonably smooth surface and be maintained in a safe condition, without compromising track drainage. Any of the following are suitable surface materials:

(a) Crushed material may be used for walkways. The material must not exceed one and one-half inches in size. The term "one and one-half inches in size" has a specialized meaning. That meaning can vary from company to company

within the industry. For purposes of this rule, the term will have the following meaning (note: Percentages refer to weight measurements):

100 percent of the material will pass through a one and one-half inch square sieve opening.

90 to 100 percent of the material will pass through a one inch square sieve opening.

40 to 80 percent of the material will pass through a three-quarter inch square sieve opening.

15 to 60 percent of the material will pass through a one-half inch square sieve opening.

0 to 30 percent of the material will pass through a three-eighths inch square sieve opening.

0 to 10 percent of the material will pass through a #4 sieve (standard nomenclature in the industry).

0 to 5 percent of the material will pass through a #8 sieve.

0 to 0.5 percent of the material will pass through a #200 sieve.

Note: Smaller crushed material is preferable. It should be used where drainage and durability issues do not arise. Material that is three-quarter inch or less in size is recommended for switching leads in yards.

(b) Walkway surfaces may also be made of asphalt, concrete, planking, grating, or other similar material suitable for walking.

(c) Native materials may be used for a walkway surface if the materials provide a surface that is reasonably smooth and safe.

(3) Walkways must not have a grade or slope in excess of one inch of elevation for each eight inches of horizontal length in any direction, unless the geography of the area makes this impracticable.

(4) Walkways must be kept clear of vegetation, debris, mud, and other obstructions that constitute a hazard to railroad employees working on the ground. Standing water must be removed from walkways as soon as reasonably possible.

(5) When walkways are removed or damaged due to construction or emergencies, they must be restored within thirty days after construction is completed or the emergency ends.

(6) Walkways must be sufficiently wide to allow employees to safely perform all duties associated with the use of the walkways.

(7) Walkways on bridges and trestles existing on (effective date of this rule), must not be permanently removed without approval from the commission. Permission must be obtained by the process set forth in WAC 480-60-020. Walkways on bridges or trestles that are temporarily removed or damaged due to construction or emergencies must be restored within thirty days after construction is completed or the emergency ends.

(8)(a) Unless the commission identifies a serious safety condition on a walkway, Class I railroads must bring their walkways into compliance with this section within one year of the effective date of these rules, and Class II and Class III railroads must bring their walkways into compliance within five years of the effective date of these rules.

(b) If a railroad believes it will experience a serious financial hardship in bringing its walkways into compliance within the time allowed, it must submit to the commission in writing, an alternate proposal for bringing its walkways into compliance. The commission may grant an extension of time following a review of the railroad's alternate walkway compliance proposal.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-60-035, filed 1/21/00, effective 2/21/00.]

WAC 480-60-040 Overhead clearances. (1) General rule. Overhead clearances shall be at least twenty-two feet six inches unless one of the provisions in this section applies.

(2) Buildings.

The overhead clearance inside of entirely enclosed buildings may be reduced to eighteen feet, if the tracks terminate within the building. When an overhead clearance of less than twenty-two feet six inches is established in a building, all cars, locomotives or other equipment must stop before entering it. The conditions provided to require the stop must be approved by the commission. Engine houses and car shops are exempt from these regulations.

(3) Trains in tunnels, under overcrossings, and on bridges.

Minimum overhead clearance in tunnels, under overcrossings, and on bridges may be decreased to the extent defined by the half-circumference of a circle having a radius of eight feet and tangent to a horizontal line twenty-two feet six inches above top of rail at a point directly above the centerline of track.

(4) All other structures.

Minimum overhead clearance may be decreased to the extent defined by the half-circumference of a circle having a radius of eight feet six inches and tangent to a horizontal line twenty-two feet six inches above top of rail at a point directly over the centerline of track.

(5) Overhead clearance of wires.

All overhead wires must have a minimum vertical clearance of not less than that specified by the safety rules for the installation and maintenance of electric supply and communication lines as provided by the rules for electrical construction and the electrical and communication workers safety rules of the state of Washington.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-60-040, filed 1/21/00, effective 2/21/00; Order R-5, § 480-60-040, filed 6/6/69, effective 10/9/69.]

WAC 480-60-050 Side clearances. (1) General rule. Side clearances must be at least 8 feet 6 inches unless one of the provisions below applies. If exceptions in subsections (2) through (5) or (7) of this section apply, full side clearance of 8 feet 6 inches shall be provided on the opposite side of the track from the platform.

(2) Platforms - 8" or less above top of rail . . . . . 4'8"

(3) Platforms - 4'0" or less above top of rail . . . . . 7'3"

(4) Platforms - 4'6" or less above top of rail - when used principally for loading or unloading refrigerator cars . . . . . 8'0"

(5) Icing platforms and supports . . . . . 7'3"

(6) A retractable platform which is attached to a permanent structure must be designed so that when it is not in use no part of it shall fall within the clearance limits herein prescribed for a platform of that height above the top of the rail.

(7) Platforms - combinations of any above.

Platforms defined under (2) above may be combined with either (4) or (3) if the lower platform has a level surface from a point not more than four feet eight inches from centerline of track to the face of the wall of the platform with which it is combined. No other combinations will be permitted.

(8) Bridges and tunnels . . . . . 8'0"

(9) Bridges and tunnels - upper section (see WAC 480-60-040(3)).

Side clearance on bridges and in tunnels may be decreased to the extent defined by the half circumference of a circle having a radius of eight feet and tangent to a horizontal line twenty-two feet six inches above top of rail directly above centerline of track.

(10) Bridges - lower section and structures 4' high or less. Bridges, hand rails, water barrels and refuge platforms on bridges and trestles, water columns, oil columns, block signals, cattle guards and cattle chutes, or portions of those items, four feet or less above top of rail may have clearances decreased to the extent defined by a line extending diagonally upward from a point level with the top of rail and five feet distant laterally from centerline of track to a point four feet above top of rail and eight feet distant laterally from centerline of track: Provided, That the minimum clearance for hand rails and water barrels must be seven feet six inches and the minimum clearance for fences of cattle guards must be six feet nine inches.

Unless previously approved, the clearances authorized in this subsection, except as provided for hand rails and water barrels, are not permitted on bridges where the work of trainmen or yardmen requires them to be upon the decks of such bridges for the purpose of coupling or uncoupling cars in the performance of switching service on a switching lead.

(11) Side clearance - engine house and car repair shop doors . . . . . 7'6"

(12) Side clearance - interlocking mechanism, switch boxes, and other similar devices projecting 4" or less above the top of the rail . . . . . 3'0"

(13) Side clearance - poles supporting trolley contact . . . . . 8'3"

(14) Side clearance - signals and switch stands 3' high or less when located between tracks where not reasonably possible to provide clearances otherwise prescribed in these rules . . . . . 6'0"

(15) Side clearance - signals and switch stands other than above . . . . . 8'0"

(16) Side clearances on curved track. Side clearances adjacent to curved track shall be increased as necessary to give the equivalent of tangent track clearances. As a general rule, the side clearance on curved track should be increased 1-1/2" for each degree of curvature.

(17) Side clearances - material or merchandise adjacent to tracks.

No merchandise, material or other articles shall be placed or stored on ground or platforms adjacent to any track at a distance less than eight feet six inches from the centerline of track, except in cases of maintenance or emergency when such material is to be used within a reasonable period of time or where local conditions make compliance with this rule impossible.

(18) Clearances - car puller units and appurtenances.

Clearances for car puller units and appurtenances must be approved by the commission through the process set forth in WAC 480-62-020.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-60-050, filed 1/21/00, effective 2/21/00; Order R-5, § 480-60-050, filed 6/6/69, effective 10/9/69.]

WAC 480-60-060 Track clearances. (1) Track clearances - in general . . . . . 14'0"

The minimum distance between the centerlines of parallel standard gauge railroad tracks, which are used or proposed to be used for transporting cars, engines, motors, or like equipment, must be fourteen feet, except as set forth below.

(2) Track clearances - main and subsidiary tracks . 15'0"

The centerline of any standard gauge track, except a main track or a passing track, parallel and adjacent to a main track or a passing track, must be at least fifteen feet from the centerline of the main track or passing track however, where a passing track is adjacent to and at least fifteen feet distant from the main track, any other track may be constructed adjacent to the passing track with 14 feet clearance.

(3) Track clearances - parallel team, house, or industry tracks . . . . . 13'0"

Minimum clearances between centerlines of parallel team, house, or industry tracks must be thirteen feet.

(4) Track clearances - parallel ladder or ladder and other track . . . . . 20'0"

The minimum clearance between centerlines of any standard gauge ladder track, constructed parallel to any other track, must be twenty feet.

(5) Track clearances - existing tracks.

Tracks existing prior to October 9, 1969, may be extended at clearances lawfully prescribed prior to that date.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-60-060, filed 1/21/00, effective 2/21/00; Order R-5, § 480-60-060, filed 6/6/69, effective 10/9/69.]

WAC 480-60-080 Operation of excess dimension loads. (1) No person may ride on the roof of any car, or on the side of an excess width car, or the side of a car with a load that extends more than 5'5" from centerline.

(2) The railroad company must provide written notice to the train stating the total number of cars with excess height or width.

(3) Notice to yard supervisors. Yard supervisors must be notified sufficiently in advance of the arrival of cars with excess height or width to enable them to take necessary precautions to safeguard employees in yard.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-60-080, filed 1/21/00, effective 2/21/00; Order R-5, § 480-60-080, filed 6/6/69, effective 10/9/69.]

WAC 480-60-090 Narrow gauge railroads transporting freight cars. (1) Side clearances.

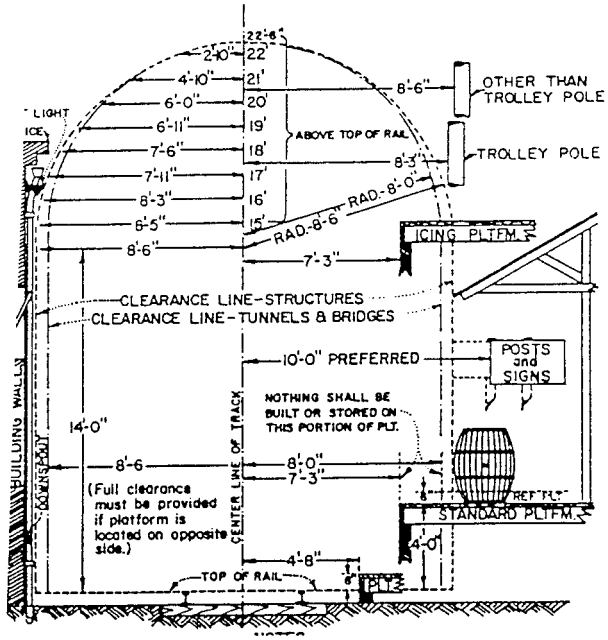
For the operation of equipment on narrow gauge tracks, the side clearances and distances between centerlines of tracks must provide a distance from the sides of cars, or between the widest cars operated, not less than those distances provided by these rules for cars ten feet ten inches in width operated on standard gauge tracks.

(2) All other requirements of these rules, where applicable, must be observed by narrow gauge railroads.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-60-090, filed 1/21/00, effective 2/21/00; Order R-5, § 480-60-090, filed 6/6/69, effective 10/9/69.]

WAC 480-60-990 Illustration—Typical clearance of structures from railroad tracks.

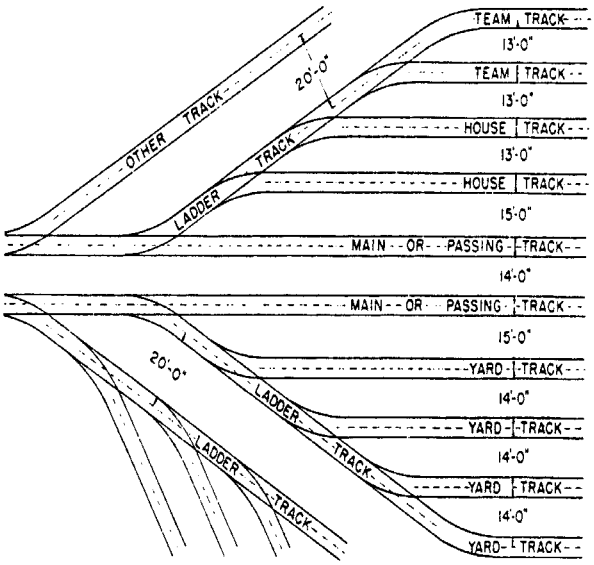
TYPICAL CLEARANCE OF STRUCTURES FROM RAILROAD TRACKS



[Statutory Authority: RCW 80.01.040. 94-11-003 (Order R-413, Docket No. TR-940126), § 480-60-990, filed 5/4/94, effective 6/4/94; Order R-5, Illustration (codified as WAC 480-60-990), filed 6/6/69, effective 10/9/69.]

WAC 480-60-99001 Illustration—Typical track spacing.

TYPICAL TRACK SPACING



NOTE

EXISTING TRACKS MAY BE EXTENDED AT CLEARANCES LAWFULLY PRESCRIBED PRIOR TO THE EFFECTIVE DATE OF THIS ORDER

[Order R-5, Illustration (codified as WAC 480-60-99001), filed 6/6/69, effective 10/9/69.]

Chapter 480-62 WAC
RAILROAD COMPANIES—OPERATIONS

WAC

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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 80.011.040 [80.01.040] and 81.44.065. 81-10-019 (Order R-164, Cause No. TR-1458), § 480-62-090, filed 4/27/81.] 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.

480-62-155 Train speeds. [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.] Repealed by 07-10-028 (Docket TR-070198, General Order R-542), filed 4/23/07, effective 5/24/07. Statutory Authority: RCW 80.01.040, 80.04.160, and 34.05.353.

PART 1: GENERAL AND PROCEDURAL RULES

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 per-

son, 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.

"Remote-control area" means any place remote-control operations are conducted on a railroad.

"Remote-control operations" means controlling the movement of locomotives through the use of radio transmitter and receiver systems by persons not physically located at the controls within the confines of a locomotive cab.

"Remote-control zone" means a designated area where access is restricted in which remote-control operations may occur under alternative point protection procedures.

"State" means the state of Washington.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 04-11-023 (Docket No. TR-021465, General Order No. R-514), § 480-62-125, filed 5/11/04, effective 6/11/04. 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 480-07 WAC.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-62-140, filed 11/24/03, effective 1/1/04. 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 480-07 WAC. When a rule in this chapter conflicts with a rule in chapter 480-07 WAC, the rule in this chapter applies.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-62-145, filed 11/24/03, effective 1/1/04. 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 480-62-160 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.]

PART 2: SAFETY RULES

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, specifically, 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 fusees, 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 ANSI 2308.1, Minimum Requirements for Workplace First Aid Kits. 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 ANSI 2308.1 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, 80.04.160, 81.04.160 and 34.05.353. 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-62-240, filed 8/26/02, effective 9/26/02. 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 load-

ing. 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.]

PART 3: REPORTING REQUIREMENT RULES

WAC 480-62-300 Annual reports—Regulatory fees. (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, along with the regulatory fee, must be submitted to the commission no later than May 1 of each year.

(3) **Regulatory fees.** The railroad company regulatory fee is set by statute at one and one-half percent of gross intrastate operating revenue.

(a) The maximum regulatory fee is assessed each year, unless the commission issues an order establishing the regulatory fee at an amount less than the statutory maximum.

(b) The minimum regulatory fee that a railroad company must pay is twenty dollars.

(c) The twenty dollar minimum regulatory fee is waived for any railroad company with less than one thousand three hundred dollars in gross intrastate operating revenue.

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

(e) If a company does not pay its regulatory fee by May 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.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 2003 c 296. 04-05-031 (Docket No. A-031232, General Order No. R-512), § 480-62-300, filed 2/11/04, effective 3/13/04. 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 daytime 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 to the commission their intention to create or enlarge a remote-control area at least thirty days before remote-control operations begin. Reports must include:

(a) The name of the railroad company;

(b) The approximate date when remote-control operations will start; and

(c) The location of remote-control operations. Railroads should provide sufficient information to allow the commission to determine what road crossings at grade are included within the remote-control area.

(2) Railroad companies must report to the commission their intention to create or enlarge a remote-control zone at least thirty days before remote-control operations begin. Reports must include:

(a) The name of the railroad company;

(b) The approximate date when remote-control operations will start; and

(c) The remote-control area within which the zone will be created.

(3) Railroads must report to the commission their intention to use cameras for point protection at crossings at least thirty days prior to the intended implementation date.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 04-11-023 (Docket No. TR-021465, General Order No. R-514), § 480-62-320, filed 5/11/04, effective 6/11/04. 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.]

PART 4: GRADE CROSSING PROTECTIVE FUND

WAC 480-62-400 Purpose. (1) As authorized by chapter 81.53 RCW, this chapter prescribes the manner in which a public, private or nonprofit entity may apply to the commission for grants from the grade crossing protective fund, and to prescribe a program for the award of such grants.

(2) Grade crossing protective fund grants are to fund projects that:

(a) Reduce accident frequency and severity at either public and private railroad crossings; or

(b) Reduce pedestrian, trespassing, and motorist injuries and deaths on railroad rights of way at places other than crossings.

[Statutory Authority: RCW 80.01.040(4), 80.04.160, and 80.40.320. 06-05-018 (Docket No. TR-051060, General Order No. R-527), § 480-62-400, filed 2/6/06, effective 3/9/06.]

WAC 480-62-405 Applications. (1) Any public, private or nonprofit entity may submit an application to the commission for a grant from the grade crossing protective fund. The commission will consider applications that propose projects that are within one of the following categories:

(a) **Grade crossing signals or other warning devices at public crossings.** This category includes safety improvement projects at public crossings under RCW 81.53.261 and 81.53.295.

(b) **Trespass prevention and motorist safety projects.** This category includes, but is not limited to, fencing or other physical barriers; warning devices; channeling devices; public information efforts; and enforcement-related activities.

(c) **Private crossing safety improvements.** This category includes, but is not limited to, crossing closures or consolidations; signals or warning devices; nighttime and off-hours locked gates; and making existing warning devices more noticeable.

(d) **Miscellaneous safety projects.** This category includes other projects within the scope of WAC 480-62-400(2) to foster creative and effective ideas and to address newly discovered problems. Such projects might include, but are not limited to, roadway improvements at or approaching grade crossings; mitigation of problems created by crossing closures; and removal of sight obstructions to signals or trains for the traveling public.

(2) An applicant may at any time submit an application on a form provided by the commission for a grant to pay for costs of public grade crossing signals or other warning devices as described in subsection (1)(a) of this section. The commission will evaluate and act on such applications as they are received.

(3) An applicant may at any time submit an application for a grant to pay for projects falling within the categories described in subsection (1)(b), (c), and (d) of this section. When funds are available for disbursement, the commission will issue a call for grant applications with a deadline by which applications must be submitted for competitive consideration. The commission will evaluate and act on all pending applications, deciding whether each application should be granted, in whole or in part; whether the application should be retained for further consideration if funds become available; or whether the application should be denied. Applications that have not been denied may remain active until the next ensuing call for grant applications is issued, not to exceed two years from the date of the application, or such shorter time as the commission may specify.

(4) Applicants for projects described in subsection (1)(b), (c), and (d) of this section must submit grant applications on a form provided by the commission that requires applicants to provide the following information:

(a) A detailed summary of the hazard to be addressed, including location, accident history, and the identities of the relevant railroad company and local agency (local government that has jurisdiction over the issue and/or territory involved);

(b) A summary of the project and how its implementation will mitigate or eliminate the hazard;

(c) Cost estimates;

(d) An estimated timeline for project completion;

(e) A description of how the project's success can be measured;

(f) A summary of efforts to coordinate with the railroad and/or local government, and the results of those efforts;

(g) A description of the applicant's experience, capacity, and competency to complete the project; and

(h) Such other information as the commission may require.

[Statutory Authority: RCW 80.01.040(4), 80.04.160, and 80.40.320. 06-05-018 (Docket No. TR-051060, General Order No. R-527), § 480-62-405, filed 2/6/06, effective 3/9/06.]

WAC 480-62-410 Funding for project categories. The commission may set aside a specific amount for the category that includes public grade crossing signals and other warning devices. It may designate a portion of the total available funds for each of the other project categories. The commission may limit the amount of funding per project for each project category. The commission may also award a grant that pays a portion of a larger safety project.

[Statutory Authority: RCW 80.01.040(4), 80.04.160, and 80.40.320. 06-05-018 (Docket No. TR-051060, General Order No. R-527), § 480-62-410, filed 2/6/06, effective 3/9/06.]

WAC 480-62-415 Evaluation and award process. (1) The commission will evaluate each petition for a project involving grade crossing signals or other warning devices at a public crossing when it is filed. The commission will evaluate projects in other categories after the deadline specified in a call for grant applications. When evaluating projects, the commission may perform diagnostic reviews at the site of proposed projects and may inquire about possible revisions to improve the proposal. If the applicant modifies the grant application in response to commission inquiries, the commission will consider the application in its modified form.

(2) The commission will consider grant applications at regularly scheduled open meetings. Any interested person may speak at the open meeting regarding the grant applications.

(a) The commission will award a grant for a project involving grade crossing signals or other warning devices at a public crossing if funds are available and the commission determines that the public safety requires the project. The commission will consider the severity of the hazard addressed by the project and the safety benefits expected to be achieved.

(b) The commission will award grants to projects in other categories that, in the commission's judgment, will achieve the greatest gains in safety relative to their cost. The commission will consider the relative severity of the hazard being addressed in each application, the safety benefits expected to be achieved by the proposed projects, the costs of implementing each project, the likelihood that the applicant can complete the project, and whether the applicant coordinated with and sought approval from the relevant local agency and railroad. The commission may also consider geographic diversity. The commission may condition an award on an amendment of the application regarding the requested level of funding, the suggested time limit for completion of the grant project, and any other proposed term or condition.

[Statutory Authority: RCW 80.01.040(4), 80.04.160, and 80.40.320. 06-05-018 (Docket No. TR-051060, General Order No. R-527), § 480-62-415, filed 2/6/06, effective 3/9/06.]

WAC 480-62-420 Grant documents, timelines and fund transfers. (1) As a condition of every grant award, award recipient must sign an agreement provided by the commission specifying the terms of the grant.

(2) If it appears that an award recipient is not meeting the timelines specified in the application, commission order, or agreement, the commission may set specific project milestones and deadlines for meeting them. The commission may withdraw the award if the award recipient does not achieve a milestone on time.

(3) When an award recipient completes a project, it must submit its request to the commission for disbursement of grant funds on a form provided by the commission.

(4) The commission will verify that the project is complete and meets all terms and conditions of the application, order, and agreement. When the commission confirms that the project has been completed consistent with the application, order, and agreement, the commission will disburse grant funds to the award recipient.

[Statutory Authority: RCW 80.01.040(4), 80.04.160, and 80.40.320. 06-05-018 (Docket No. TR-051060, General Order No. R-527), § 480-62-420, filed 2/6/06, effective 3/9/06.]

PART 5: ADOPTION BY REFERENCE

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, 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, 2007.

(b) This publication is referenced in WAC 480-62-160 (Compliance policy), WAC 480-62-200 (Roadway worker safety and operating rules and statutes), WAC 480-62-205 (Track safety standards), WAC 480-62-210 (Crossing signal circuitry), WAC 480-62-215 (Hazardous materials regulations), WAC 480-62-235 (Flaggers), and WAC 480-62-240 (Passenger carrying vehicles—Equipment).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, http://bookstore.gpo.gov/, 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 in November 2004.

(b) This publication is referenced in WAC 480-62-230 (Traffic control devices), WAC 480-62-235 (Flaggers), and WAC 480-62-245 (Passenger carrying vehicles—Operation).

(c) Copies of the MUTCD are available from the U.S. Government Online Bookstore, http://bookstore.gpo.gov/, 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 March 25, 2004.

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

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

(4) **ANSI Z308.1 - 2003 American National Standard for Minimum Requirements for Workplace First Aid Kits** is published by the American National Standards Institute.

(a) The commission adopts the version in effect on April 29, 2003.

(b) This publication is referenced in WAC 480-62-240 (Passenger carrying vehicles—Equipment).

(c) Copies of ANSI Z308.1 - 2003 American National Standard for Minimum Requirements for Workplace First Aid Kits are available from Global Engineering Documents in Englewood, Colorado.

(5) **ANSI/ISEA 107-2004 - 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 September 15, 2004.

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

(c) Copies of ANSI/ISEA 107-1999 - American National Standard for High-Visibility Safety Apparel are available from Global Engineering Documents in Englewood, Colorado.

(6) **Title 49 United States Code,** cited as 49 U.S.C., is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on January 2, 2002.

(b) This publication is referenced in WAC 480-62-200 (Roadway worker safety and operating rules and statutes).

(c) Copies of Title 49 United States Code are available from the U.S. Government Online Bookstore, http://bookstore.gpo.gov/, and from various third-party vendors.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. 09-01-171 (Docket A-081419, General Order R-554), § 480-62-999, filed 12/23/08, effective 1/23/09; 05-21-022 (Docket No. A-050271, General Order No. R-521), § 480-62-999, filed 10/10/05, effective 11/10/05; 04-01-152 (General Order No. R-511, Docket No. A-030852), § 480-62-999, filed 12/22/03, effective 1/22/04; 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-62-999, filed 8/26/02, effective 9/26/02. 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 480-66 WAC
RAILROAD COMPANIES—SANITATION

WAC

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480-66-010 Definitions. [Order R-5, § 480-66-010, filed 6/6/69, effective 10/9/69.] Repealed by 00-04-011 (Order No. R-469, Docket No. TR-981101), filed 1/21/00, effective 2/21/00. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-66-020 Water supply. [Order R-5, § 480-66-020, filed 6/6/69, effective 10/9/69.] Repealed by 00-04-011 (Order No. R-469, Docket No. TR-981101), filed 1/21/00, effective 2/21/00. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-66-030 Toilets. [Order R-106, § 480-66-030, filed 7/20/77; Order R-23, § 480-66-030, filed 3/22/71; Order R-5, § 480-66-030, filed 6/6/69, effective 10/9/69. *See Reviser's note, chapter digest.] Repealed by 00-04-011 (Order No. R-469, Docket No. TR-981101), filed 1/21/00, effective 2/21/00. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-66-040 Eating places and lunch rooms. [Order R-5, § 480-66-040, filed 6/6/69, effective 10/9/69.] Repealed by 00-04-011 (Order No. R-469, Docket No. TR-981101), filed 1/21/00, effective 2/21/00. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-66-050 Sleeping accommodations. [Order R-5, § 480-66-050, filed 6/6/69, effective 10/9/69.] Repealed by 00-04-011 (Order No. R-469, Docket No. TR-981101), filed 1/21/00, effective 2/21/00. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-66-060 Cleanliness and maintenance. [Order R-5, § 480-66-060, filed 6/6/69, effective 10/9/69.] Repealed by 00-04-011 (Order No. R-469, Docket No. TR-981101), filed 1/21/00, effective 2/21/00. Statutory Authority: RCW 81.04.160 and 80.01.040.

480-66-070 General. [Order R-23, § 480-66-070, filed 3/22/71; *Order R-5, § 480-66-070, filed 6/6/69, effective 10/9/69.] Repealed by 00-04-011 (Order No. R-469, Docket No. TR-981101), filed 1/21/00, effective 2/21/00. Statutory Authority: RCW 81.04.160 and 80.01.040.

Reviser's note: WAC 480-66-010 through 480-66-070 as filed June 6, 1969, were to become effective upon publication in the Washington Administrative Code. The declared effective date of the rules as filed by Order R-5, and as published in WAC Supplement #3, was October 9, 1969. See also, reviser's note Title 480 WAC digest.

PART 1 - GENERAL INFORMATION

WAC 480-66-100 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

"Bunk or section house" means the portion of any building in which employees are provided sleeping or living accommodations, except family dwellings.

"Caboose" means any car or coach used on a train to carry the train crew.

"Commission" means the Washington utilities and transportation commission.

"Company" means a common carrier railroad company as employer.

"Employee" means any person employed by a company.

"Incinerator toilet" means a toilet containing a receptacle for toilet waste to which intense heat is applied.

"Number of employees" means the maximum number of employees going on or coming off shift within any single hour.

"Office work area" means a yard office, station, depot, terminal, or freight, baggage and express office located on railroad property which is the usual place of employment for the performance of clerical or other work identified with office functions of the company.

"Railroads" means common carrier railroads.

"Sanitary" means free from things injurious to health, or effective in preventing or checking the effects of those things.

"Station" means a location where freight or passengers are ordinarily received and delivered, including all freight and express offices.

"Terminal" means a location where train crews and other employees are regularly required to report for duty.

"Toilets" means fixtures such as flush toilets, chemical closets, or privies used for the purpose of defecation.

"Usual place of employment" means the place where an employee works with a reasonable measure of continuity throughout the major part of the employee's company service.

"Yards" means yards, section headquarters, and locomotive and car shops.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-100, filed 1/21/00, effective 2/21/00.]

WAC 480-66-110 Application of chapter. The rules in this chapter apply to all railroads operating within the state of Washington.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-110, filed 1/21/00, effective 2/21/00.]

WAC 480-66-120 Contacting the commission. You may contact the commission in writing, in person, by telephone, by e-mail, or by facsimile.

The commission's location, mailing address, e-mail address, and telefax numbers are found in WAC 480-07-125. The commission's internet home page address is found in WAC 480-040-035 [480-04-035].

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-66-120, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-120, filed 1/21/00, effective 2/21/00.]

WAC 480-66-140 Rules of practice and procedure. The commission's rules governing administrative practices and procedures are in chapter 480-07 WAC. When a rule in this chapter conflicts with a rule in chapter 480-07 WAC, the rule in this chapter applies to railroad companies.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-66-140, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-140, filed 1/21/00, effective 2/21/00.]

WAC 480-66-150 Exemptions from rules. (1) The commission may grant an exemption of any rule in this chapter, if consistent with the public interest, the purposes underlying regulation, and applicable statutes.

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

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

(4) The commission will enter an order granting or denying the request, or setting it for hearing pursuant to chapter 480-07 WAC.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-66-150, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-150, filed 1/21/00, effective 2/21/00.]

WAC 480-66-160 Filing a complaint. Any interested person who believes that available sanitary or shelter facilities are inadequate or unsatisfactory under the rules in this chapter may file an informal or formal complaint with the commission pursuant to WAC 480-07-910 and 480-07-370 requesting the responsible party or parties to correct the condition. Upon investigating the complaint, the commission may issue an order, with or without hearing, directing that the conditions complained of be corrected.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-66-160, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-160, filed 1/21/00, effective 2/21/00.]

WAC 480-66-170 Reporting requirements. Railroads must report to the commission, upon request, concerning the company's sanitation and shelter facilities and servicing programs required by these rules.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-170, filed 1/21/00, effective 2/21/00.]

PART 2 - GENERAL SANITATION RULES

WAC 480-66-200 General obligations. (1) The company is responsible for providing employees with all items required by these rules.

(2) The company must, at all times, maintain all items required in these rules in proper working order and in a condition which is sanitary, free from vermin and rodents, and which is not offensive to a reasonable person, except when the items are taken out of service and are not accessible by employees.

(3) The company must establish a program to regularly review and service all items required in these rules to meet its obligations under subsections (1) and (2) of this section; however, implementing a program must not be a substitute for actual compliance with subsections (1) and (2) of this section.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-200, filed 1/21/00, effective 2/21/00.]

WAC 480-66-210 Locomotive cabs and cabooses. (1) During use, locomotive cabs must be heated to a minimum of 50 degrees Fahrenheit.

(2) When required by the season of the year, doors and windows of all locomotives must be equipped with adequate protection to occupants from the elements by means of weather stripping, or other device sufficient to provide equally adequate protection.

(3) Cabooses must be maintained in a clean and sanitary condition.

(4) When required by the season of the year, doors, and windows of cabooses must be equipped with adequate weather stripping.

(5) Every caboose used in any train in this state, regardless of service, must be provided with a stove or other adequate means of heating. The company shall provide a sufficient supply of fuel for the trip or shift.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-210, filed 1/21/00, effective 2/21/00.]

WAC 480-66-220 Stationary facilities. (1) Bed linen furnished by the railroad must be changed, and fresh, clean linen supplied at least once a week and for each new occupant.

(2) Adequate shelter must be furnished and maintained for watchmen. The shelter must be adequately heated, sealed and insulated against cold and inclement weather.

(3) Office work areas must be clearly lighted at all times during hours of use.

(4) Office work areas must be heated at all times during hours of use to a minimum of 65 degrees Fahrenheit.

(5) Office work areas must be provided with cross-ventilation when possible.

(6) Windows, ventilators and doors opening to the outside of office work areas must be properly screened during the seasons when insects are prevalent.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-220, filed 1/21/00, effective 2/21/00.]

WAC 480-66-230 Miscellaneous. (1) Toilet rooms and washrooms must not be used for storage.

(2) Floors in all buildings and movable facilities must be maintained in a clean, and so far as reasonably possible, dry condition. Where wet processes are used, drainage must be maintained and false floors, platforms, mats or other dry standing places must be provided wherever reasonably possible.

(3) Screens required by these rules must be of 16 mesh or equal.

(4) Suitable receptacles for the storage of waste and refuse must be provided wherever needed. They must be maintained in a sanitary condition. Receptacles used for moist or liquid waste must be made of a smooth finished surface, impervious to moisture. They must be kept covered and must be washed out as often as necessary to keep them clean.

(5) All sweepings, waste and refuse must be removed in a manner which avoids raising dust, and as often as necessary to keep all rooms used by employees clean.

(6) Toilet waste must not be discharged onto the ground surface from railroad cars within servicing area of yards. Those areas must be kept free of refuse, litter, debris, vermin and rodents.

(7) Adequate drainage must be provided where work is performed in repair yards or on repair tracks in the open or in open sheds or pits. Waste must not drain into any water of the state, nor contaminate the ground surface, but must be disposed of in a manner approved by the Washington state department of health.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-230, filed 1/21/00, effective 2/21/00.]

PART 3 - WATER SUPPLY, DRESSING ROOMS AND LOCKERS

WAC 480-66-300 Drinking water. (1) An adequate supply of cool drinking water must be made available to all employees wherever they may be working.

(2) Drinking water must meet all standards of the Washington state department of health.

(3) Containers used to furnish drinking water must meet all specifications of the Washington state department of health and must be sterilized as often as necessary to assure a sanitary water supply.

(4) The common drinking cup is prohibited.

(5) Cross-connections between potable and nonpotable water supplies are prohibited. Nonpotable water supplies must be clearly labeled as not fit for drinking or washing.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-300, filed 1/21/00, effective 2/21/00.]

WAC 480-66-310 Washing facilities. (1) An adequate number of wash basins or lavatories for maintaining personal cleanliness must be provided within reasonable access for all employees normally assigned to office work areas, stations, yards, terminals, shops, engine houses, lunch rooms, bunk houses, and section houses. All other employees must be provided an adequate means to maintain personal cleanliness for eating purposes and after defecation or urination.

(2) The following table must be used to determine the adequacy of washing facilities (twenty-four inches of trough or circular wash basin is considered the equivalent of one wash basin):

Number of Employees	Minimum Number of Facilities
1 to 10	1 basin
11 to 24	2 basins
25 to 49	3 basins
50 to 100	5 basins
Over 100	5 basins plus 1 more for each additional 25 employees

(3) At least one wash basin must be located in or adjacent to each toilet room.

(4) Wash basins or lavatories must be made of smooth finished material, impervious to moisture.

(5) Supplies for wash basins or lavatories must include:

(a) Hot and cold running water to wash basins.

(b) Mechanical drying facilities or individual towels, either paper or cloth. The use of common towels is prohibited.

(c) Waste receptacles for used paper towels.

(d) Soap or other suitable cleansing agent at each wash basin.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-310, filed 1/21/00, effective 2/21/00.]

WAC 480-66-320 Showers. Showers must be required when the commission determines that they are necessary at a specific location to protect employees whose work involves exposure to poisonous, infectious or irritating material or to excessive dirt, heat fumes, vapors, or other materials or substances injurious to health. Adequate locker and dressing room facilities will be provided with showers. Specifications for showers will be determined for each location when the need for showers is established.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-320, filed 1/21/00, effective 2/21/00.]

WAC 480-66-330 Dressing rooms and lockers. (1) Separate dressing rooms must be provided for men and women in all places of employment where it is necessary for employees to change clothing. Dressing rooms must be separated from toilet rooms by solid partitions and doors. Dressing rooms must have at least eighty square feet of floor space. If more than ten employees, at least an additional four square feet must be provided for each additional employee. Benches must be provided. Dressing rooms must be properly lighted, heated to a minimum of 65 degrees Fahrenheit, and adequately ventilated. Where reasonably possible, cross-ventilation must be provided.

(2) Individual metal lockers must be provided where dressing rooms are required. Lockers must also be provided for each employee who must store work-related items at any time. Lockers must be convenient for employee access and must be provided where needed, even if one locker must be provided to an employee at each end of a run. Lockers must be at least twelve inches wide, eighteen inches deep and seventy-two inches high, exclusive of legs or other base. The lockers must be equipped with a shelf and with at least one clothes hook for each side or equivalent hanger bar, and also with sufficient openings in the door for purposes of ventilation.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-330, filed 1/21/00, effective 2/21/00.]

PART 4 - TOILETS

WAC 480-66-400 General. (1) Where running water and sewer or septic tank connections are reasonably available, flush-type toilets and urinals must be maintained.

(2) Chemical toilets or privies may only be used where it is impractical to install inside toilet and urinal facilities.

(3) No privy, urinal, cesspool, septic tank or other receptacle for human excrement must be used which directly or indirectly drains or discharges over, into or upon the surface of the ground or into the waters of the state.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-400, filed 1/21/00, effective 2/21/00.]

WAC 480-66-410 Water closets. (1) Every flush toilet must have a rim flush bowl or be so constructed as to prevent the accumulation of fecal matter on the bowl. The bowl must be constructed of a smooth finished material impervious to moisture.

(2) Every bowl must be installed in a manner which allows surroundings and floor space to be easily cleaned.

(3) No pan, plunger or wash-out water closets are permitted except that pan or double-pan types are permitted for movable facilities.

(4) Every flush toilet must have a separate hinged seat made of a smooth finished material, other than metal, impervious to moisture.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-410, filed 1/21/00, effective 2/21/00.]

WAC 480-66-420 Urinals. (1) Every urinal must be made of a smooth finished material impervious to moisture.

(2) Every urinal must be located within a toilet room.

(3) Twenty-four inches of trough urinal is equivalent to an individual urinal.

(4) Wherever a slab urinal is installed, the floor must be sloped toward the urinal drain for a distance of at least twenty-four inches in front of the urinal. Adequate splash guards must be installed.

(5) Every urinal must be flushed from a water-supplied tank or through valve, and flush valves must be installed with an approved back-flow preventer. Every tank must furnish an adequate quantity of water for each discharge for every fixture. In place of discharge from a tank or flush valve, water may be allowed to run continuously over slab or trough urinals.

(6) Clear floor space for each urinal or its equivalent must be at least two feet in width.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-420, filed 1/21/00, effective 2/21/00.]

WAC 480-66-430 Chemical toilets. All chemical toilets installed must be of a type approved by the commission. Containers must be charged with chemical solution of proper strength and their contents must be agitated daily with proper devices provided for that purpose. When containers are more than two-thirds full the contents must be disposed of in an approved manner. The stacks connecting the seats with the containers must be cleaned as often as is necessary to keep them in a clean and sanitary condition.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-430, filed 1/21/00, effective 2/21/00.]

WAC 480-66-440 Incinerator toilets. (1) All incinerator toilets used on railroad equipment in the state of Washington must be of a type approved by the commission.

(2) The installation and method of venting must be approved by the commission.

(3) Clear and concise instructions must be provided by the railroad company to insure that the units are operated correctly.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-440, filed 1/21/00, effective 2/21/00.]

WAC 480-66-450 Privies. (1) All privies must be located, constructed, and maintained to avoid contaminating any water of the state.

(2) A suitable approach, such as concrete, gravel or cinder walk must be provided.

(3) Privies must be constructed and maintained to be insect and rodent proof.

(4) Every privy must be provided with a door that is self-closing.

(5) The lids over the seats must be constructed to fall into a closed position when the seat is not occupied.

(6) The pit, or vault must be ventilated to the outside air by means of a stack protected at its outlet by screens.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-450, filed 1/21/00, effective 2/21/00.]

WAC 480-66-460 Specifications for toilet rooms. (1) Separation.

(a) No toilet room must have direct communication with any room in which unwrapped food products are prepared, stored, handled, or sold, unless separated by a self-closing door maintained in operating condition.

(b) Separate toilet facilities must be provided for men and women, and each toilet room must be plainly marked by a sign reading **"men"** or **"women."** However, where toilet rooms will be occupied by no more than one person at a time, can be locked from the inside, and contain at least one water closet, separate toilet rooms for each sex need not be provided. Where a single occupancy room has more than one toilet, only one of them may be counted for the purpose of the table in WAC 480-66-470.

(c) There must be no direct connection between toilet rooms for men and women. Each must have a separate entrance, and each entrance door must have an automatic closing device maintained in operating condition.

(2) In toilet rooms containing more than one water closet, each water closet must be in an individual compartment.

(3) Every toilet room must be adequately ventilated.

(4) All toilet facilities must be clearly lighted at all times during working hours.

(5) Every toilet room other than privies must be kept adequately heated.

(6) All windows, ventilators, and other openings, must be screened to prevent the entrance of insects. Toilet rooms must be kept free of insects and vermin.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-460, filed 1/21/00, effective 2/21/00.]

WAC 480-66-470 Number of toilets required. General.

(1) Adequate toilet facilities must be provided for all employees, and for each sex. Facilities must be conveniently located and accessible, and must be maintained at all times in a usable and sanitary condition and in a condition which is not offensive to a reasonable person.

(2) The following table must be used as a guide in determining the adequacy of toilet facilities.

Number of Employees	Minimum Number of Facilities
1 to 10 persons	1 toilet
11 to 25 persons	2 toilets
26 to 49 persons	3 toilets
50 to 100 persons	5 toilets
100 persons or over	5 toilets plus 1 more for each additional 25 employees

(3) Whenever urinals are provided, one urinal may be substituted for one toilet, provided the number of toilets must not be reduced to less than two-thirds of the number shown in the foregoing table.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-470, filed 1/21/00, effective 2/21/00.]

WAC 480-66-480 Supplies for toilets. (1) An adequate supply of toilet paper with holder must be maintained.

(2) In all toilet rooms used by women dispensing machines for sanitary napkins must be provided if requested.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-480, filed 1/21/00, effective 2/21/00.]

WAC 480-66-490 Location and types of toilets. (1) Movable facilities. Flush, chemical, or incinerator type toilets must be provided on the following movable facilities:

(a) The lead locomotive of all trains except when used in yard service.

(b) Baggage and express cars where employees are required to work en route.

(c) Cabooses.

(2) Stationary facilities. Appropriate toilets, as required by these rules, must be provided and made accessible to all employees at all terminals, yards, stations, depots, office work areas, engine houses and shops, bunk or section houses,

section headquarters, lunch rooms, and maintenance of way camps.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-490, filed 1/21/00, effective 2/21/00.]

PART 5 - EATING FACILITIES

WAC 480-66-500 Eating places. (1) At all permanent and semi-permanent installations, an acceptable place with adequate space for eating meals must be provided for employees who bring their meals to their place of employment, or eat meals prepared at the camp facilities. An acceptable place with adequate space for eating meals must be provided at all other places whenever reasonably possible.

(2) Eating places must be constructed to permit them to be readily cleaned. At all times, they must be kept clean and sanitary, in good repair, and free of rodents, insects and vermin.

(3) Kitchen cars or other camp facilities must have adequate equipment for the sanitary preparation, cooking and refrigeration of food.

(4) If employees are allowed or required to eat in a locomotive, the eating area must be kept clean and sanitary at all times.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-500, filed 1/21/00, effective 2/21/00.]

WAC 480-66-510 Lunch rooms. (1) In lunch rooms where food is served for employees, the food, equipment, and facilities are subject to the rules and regulations of the state department of health pertaining to public food establishments.

(2) Employees and workers handling and serving food are subject to those rules and regulations of the state department of health which are necessary to the sanitary handling of food.

(3) Concessionaire facilities provided by the company in lieu of direct company operations must comply with the regulations in these rules with respect to adequate space, adequate food handling facilities, sanitation and cleanliness.

(4) Adequate table and seating facilities must be provided for the maximum number of employees using the room at any one time.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-510, filed 1/21/00, effective 2/21/00.]

WAC 480-66-520 Specifications for lunch rooms and eating places. (1) General. The minimum area of lunch rooms, or the amount of space to be added to that required for a locker room where a lunch room is not provided, must be based upon the maximum number of employees using the room or added space at any one time, in accordance with the following table:

Number of Employees	Square Feet Per Employee
10 to 25	8
26 to 74	7
75 to 149	6
150 to 499	5
500 and more	4

(2) Every eating place and lunch room must be adequately ventilated. Where reasonably possible cross-ventilation must be provided.

(3) All lunch rooms must be clearly lighted at all times during hours of use.

(4) Every lunch room must be kept reasonably heated at all times.

(5) The windows, ventilators and doors opening to the outside of all lunch rooms must be properly screened during the season when insects are prevalent.

(6) One or more covered receptacles, as needed, must be furnished in lunch room and eating places for the disposal of waste food and other waste matter. The containers must be emptied regularly and cleaned as often as needed. The area where the receptacles are kept must be maintained free of litter overflowing the receptacles.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-520, filed 1/21/00, effective 2/21/00.]

PART 6 - SLEEPING ACCOMMODATIONS

WAC 480-66-600 Specifications for all accommodations. (1) Walls, floors and ceilings must be constructed to permit them to be readily cleaned.

(2) Exterior windows and doors must be weather stripped during cold weather.

(3) Screens must be provided for outer doors and windows during any season when insects are prevalent.

(4) Heating facilities and adequate fuel must be provided with which employees may maintain a comfortable temperature as weather conditions may require.

(5) Lighting, by windows and/or acceptable artificial illumination, must be provided.

(6) Ventilation must be provided by windows opening directly to the outside air.

(7) Beds, bunks or cots with proper mattresses must be provided. The beds, bunks or cots must be raised at least twelve inches above the floor and be located two feet or more from the side of any other bed, bunk or cot located in the same room, and have at least twenty-seven inches of clear space above it.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-600, filed 1/21/00, effective 2/21/00.]

WAC 480-66-620 Stationary facilities. Dormitories or bunk rooms must be large enough to provide at least fifty square feet of floor area for each person. However, where double bunks are used at least thirty square feet of floor space must be provided for each person using a double bunk. The headroom of dormitories or bunk rooms must be at least seven feet.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 00-04-011 (Order No. R-469, Docket No. TR-981101), § 480-66-620, filed 1/21/00, effective 2/21/00.]

Chapter 480-70 WAC

SOLID WASTE AND/OR REFUSE COLLECTION COMPANIES

WAC

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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.

480-70-020 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.

480-70-030 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.

480-70-040 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.

480-70-050 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.

480-70-055 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.

480-70-060 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.

480-70-070 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.

480-70-080 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.

480-70-090 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.

480-70-100 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.

480-70-110 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.

480-70-120 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.

480-70-130 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.

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.

480-70-166 Canceling 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), § 480-70-166, filed 3/23/01, effective 4/23/01.] Repealed by 06-07-100 (Docket No. T-051359, General Order No. R-529), filed 3/15/06, effective 4/15/06. Statutory Authority: RCW 80.01.040(4), 81.04.160.

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.

480-70-180 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.

480-70-190 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.

480-70-200 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.

480-70-210 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.

480-70-220 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.

480-70-230 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.

480-70-245 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.

480-70-260 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.

480-70-270 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.

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.

480-70-290 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.

480-70-300 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.

480-70-310 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.

480-70-320 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.

480-70-325 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.

480-70-330 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.

480-70-335 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.

480-70-340 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.

480-70-350 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 (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. Stat-

utory 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.

480-70-600 Bidding—Definitions. [Statutory Authority: RCW 80.01.040 and 81.77.150. 90-24-091 (Order R-333, Docket No. TG-2315), § 480-70-600, filed 12/5/90, effective 1/5/91.] Repealed by 92-24-059 (Order R-381, Docket No. TG-920633), filed 11/30/92, effective 12/31/92. Statutory Authority: RCW 80.01.040.

480-70-610 Bidding—Determination of market boundaries and competitiveness. [Statutory Authority: RCW 80.01.040 and 81.77.150. 90-24-091 (Order R-333, Docket No. TG-2315), § 480-70-610, filed 12/5/90, effective 1/5/91.] Repealed by 92-24-059 (Order R-381, Docket No. TG-920633), filed 11/30/92, effective 12/31/92. Statutory Authority: RCW 80.01.040.

480-70-620 Bidding—Petitions. [Statutory Authority: RCW 80.01.040 and 81.77.150. 90-24-091 (Order R-333, Docket No. TG-2315), § 480-70-620, filed 12/5/90, effective 1/5/91.] Repealed by 92-24-059 (Order R-381, Docket No. TG-920633), filed 11/30/92, effective 12/31/92. Statutory Authority: RCW 80.01.040.

480-70-630 Bidding—Notification of local government. [Statutory Authority: RCW 80.01.040 and 81.77.150. 90-24-091 (Order R-333, Docket No. TG-2315), § 480-70-630, filed 12/5/90, effective 1/5/91.] Repealed by 92-24-059 (Order R-381, Docket No. TG-920633), filed 11/30/92, effective 12/31/92. Statutory Authority: RCW 80.01.-040.

480-70-640 Bidding process. [Statutory Authority: RCW 80.01.040 and 81.77.150. 90-24-091 (Order R-333, Docket No. TG-2315), § 480-70-640, filed 12/5/90, effective 1/5/91.] Repealed by 92-24-059 (Order R-381, Docket No. TG-920633), filed 11/30/92, effective 12/31/92. Statutory Authority: RCW 80.01.040.

480-70-700 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.

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

PART I—GENERAL ADMINISTRATIVE RULES

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.]

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 480-70-011 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 480-70-021 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 480-70-031 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 480-07 WAC. If a rule in this chapter conflicts with a rule in chapter 480-07 WAC, the rule in this chapter applies. Copies of chapter 480-07 WAC are available on request to the commission records center.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-70-036, filed 11/24/03, effective 1/1/04. 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 480-70-041 Definitions, general. (See WAC 480-70-226 (Tariffs, definitions used in) 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:

"Affiliated interest" means a person or corporation as defined in RCW 81.16.010.

"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.

"Control" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a company, whether through the ownership of voting shares, by contract, or otherwise.

"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 (Payment options).

"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.

"Subsidiary" means any company in which the solid waste company owns directly or indirectly five percent or more of the voting securities, unless the solid waste company demonstrates it does not have control.

"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 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-70-041, filed 2/28/05, effective 3/31/05. 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 480-70-051 Exemptions from rules in chapter 480-70 WAC. The commission may grant an exemption from the provisions of any rule in this chapter in the same manner and consistent with the standards and according to the procedures set forth in WAC 480-07-110 (Exceptions from and modifications to the rules in this chapter; special rules).

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-70-051, filed 2/28/05, effective 3/31/05. Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-70-051, filed 11/24/03, effective 1/1/04. 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 480-70-056 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 480-70-061 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

Type of Record:		Retention Period:
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.]

PART II—ACCOUNTING REQUIREMENTS, REPORTING REQUIREMENTS AND REGULATORY FEES

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 480-70-071 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.

(a) The maximum regulatory fee is assessed each year, unless the commission issues an order establishing the regulatory fee at an amount less than the statutory maximum.

(b) The minimum regulatory fee that a solid waste collection company must pay is twenty dollars.

(c) The twenty dollar minimum regulatory fee is waived for any solid waste collection company with less than two thousand dollars in gross intrastate operating revenue.

(2) A company must pay its regulatory fee by May 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 May 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 take action to suspend or cancel a certificate, if a company fails to pay its regulatory fee.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 2003 c 296. 04-05-031 (Docket No. A-031232, General Order No. R-512), § 480-70-076, filed 2/11/04, effective 3/13/04. 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 480-70-077 Transferring cash or assuming obligations. (1) At least five business days, as defined in WAC 480-07-120 (Office hours), before a Class A company, whose corporate credit/issuer rating is not in one of the four highest rating categories of either Standard & Poor's L.L.C. or Moody's Investors Service, Inc., or its subsidiary transfers cash to any of its affiliated interests or subsidiaries or assumes an obligation or liability of any of its affiliated interests or any of its subsidiaries, the company must report to the commission an estimate of the amount to be transferred and the terms of the transaction when the transaction will exceed thresholds as described in (a) or (b) of this subsection.

(a) The company must report if the cumulative transactions to a subsidiary or affiliated interest for the prior twelve months exceed a threshold of five percent, which is based on the prior calendar year gross operating revenue from Washington intrastate operations subject to commission jurisdiction.

(b) When the threshold in (a) of this subsection has been reached, the company must report each subsequent transaction exceeding a threshold of one percent for the prior twelve-month period, which is based on the prior calendar year gross operating revenue from Washington intrastate operations subject to commission jurisdiction.

(2) The reporting requirements in subsection (1) of this section do not include payments for:

(a) Federal and state taxes;

(b) Goods, services, or commodities;

(c) Transactions, attributed to the regulated entity, previously approved or ordered by the commission, other regulatory agencies, or the court; or

(d) Dividends to the extent the level of such dividends over a twelve-month period does not exceed the larger of:

(i) Net income during such period; or

(ii) The average level of dividends over the preceding three years; or

(e) Sweep or cash management accounts used to transfer funds to or from a subsidiary or affiliate as part of the customary and routine cash management functions between or among the utility and its subsidiary or affiliate.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-70-077, filed 2/28/05, effective 3/31/05.]

WAC 480-70-078 Affiliated interest—Contracts or arrangements. Prior to the effective date of any contract or arrangement described in RCW 81.16.020, each solid waste collection company must file a verified copy or a verified summary, if unwritten, of contracts or arrangements, except for transactions provided at tariff rates, with affiliated interests. Prior to the effective date of any modification or amendment, the company must file verified copies of the modifications or amendments to the contracts or arrangements. If the contract or arrangement is unwritten, the company must file a verified summary of any modification or amendment. The commission may institute an investigation and disapprove the contract or arrangement if the commission finds the company has failed to prove that it is reasonable and consistent with the public interest.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-70-078, filed 2/28/05, effective 3/31/05.]

WAC 480-70-079 Affiliated interest and subsidiary transactions report. (1) By June 1 of each year each Class A company must file a report summarizing all transactions that occurred between the company and its affiliated interests, except for transactions provided at tariff rates, and the company and its subsidiaries, during the period January 1 through December 31 of the preceding year.

(2) The information required in this subsection must be for total company and for total state of Washington. The report must include a corporate organization chart of the company and its affiliated interests and subsidiaries.

(3) When total transactions with an affiliated interest or a subsidiary are less than one hundred thousand dollars for the reporting period, the company must provide the name of the affiliated interest or subsidiary participating in the transactions and the total dollar amounts of the transactions. When total transactions with an affiliated interest or subsidiary equal or exceed one hundred thousand dollars for the reporting period, the company must provide:

(a) A balance sheet and income statement for such affiliated interest;

(b) A description of the products or services provided to or from the company and each such affiliated interest or subsidiary;

(c) A description of the pricing basis or costing method, and procedures for allocating costs for such products or services, and the amount and accounts charged during the year;

(d) A description of the terms of any loans between the company and each such affiliated interest or subsidiary and a listing of the year-end loan amounts and maximum loan amounts outstanding during the year;

(e) A description of the terms and total amount of any obligation or liability assumed by the company for each such affiliated interest or subsidiary;

(f) A description of the activities of each such affiliated interest or subsidiary with which the company has transactions; and

(g) A list of all common officers and directors between the solid waste company and each such affiliated interest or subsidiary, along with their titles in each organization.

(4) The company is obligated to file verified copies of affiliated interest contracts and arrangements as stated in WAC 480-70-078 (Affiliated interests—Contracts or arrangements).

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-70-079, filed 2/28/05, effective 3/31/05.]

PART III—CERTIFICATES

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 "operations" 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 480-70-091 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 480-70-101 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 480-07-370;

(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 480-07 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 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-70-106, filed 11/24/03, effective 1/1/04. 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 480-70-111 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 480-70-121 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 480-70-131 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 customers 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 480-07 WAC for information on intervention.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-70-131, filed 11/24/03, effective 1/1/04. 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 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 480-70-141 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 original 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 480-70-151 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 480-70-156 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 480-70-161 Suspending and canceling 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) **Cause for cancellation.** 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.

(3) **Notice of pending suspension and cancellation.** When the commission believes cause exists to suspend or cancel a certificate, it will issue a notice to the company of the commission's intention to suspend or cancel the authority.

(4) **Contest of suspension and cancellation.** A company may contest the pending suspension and/or cancellation of its certificate by requesting a hearing or brief adjudicative proceeding within ten days following the date of the notice.

[Statutory Authority: RCW 80.01.040(4), 81.04.160. 06-07-100 (Docket No. T-051359, General Order No. R-529), § 480-70-161, filed 3/15/06, effective 4/15/06. 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 480-70-171 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.]

PART IV—INSURANCE

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 WAC 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
Transport quantities of biomedical 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.]

PART V—EQUIPMENT AND DRIVERS

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 480-70-201 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
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 480-70-211 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:

- Have complete possession, control and use of the vehicle during the lease period;
- Ensure that the vehicle is properly identified;

• 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;	• Comply with all safety regulations; and • Bill and collect proper tariff rates and charges.
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. Lessee Signature/Title. . . . . date signed. . . . . . Lessor Signature/Title. . . . . date 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), § 480-70-211, filed 3/23/01, effective 4/23/01.]

PART VI—COMPLIANCE

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.]

PART VII—TARIFFS, RATES, AND RATE FILINGS

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 markdown.

"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 480-70-231 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 480-07 WAC.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-70-231, filed 11/24/03, effective 1/1/04. 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 480-70-241 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 480-70-246 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 480-70-251 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 480-07-520;

(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 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-70-256, filed 11/24/03, effective 1/1/04. 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 480-70-261 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 480-70-271 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 pub-

lic 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 480-70-281 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 480-70-291 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 Tariff No. 2 Cancels Tariff No. 1 of John Doe's Sanitation Company, Inc. d/b/a John's Garbage and Recycle Certificate No. 1999 Naming rates for the transportation and disposal of solid waste and, if noted, recycling and yardwaste collection. In the following described territory: Any County Issued by: John Jones, President 1234 East Easy Street
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;

(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."

Illustration of tariff page:

Tariff No. 2	2nd Revised Page 18
Company Name: John Doe's Sanitation Co., Inc. d/b/a John's Garbage and Recycle	

Issued by: John Jones, President Issue Date:. . . . . Effective Date:. . . . .
(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), § 480-70-296, filed 3/23/01, effective 4/23/01.]

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.]

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 480-70-311 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."

(2) Issuing complete new tariffs. Each of the pages in a new tariff must be identified as an original page. For example: "Original Page 1," "Original Page 2," and so on.

[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.]

WAC 480-70-316 Tariffs, supplements. (1) Companies may issue tariff supplements to reflect situations such as gas price fluctuations, city or county taxes, or county surcharges imposed under the provisions of RCW 36.58.045.

(2) Companies may not issue tariff supplements to make general rate increases.

(3) Supplements are subject to all applicable rules and procedures including transmittal letters, notice to customers and the commission, and proper tariff format. The commission will provide sample tariff supplement forms on request.

(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.]

WAC 480-70-321 Tariffs, filings after name change or change in ownership. (1) When a company changes the name on its certificate it must file a tariff in the new name of the company or adopt the existing filed tariff.

(2) When a company leases, transfers, or acquires a portion of the certificated authority of another company, it must file a new tariff reflecting the same rates as the prior company.

(3) When a company obtains operating control of another company, it must file a new tariff at the same rate levels as the prior company or adopt the existing filed tariff of the prior company.

(4) A company filing a tariff to comply with subsections (1), (2), and (3) of this section cannot raise rates in that filing. A separate rate increase filing must be made.

(5) To adopt existing filed tariffs, the company must file with the commission an adoption-of-tariff form, that must read as follows:

Illustration of adoption form:

Tariff No.. . . . . .

. . . . . adopts,
(Name of new company and registered trade name of new company)

all tariffs and supplements to the tariffs, filed with the Washington Utilities and Transportation Commission by

. . . . . .
(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 480-70-326 Tariffs, filing procedures. (1) **Method of filing.** A company may submit tariff filings to the 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 480-70-331 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 480-70-336 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 480-07 WAC.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-70-339, filed 11/24/03, effective 1/1/04. 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 480-70-341 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 480-70-351 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.]

PART VIII—CONSUMER RULES

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 bro-

chure 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 480-70-371 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.
• 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.	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.
• All pertinent information about the reason for the cancellation.	**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.
• All pertinent information about how to correct the reason for cancellation.	4. Must contain at least the following: • A cancellation date and time.
• The company's name, address and toll-free telephone number by which to contact the company to discuss the pending cancellation.	• All pertinent information about the reason for the cancellation. • All pertinent information about how to correct the reason for cancellation.
3. The company must maintain a written record of all cancellation notices issued.	• The company's name, address and toll-free telephone number to contact the company to discuss the pending cancellation.
	5. The company must maintain a record of attempts made to contact the customer. The record must show: • 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 480-70-381 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 480-07-910; or

(b) A formal complaint against the company under the provisions of WAC 480-07-370.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-70-386, filed 11/24/03, effective 1/1/04. 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 480-70-391 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) With the consent of the customer, a company may provide regular billings in electronic form if the bill meets all the requirements of this rule. The company must maintain a record of the customer's consent, and the customer may change from electronic to printed billing upon request.

(5) 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.

(6) 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 and 80.01.040. 04-22-040 (General Order No. R-515, Docket No. TG-041349), § 480-70-396, filed 10/27/04, effective 11/27/04. 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 480-70-401 Payment options. Companies must, at a minimum, allow the following methods of payment: Cash, certified funds (e.g., cashier check or money order), and personal checks.

Upon written notice to a customer, companies may refuse to accept personal checks when that customer has tendered two or more nonsufficient-funds checks within the last twelve months.

[Statutory Authority: RCW 81.04.160 and 80.01.040. 04-22-040 (General Order No. R-515, Docket No. TG-041349), § 480-70-401, filed 10/27/04, effective 11/27/04. 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 480-70-406 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 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 480-70-411 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 may 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:

(i) Service was not canceled for nonpayment;

(ii) The customer received no more than one delinquency notice; and

(iii) References with the other company (if applicable) can quickly and easily be checked. The 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 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 can quickly and easily check, that demonstrate a satisfactory payment history.

(2) **Establishing credit - commercial service.** A company may require an applicant for commercial service to demonstrate that the applicant is a satisfactory credit risk by reasonable means appropriate under the circumstances.

(3) **Deposit requirements.** A company may require a deposit if:

(a) The applicant has failed to establish a satisfactory credit history as outlined in subsections (1) and (2) of this section;

(b) 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;

(c) 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;

(d) Two or more delinquency notices have been served on the applicant by any solid waste company during the prior twelve months; or

(e) The application is for beginning or continuing service to a residence where a prior customer still lives and owes a past due bill to the company.

(4) **Deposit amount.** Deposits required for a customer or location must not exceed:

(a) Two-twelfths of the estimated annual billings for companies billing monthly;

(b) Three-twelfths of estimated annual billings for companies billing bimonthly;

(c) Four-twelfths of estimated annual billings for companies billing trimonthly.

(5) **Transfer of deposit.** When a customer moves to a new address within the company's service territory, the deposit plus accrued interest, less any outstanding past-due

balance owing from the old address, must be transferred to the new address or refunded.

(6) **Interest on deposits.** Companies that collect customer deposits must pay interest on those deposits calculated:

(a) For each calendar year, at the rate for the one-year Treasury Constant Maturity calculated by the U.S. Treasury, as published in the Federal Reserve's Statistical Release H.15 on January 15 of that year. If January 15 falls on a nonbusiness day, the company will use the rate posted on the next following business day; and

(b) From the date of deposit to the date of refund or when applied directly to the customer's account.

(7) **Deposit payment arrangements.** The company 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 company. The company and applicant or customer may make other mutually acceptable deposit payment arrangements.

(8) **Receipt for deposit.** A company must furnish a receipt to each applicant or customer for the amount deposited.

(9) **When refund of deposits is required.** A company must refund deposits plus accrued interest when there has been satisfactory payment, as defined in (a) of this subsection, or when 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:

(i) The company has not started a cancellation process against the customer; and

(ii) The company has sent no more than two delinquency notices to the customer.

(b) **Termination of service.** When service is terminated, the company must return to the customer the deposit amount plus accrued interest, less any amounts due the company by the customer.

(10) **How deposits are refunded.** The company must refund any deposit plus accrued interest, as indicated by the customer at the time of deposit, or as modified by the customer on a later date, 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.** 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 subsections (1) and (2) 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.

[Statutory Authority: RCW 80.01.040, 80.04.160, and 81.04.160. 02-21-066 (Docket No. A-020405, General Order No. R-504), § 480-70-411, filed 10/16/02, effective 1/1/03. 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 480-70-421 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.]

PART IX—BIOMEDICAL WASTE RULES

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 480-70-431 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. 01-08-021(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 480-70-441 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:. . . . . .

CERTIFICATE OF EMPLOYEE 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.]

PART X—HAZARDOUS WASTE RULES

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.]

PART XI—ADOPTION BY REFERENCE

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 Standard Out-of-Service Criteria*** is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, 2008.

(b) This publication is referenced in WAC 480-70-201 (Vehicle and driver safety requirements).

(c) The *North American Out-of-Service Criteria* is a copyrighted document. Copies are available from CVSA in Washington, D.C.

(2) **Title 40 Code of Federal Regulations,** cited as 40 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on July 1, 2006.

(b) This publication is referenced in WAC 480-70-041 (Definitions, general).

(c) Copies of Title 40 Code of Federal Regulations are available from the U.S. Government Online Bookstore, http://bookstore.gpo.gov/, and from various third-party vendors.

(3) **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 December 31, 2007.

(b) This publication is referenced in WAC 480-70-201 (Vehicle and driver safety requirements), WAC 480-70-431 (Biomedical waste, adoption of federal regulations), and

WAC 480-70-486 (Hazardous waste, adoption of federal regulations).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, http://bookstore.gpo.gov/, and from various third-party vendors.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. 09-01-171 (Docket A-081419, General Order R-554), § 480-70-999, filed 12/23/08, effective 1/23/09; 06-17-087 (Docket A-060475, General Order No. R-537), § 480-70-999, filed 8/14/06, effective 9/14/06; 05-21-022 (Docket No. A-050271, General Order No. R-521), § 480-70-999, filed 10/10/05, effective 11/10/05; 04-01-152 (General Order No. R-511, Docket No. A-030852), § 480-70-999, filed 12/22/03, effective 1/22/04; 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-70-999, filed 8/26/02, effective 9/26/02. 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 480-73 WAC
HAZARDOUS LIQUID PIPELINE COMPANIES

WAC

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PART I—GENERAL PROVISIONS

WAC 480-73-010 Application of rules. The rules in this chapter apply to hazardous liquid pipeline companies regulated as common carriers under Title 81 RCW. The purpose of these rules is to address the economic regulation of liquid pipeline companies regulated as common carriers.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-73-010, filed 2/28/05, effective 3/31/05.]

WAC 480-73-020 Exemptions from rules in chapter 480-73 WAC. The commission may grant an exemption from the provisions of any rule in this chapter in the same manner and consistent with the standards and according to the procedures set forth in WAC 480-07-110 (Exceptions from and modifications to the rules in this chapter; special rules).

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-73-020, filed 2/28/05, effective 3/31/05.]

WAC 480-73-030 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 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-73-030, filed 2/28/05, effective 3/31/05.]

WAC 480-73-040 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, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-73-040, filed 2/28/05, effective 3/31/05.]

WAC 480-73-050 Tariffs. (1) Each pipeline company must file tariffs in accordance with the requirements set out in chapter 480-149 WAC titled Tariff Circular No. 6.

(2) In addition to the tariff filing requirements in subsection (1) of this section, the tariff must include the pipeline company's nomination and proration policies and procedures.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-73-050, filed 2/28/05, effective 3/31/05.]

WAC 480-73-060 Definitions. "Affiliated interest" means a person or corporation as defined in RCW 81.16.010.

"Business days" means the same as defined in WAC 480-07-120 (Office hours).

"Control" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a company, whether through the ownership of voting shares, by contract, or otherwise.

"Hazardous liquid pipeline companies" or **"pipeline company"** means any hazardous liquid pipeline company regulated as a common carrier under Title 81 RCW.

"Investment grade" means a pipeline company whose corporate credit/issuer rating is in one of the four highest rating categories of either Standard & Poor's L.L.C. or Moody's Investors Service, Inc.

"Nominations" means the method a shipper uses to reserve pipeline capacity for shipments.

"Proration" means the method the carrier uses to allocate space to shippers when nominations exceed the pipeline capacity.

"Subsidiary" means any company in which the pipeline company owns directly or indirectly five percent or more of the voting securities, unless the pipeline company demonstrates it does not have control.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-73-060, filed 2/28/05, effective 3/31/05.]

PART II—FINANCIAL RECORDS AND REPORTING RULES

WAC 480-73-110 Filing information. (1) **Filing.** The commission records center will accept any filing under WAC 480-73-170 (Issuing securities) delivered in person, by mail, telefacsimile, or electronic mail message. The commission records center will accept all other reports required in Part II in person, by mail, or when procedures are in place, electronic mail message.

(2) **Commission may require additional information.** The commission may require information in addition to that specified by statute or in this chapter.

(3) **Information by reference.** When any information required to support a filing is on file with the commission, it is sufficient to make specific reference to the information indicating the proceeding, report, or other filing that contains the referenced information.

(4) **When information is unavailable.** If any required information is unavailable at the time of the filing, the filing must include the reason why the information is not available and state when it will be available.

[Statutory Authority: RCW 80.01.040, 80.04.160, and 81.04.160. 05-17-026 (Docket No. A-021178 and TO-030288, General Order No. R-522), § 480-73-110, filed 8/5/05, effective 9/5/05. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-73-110, filed 2/28/05, effective 3/31/05.]

WAC 480-73-120 Additional reports. Part II 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, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-73-120, filed 2/28/05, effective 3/31/05.]

WAC 480-73-130 Accounting system requirements. (1) Each pipeline company must use the uniform system of accounts applicable to pipeline companies as published by the Federal Energy Regulatory Commission (FERC) in Title 18 of the Code of Federal Regulations (18 CFR), Part 352 - Uniform System of Accounts Prescribed for Oil Pipeline Companies Subject to the Provisions of the Interstate Commerce Act. Information about the Code of Federal Regulations regarding the version adopted and where to obtain it is set out in WAC 480-73-999 (Adoption by reference).

(2) Each pipeline company 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.

(4) This rule does not supersede any commission order regarding accounting treatments.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-73-130, filed 2/28/05, effective 3/31/05.]

WAC 480-73-140 Expenditures for political or legislative activities. (1) For ratemaking purposes, the commission will not allow recovery of either direct or indirect expenditures by a pipeline company for political or legislative activities.

(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 pipeline company's operations.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-73-140, filed 2/28/05, effective 3/31/05.]

WAC 480-73-150 Retaining and preserving records and reports. Each pipeline company must retain records and reports in accordance with the 18 CFR, Part 356, Preservation of Records for Oil Pipeline Companies, which the commission adopts by reference. Information about the Code of Federal Regulations regarding the version adopted and where to obtain it is set out in WAC 480-73-999 (Adoption by reference).

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-73-150, filed 2/28/05, effective 3/31/05.]

WAC 480-73-160 Annual reports. (1) Each pipeline company must use the commission's annual report form and attach FERC Form No. 6 promulgated by the Federal Energy Regulatory Commission in 18 CFR, Part 357 (Annual, Special or Periodic Reports), for purposes of annual reporting to this commission. Information about the FERC Form No. 6 regarding the version adopted and where to obtain it is set out in WAC 480-73-999 (Adoption by reference).

(2) Each pipeline company must also submit to the commission, in essentially the same format and content as the FERC Form No. 6, a report that documents the costs incurred and the property necessary to provide service to its customers and the revenues obtained in the state of Washington.

(3) Combination and multistate pipeline companies must submit with the annual report their cost allocation methods necessary to develop results of operations in the state of Washington. Approval of cost allocation methods for ratemaking purposes is accomplished only by commission order.

(4) The pipeline company must submit the annual report for the preceding calendar year by May 1 of each year.

(5) Economic regulatory fees. An economic regulatory fee is an annual assessment paid by each company to cover the costs of economic regulation of the industry. The economic regulatory fee is separate from the pipeline safety fee identified in WAC 480-75-240 (Annual pipeline safety fee methodology). The maximum economic regulatory fee is set by statute at one-tenth of one percent of the first fifty thousand dollars of gross intrastate operating revenue plus two-tenths of one percent of any gross intrastate operating revenue in excess of fifty thousand dollars.

(a) The maximum economic regulatory fee is assessed each year, unless the commission issues an order establishing the economic regulatory fee at an amount less than the statutory maximum.

(b) The minimum economic regulatory fee that a pipeline company must pay is twenty dollars.

(c) The twenty-dollar minimum economic regulatory fee is waived for any pipeline company that reports less than twenty thousand dollars in gross operating revenue.

(d) A pipeline company must pay its economic regulatory fee by May 1 each year.

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

(f) If a company does not pay its economic regulatory fee by May 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.

(g) The commission may issue penalty assessments or take other administrative action if a company fails to pay its regulatory fee.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-73-160, filed 2/28/05, effective 3/31/05.]

WAC 480-73-170 Issuing securities. (1) Before a pipeline company issues stocks, stock certificates, other evidence of interest or ownership, bonds, notes, or other evidences of indebtedness, or assumes any obligation or liability as guarantor subject to reporting under RCW 81.08.130, it must file with the commission:

(a) A description of the purposes for which the issuance will be made, including a certification by an officer authorized to do so, that the proceeds from any such financing is for one or more of the purposes allowed by RCW 81.08.030;

(b) A description of the proposed issuance, including the terms of financing; and

(c) A statement as to why the transaction is in the public interest.

(2) Filing a Registration Statement with the Securities and Exchange Commission using a shelf registration process does not constitute undertaking the issuance of a security, and therefore a filing with the commission is not required under the provisions of RCW 81.08.040. A shelf registration filing is defined under the General Rules and Regulations promulgated under the Securities Act of 1933, Rule 415 - Delayed or Continuous Offering and Sale of Securities.

(3) An authorized representative must sign and date the filing and include a certification or declaration that the information is true and correct under penalty of perjury as set forth in chapter 9A.72 RCW. The certificate or declaration must be in substantially the following form:

"I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct."

(4) Within sixty days after the issuance of any securities, except for dividend reinvestment and employee benefit plans, a pipeline company must file with the commission a verified statement:

(a) Outlining the final terms and conditions of the transaction; and

(b) Setting forth actual proceeds from the issuance and, to the extent known, the disposition of proceeds stating the final amount to be used for each purpose allowed by RCW 81.08.030.

[Statutory Authority: RCW 80.01.040, 80.04.160, and 81.04.160. 05-17-026 (Docket No. A-021178 and TO-030288, General Order No. R-522), § 480-73-170, filed 8/5/05, effective 9/5/05.]

WAC 480-73-180 Transferring cash or assuming obligations. (1) At least five business days before a pipeline company whose corporate/issuer rating is not in one of the four highest rating categories of either Standard & Poor's L.L.C. or Moody's Investors Service, Inc., or its subsidiary transfers cash to any of its affiliated interests or subsidiaries or assumes an obligation or liability of any of its affiliated interests or any of its subsidiaries, the company must report to the commission an estimate of the amount to be transferred and the terms of the transaction when the transaction will exceed thresholds as described in (a) or (b) of this subsection.

(a) The company must report if the cumulative transactions to a subsidiary or affiliated interest for the prior twelve months exceed a threshold of five percent, which is based on the prior calendar year gross operating revenue.

(b) When the threshold in (a) of this subsection has been reached, the company must report each subsequent transaction exceeding a threshold of one percent for the prior twelve-month period, which is based on the prior calendar year gross operating revenue.

(2) The reporting requirements in subsection (1) of this section do not include payments for:

(a) Federal and state taxes;

(b) Goods, services, or commodities;

(c) Transactions, attributed to the regulated entity, previously approved or ordered by the commission, other regulatory agencies, or the court; or

(d) Dividends to the extent the level of such dividends over a twelve-month period does not exceed the larger of:

(i) Net income during such period; or

(ii) The average level of dividends over the preceding three years; or

(e) Payments for sweep or cash management accounts. The foregoing provisions will have no application to sweep and cash management account transfers used to transfer funds to or from a subsidiary or affiliate as part of the customary and routine cash management functions between or among the pipeline company and its subsidiary or affiliate.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-73-180, filed 2/28/05, effective 3/31/05.]

WAC 480-73-190 Affiliated interests—Contracts or arrangements. Prior to the effective date of any contract or arrangement described in RCW 81.16.020, each pipeline company must file a verified copy or a verified summary, if unwritten, of contracts or arrangements, except for transactions provided at tariff rates, with any affiliated interest. Prior to the effective date of any modification or amendment, the company must file verified copies of the modifications or amendments to the contracts or arrangements. If the contract or arrangement is unwritten, the company must file a verified summary of any modification or amendment. The commission may institute an investigation and disapprove the contract or arrangement if the commission finds the company has failed to prove that it is reasonable and consistent with the public interest.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-73-190, filed 2/28/05, effective 3/31/05.]

WAC 480-73-200 Securities report. Each pipeline company that has issued securities must file with the commission an annual securities transaction report. The report is due ninety days from the end of the company's reporting period, whether a fiscal or calendar year. At a minimum, the report must contain:

(1) A schedule of the securities issued during the reporting period including a detailed description of the final agreements;

(2) A description of the use of proceeds stating the amounts used for each purpose allowed by RCW 81.08.030;

(3) The level of expenses for each of the securities transactions for the reporting period;

(4) A schedule of securities retired, refunded, repurchased, or otherwise removed from the company's capitalization; and

(5) A schedule of securities scheduled to mature in the fiscal or calendar year following the reporting period.

[Statutory Authority: RCW 80.01.040, 80.04.160, and 81.04.160. 05-17-026 (Docket No. A-021178 and TO-030288, General Order No. R-522), § 480-73-200, filed 8/5/05, effective 9/5/05.]

WAC 480-73-210 Affiliated interest and subsidiary transactions report. (1) By June 1 of each year, each pipeline company must file a report summarizing all transactions, except transactions provided at tariff rates, which occurred between the company and each of its affiliated interests, and the company and each of its subsidiaries, during the period January 1 through December 31 of the preceding year.

(2) The information required in this section must be provided for total company and for total state of Washington. The report must include a corporate organization chart showing the pipeline company and how it is related to its affiliated interests and subsidiaries.

(3) When total transactions with an affiliated interest or a subsidiary are less than one hundred thousand dollars for the reporting period, the company must provide the name of the affiliated interest or subsidiary participating in the transactions and the total dollar amounts of the transactions. When total transactions with an affiliated interest or subsidiary equal or exceed one hundred thousand dollars for the reporting period, the company must provide:

(a) A balance sheet and income statement for such affiliated interest to the extent such information is publicly available, and if not publicly available but the balance sheet and income statement of a parent of such affiliated interest is publicly available, then the balance sheet and income statement for such parent must be provided;

(b) A description of the products or services provided to or from the company and each such affiliated interest or subsidiary;

(c) A description of the pricing basis or costing method, and procedures for allocating costs for such products or services, and the amount and accounts charged during the year;

(d) A description of the terms of any loans between the company and each such affiliated interest or subsidiary and a listing of the year-end loan amounts and maximum loan amounts outstanding during the year;

(e) A description of the terms and total amount of any obligation or liability assumed by the company for each such affiliated interest or subsidiary;

(f) A description of the activities of each such affiliated interest or subsidiary with which the company has transactions; and

(g) A list of all common officers and directors between the pipeline company and each such affiliated interest or subsidiary, along with their titles in each organization.

(4) The company is obligated to file verified copies of affiliated interest contracts and arrangements as stated in WAC 480-73-190 (Affiliated interest—Contracts and arrangements).

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-73-210, filed 2/28/05, effective 3/31/05.]

PART III—ADOPTION BY REFERENCE

WAC 480-73-999 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.

(2) The commission adopts the version in effect on April 1, 2008.

(3) This publication is referenced in WAC 480-73-130 (Accounting system requirements), WAC 480-73-150 (Retaining and preserving records and reports), and WAC 480-73-160 (Annual reports).

(4) Copies of Title 18 Code of Federal Regulations are available from the U.S. Government Online Bookstore, http://bookstore.gpo.gov/, and from various third-party vendors.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. 09-01-171 (Docket A-081419, General Order R-554), § 480-73-999, filed 12/23/08, effective 1/23/09; 06-17-087 (Docket A-060475, General Order No. R-537), § 480-73-999, filed 8/14/06, effective 9/14/06; 05-21-022 (Docket No. A-050271, General Order No. R-521), § 480-73-999, filed 10/10/05, effective 11/10/05; 05-06-051 (Docket No. A-021178 and

TO-030288, General Order No. R-518), § 480-73-999, filed 2/28/05, effective 3/31/05.]

Chapter 480-75 WAC
HAZARDOUS LIQUID PIPELINES—SAFETY

WAC

GENERAL RULES

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480-75-400 Backfill and bed requirements.
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480-75-630 Incident reporting.
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480-75-660 Procedural manual for operations, maintenance, and emergencies.
480-75-999 Adoption by reference.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-75-002 Application of rules. [Statutory Authority: RCW 80.01.040 and 80.04.010. 97-07-042 (Order R-439, Docket No. TO-960810), § 480-75-002, filed 3/14/97, effective 4/14/97.] Repealed by 02-18-032 (Docket No. TO-000712, General Order No. R-500), filed 8/26/02, effective 9/26/02. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-75-005 Compliance with 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), § 480-75-005, 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.] Repealed by 02-18-032 (Docket No. TO-000712, General Order No. R-500), filed 8/26/02, effective 9/26/02. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-75-010 Annual reports. [Statutory Authority: RCW 80.01.040. 90-01-058 (Order R-313, Docket No. U-89-3099-R), § 480-75-010, filed 12/15/89, effective 1/15/90.] Repealed by 02-18-032 (Docket No. TO-000712, General Order No. R-500), filed 8/26/02, effective 9/26/02. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-75-223 Civil penalty for violation of chapter 81.88 RCW or regulations issued thereunder—Maximum amount. [Statutory Authority: RCW 80.01.040. 99-02-036 (Order R-456, Docket No. TO-980905), § 480-75-223, filed 12/30/98, effective 1/30/99.] Repealed by 02-18-032 (Docket No. TO-000712, General Order No. R-500), filed 8/26/02, effective 9/26/02. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-75-230 Modification/waivers. [Statutory Authority: RCW 80.01.040 and 80.04.010. 97-07-042 (Order R-439, Docket No. TO-960810), § 480-75-230, filed 3/14/97, effective 4/14/97.] Repealed by 02-18-032 (Docket No. TO-000712, General Order No. R-500), filed 8/26/02, effective 9/26/02. Statutory Authority: RCW 80.02.040 and 80.04.160.

GENERAL RULES

WAC 480-75-100 Definitions. "Backfill" means the material filled over the pipe after the pipe is lowered into a trench.

"Bedding" means the material placed in the bottom of a trench prior to laying a pipe.

"Breakout tank" means a tank that is used to relieve surges in a hazardous liquid pipeline system, or a tank used to receive and store hazardous liquid transported by a pipeline for reinjection and continued transportation by pipeline.

"Hazardous liquid" means (a) petroleum, petroleum products, or anhydrous ammonia as those terms are defined in 49 CFR Part 195 and (b) carbon dioxide.

"Hazardous liquid pipeline" or **"pipeline"** means all parts of a pipeline facility through which hazardous liquid moves in transportation, including, but not limited to, line pipe, valves, and other appurtenances connected to line pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations and fabricated assemblies therein, and breakout tanks. It does not include all parts of a pipeline facility through which a hazardous liquid moves in transportation through refining or manufacturing facilities or storage or in-plant piping systems associated with such facilities, a pipeline subject to safety regulations of the United States Coast Guard, or a pipeline that serves refining, manufacturing, or truck, rail or vessel terminal facilities, if the pipeline is less than one mile long, measured outside facility grounds, and does not cross an offshore area or a waterway used for commercial navigation.

"Hazardous liquid pipeline company" or **"pipeline company"** means a person or entity constructing, owning, or operating a hazardous liquid pipeline, but does not include excavation contractors or other contractors that contract with a hazardous liquid pipeline company.

"Independent level alarm" means an alarm function actuated by a primary level sensing device that is separate and independent from any tank gauging equipment on the tank.

"Line pipe" or **"pipe"** means a tube, usually cylindrical, through which a hazardous liquid is transported from one point to another.

"Major construction" means any change in pipeline routing, either horizontally or depth, or replacement of existing pipe of one hundred feet or more in length.

"Maximum operating pressure (MOP)" means the maximum operating pressure at which a pipeline may be operated under 49 CFR Part 195.

"New pipeline" means a new hazardous liquid pipeline that did not previously exist, or an extension of an existing pipeline of one hundred feet or longer.

"Person" means an individual, partnership, franchise holder, association, corporation, a state, a city, a county, or any political subdivision or instrumentality of a state, and its employees, agents, or legal representatives.

"Release" means when hazardous liquid escapes from the pipeline.

"Subsoiling" means the agricultural practice of breaking compact subsoil.

"Telephonic notification" means verbal notification by telephone to the Washington utilities and transportation commission, pipeline safety division using the pipeline safety incident notification telephone number (1-888-321-9146).

[Statutory Authority: RCW 80.01.040, 80.04.060, 81.88.040. 08-12-045 (Docket PL-070974, General Order R-548), § 480-75-100, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-100, filed 8/26/02, effective 9/26/02.]

WAC 480-75-200 Application of rules—Responsibility for contractors. (1) The rules in this chapter apply to hazardous liquid pipeline companies that are subject to the jurisdiction of the commission under chapter 81.88 RCW. The purpose of these rules is to provide minimum safety standards and reporting requirements for the transportation of hazardous liquids by pipeline, and to set forth a regulatory fee methodology that applies to all pipeline companies subject to inspection by the commission.

(2) While the commission's hazardous liquid pipeline safety statutes and rules impose obligations on pipeline companies, a pipeline company may contract with a person to do tasks that are subject to these rules, such as excavation, construction, and maintenance. If the pipeline company's contractor (or any of its subcontractors) engages in conduct that violates commission rules applicable to the pipeline company, the pipeline company is subject to penalties and all other applicable remedies, as if the pipeline company itself engaged in that conduct, including intentional noncompliance or other intentional violations of these rules by the contractor (or any of its subcontractors). The pipeline company is responsible for maintaining measures designed to detect intentional violations of these rules by a contractor and any of its subcontractors.

[Statutory Authority: RCW 80.01.040, 80.04.060, 81.88.040. 08-12-045 (Docket PL-070974, General Order R-548), § 480-75-200, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-200, filed 8/26/02, effective 9/26/02.]

WAC 480-75-210 Additional requirements. (1) These rules do not relieve any pipeline 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 80.01.040, 80.04.060, 81.88.040. 08-12-045 (Docket PL-070974, General Order R-548), § 480-75-210, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-210, filed 8/26/02, effective 9/26/02.]

WAC 480-75-220 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. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-220, filed 8/26/02, effective 9/26/02.]

WAC 480-75-240 Annual pipeline safety fee methodology. (1) This rule sets forth the commission's regulatory fee methodology for hazardous liquid pipelines as that term is defined in RCW 81.88.010, and gas pipelines, as that term is defined in RCW 81.88.010. For purposes of this section, these pipelines are called "company" or "companies" and the "commission's pipeline safety program" means the pipeline safety program that includes each program.

(2) Each company will pay an annual pipeline safety fee as established in the methodology set forth in subsection (3) of this section.

(3) The fee will be set by general order of the commission entered before September 1 of each year and will be collected in four equal installments payable on the first day of each quarter as listed below:

1st quarter fee installment due September 1;

2nd quarter fee installment due December 1;

3rd quarter fee installment due March 1;

4th quarter fee installment due June 1.

(a) The total of pipeline safety fees will be calculated to recover no more than the costs of the legislatively authorized workload represented by current appropriations for the commission's pipeline safety program, less the amount received in total base grants through the Federal Department of Transportation and less any amount received from penalties collected under RCW 19.122.050. Federal grants, other than the federal base grant, received by the commission for additional activities not included or anticipated in the legislatively directed workload will not be credited against pipeline company safety fees, nor will the work supported by grants be considered a cost for purposes of calculating fees. To the extent that the actual base grant proceeds are different than the amount credited, the difference will be applied in the following year.

(b) Total pipeline safety fees as determined in (a) of this subsection will be calculated in two parts:

(i) The commission's annual overhead charge to the pipeline safety program will be allocated among companies according to each company's share of the total of all pipeline

miles within Washington as reported by companies in their annual reports to the commission.

(ii) After deducting the commission's annual overhead charge, the remainder of the total pipeline safety fees will be allocated among companies in proportion to each company's share of the commission pipeline safety program staff hours that are directly attributable to particular companies. The commission will determine each company's share by dividing the total hours directly attributable to each company during the two preceding calendar years (as reflected in the program's timekeeping system) by the total of directly attributable hours for all companies over the same period.

(iii) For fee-setting purposes, any program hours related to a commission investigation of an incident found to be attributed to third-party damage that results in penalties collected under RCW 19.122.055 will not be directly attributed to the owner of the damaged pipeline.

(c) The commission general order setting fees pursuant to this rule will detail the specific calculation of each company's pipeline safety fee including the allocations set forth in (b) of this subsection.

(4) By August 1 of each year the commission will mail an invoice to each company.

(5) All funds received by the commission for the pipeline safety program will be deposited to the pipeline safety account. For each gas pipeline company subject to RCW 81.24.010, its portion of the company's total regulatory fee applicable to pipeline safety will be transferred from the public service revolving fund to the pipeline safety account.

(6) Any company wishing to contest the amount of the fee imposed under this section must pay the fee when due and, within six months after the due date of the fee, file a written petition with the commission requesting a refund. The petition shall state the name of the petitioner; the date and the amount paid, including a copy of any receipt, if available; the amount of the fee that is contested; all reasons why the commission should not impose the fee in that amount; and a calculation and explanation of the fee amount the petitioner contends is appropriate, if any. The commission may grant the petition administratively or may set the petition for adjudication.

[Statutory Authority: RCW 80.01.040, 80.04.060, 81.88.040. 08-12-045 (Docket PL-070974, General Order R-548), § 480-75-240, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.-160, 80.24.060, and 81.24.090. 05-17-017 (Docket No. P-041344, General Order No. R-523), § 480-75-240, filed 8/4/05, effective 7/1/06. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 2001 c 238 § 2. 02-03-016 (Docket No. UG-010522, General Order No. R-497), § 480-75-240, filed 1/4/02, effective 2/4/02.]

WAC 480-75-250 Civil penalty for violation of chapter 81.88 RCW. Any pipeline company that violates any pipeline safety provision of any commission order or any rule in this chapter including those rules adopted by reference, or chapter 81.88 RCW is subject to a civil penalty not to exceed one hundred thousand dollars for each violation for each day that the violation persists. The maximum civil penalty under this subsection for a related series of violations is one million dollars.

[Statutory Authority: RCW 80.01.040, 80.04.060, 81.88.040. 08-12-045 (Docket PL-070974, General Order R-548), § 480-75-250, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-250, filed 8/26/02, effective 9/26/02.]

WAC 480-75-260 Exemption for rules in chapter 480-75 WAC. The commission may grant an exemption from any rule in this chapter pursuant to WAC 480-07-110. Please refer to that rule for applicable procedures.

[Statutory Authority: RCW 80.01.040, 80.04.060, 81.88.040. 08-12-045 (Docket PL-070974, General Order R-548), § 480-75-260, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-75-260, filed 11/24/03, effective 1/1/04; 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-260, filed 8/26/02, effective 9/26/02.]

WAC 480-75-270 Damage prevention. Each pipeline company must comply with the provisions of chapter 19.122 RCW, to the extent those provisions apply to the pipeline company. A pipeline company violates this rule if the pipeline company fails to comply with chapter 19.122 RCW. Each day a violation persists is a separate violation of this rule. In determining whether a pipeline company has complied with the provisions of chapter 19.122 RCW, the definitions contained in that chapter will apply. The definitions in chapter 480-75 WAC (other than the definition of "hazardous liquid pipeline company") do not apply.

[Statutory Authority: RCW 80.01.040, 80.04.060, 81.88.040. 08-12-045 (Docket PL-070974, General Order R-548), § 480-75-270, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040, 81.01.010, 81.88.-060. 07-09-001 (Docket PL-061026, General Order R-541), § 480-75-270, filed 4/4/07, effective 5/5/07.]

DESIGN

WAC 480-75-300 Leak detection. (1) Pipeline companies must rapidly locate leaks from their pipeline. Pipeline companies must provide leak detection under flow and no flow conditions.

(2) Leak detection systems must be capable of detecting an eight percent of maximum flow leak within fifteen minutes or less.

(3) Pipeline companies must have a leak detection procedure and a procedure for responding to alarms. The pipeline company must maintain leak detection maintenance and alarm records.

[Statutory Authority: RCW 80.01.040, 80.04.060, 81.88.040. 08-12-045 (Docket PL-070974, General Order R-548), § 480-75-300, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040, 81.01.010, 81.88.-060. 07-09-001 (Docket PL-061026, General Order R-541), § 480-75-300, filed 4/4/07, effective 5/5/07. Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-300, filed 8/26/02, effective 9/26/02.]

WAC 480-75-310 Geological considerations. When a pipeline company is planning to build a new pipeline, the design of the new pipeline must reflect consideration of the potential impacts from seismic activity and earth movement.

[Statutory Authority: RCW 80.01.040, 80.04.060, 81.88.040. 08-12-045 (Docket PL-070974, General Order R-548), § 480-75-310, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-310, filed 8/26/02, effective 9/26/02.]

WAC 480-75-320 Overpressure protection. A pipeline company must conduct a surge analysis to ensure that the surge pressure does not exceed one hundred ten percent of the MOP. The pipeline company must design and operate the pressure relief system consistent with the surge analysis, at or below the MOP except under surge conditions.

[Statutory Authority: RCW 80.01.040, 80.04.060, 81.88.040. 08-12-045 (Docket PL-070974, General Order R-548), § 480-75-320, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-320, filed 8/26/02, effective 9/26/02.]

WAC 480-75-330 Overfill protection. If a pipeline contains break out tanks, such tanks must have an independent level alarm.

[Statutory Authority: RCW 80.01.040, 80.04.060, 81.88.040. 08-12-045 (Docket PL-070974, General Order R-548), § 480-75-330, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-330, filed 8/26/02, effective 9/26/02.]

WAC 480-75-340 Cathodic protection test station location. Pipeline companies must ensure that each cathodically protected pipeline has test stations and other electrical measurement contact points that are located at pipe casings and at locations sufficient to facilitate cathodic protection testing.

[Statutory Authority: RCW 80.01.040, 80.04.060, 81.88.040. 08-12-045 (Docket PL-070974, General Order R-548), § 480-75-340, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-340, filed 8/26/02, effective 9/26/02.]

WAC 480-75-350 Design specifications for new pipeline. Pipeline companies must design new pipelines in accordance with ASME B31.4 "Pipeline Transportation Systems for Liquid Hydrocarbon and Other Liquids." Information about the ASME edition adopted and where to obtain it are set out in WAC 480-75-999, Adoption by reference.

[Statutory Authority: RCW 80.01.040, 80.04.060, 81.88.040. 08-12-045 (Docket PL-070974, General Order R-548), § 480-75-350, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-350, filed 8/26/02, effective 9/26/02.]

WAC 480-75-360 Class locations. (1) This section classifies pipeline locations for the design of new pipelines. The following criteria apply to classifications under this section.

(a) A "class location unit" is an onshore area that extends 220 yards (200 meters) on either side of the centerline of any continuous one mile (1.6 kilometers) of pipeline.

(b) Each separate dwelling unit in a multiple dwelling unit building is counted as a separate building intended for human occupancy.

(2) Except as provided in subsection (3) of this section, pipeline locations are classified as follows:

(a) A Class 1 location is:

(i) An offshore area; or

(ii) Any class location unit that has ten or fewer buildings intended for human occupancy.

(b) A Class 2 location is any class location unit that has more than ten but fewer than forty-six buildings intended for human occupancy.

(c) A Class 3 location is:

(i) Any class location unit that has forty-six or more buildings intended for human occupancy; or

(ii) An area where the pipeline lies within 100 yards (91 meters) of either a building or a small, well-defined outside area (such as a playground, recreation area, outdoor theater, or other place of public assembly) that is occupied by twenty or more persons on at least five days a week for ten weeks in any twelve-month period. (The days and weeks need not be consecutive.)

(d) A Class 4 location is any class location unit where buildings with four or more stories above ground are prevalent.

(3) The pipeline company must adjust the continuous one-mile of pipeline referenced in subsection (1)(a) of this section by including all buildings in the higher class location. The class location unit must encompass the highest classification of buildings.

[Statutory Authority: RCW 80.01.040, 80.04.060, 81.88.040. 08-12-045 (Docket PL-070974, General Order R-548), § 480-75-360, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-360, filed 8/26/02, effective 9/26/02.]

WAC 480-75-370 Design factor (*F*) for steel pipe. Except as otherwise provided in subsections (1), (2) and (3) of this section, the design factor a pipeline company used in the design formula in 49 CFR Section 195.106 for new pipelines is determined in accordance with the following table. The applicable version of the Code of Federal Regulations and how to obtain it is set out in WAC 480-75-999, Adoption by reference.

Class location	Design factor (*F*)
1	0.72
2	0.60
3	0.50
4	0.40

(1) For Class 1 locations a design factor of 0.60 or less must be used in the design formula in 49 CFR Section 195.106 for steel pipe in Class 1 locations that:

(a) Crosses the right of way of an unimproved public road, without a casing;

(b) Crosses without a casing, or makes a parallel encroachment on the right of way of either a hard-surfaced road, a highway, a public street, or a railroad;

(c) Is supported by a vehicular, pedestrian, railroad, or pipeline bridge; or

(d) Is used in a fabricated assembly (including mainline valve assemblies, cross-connections, and river crossing headers).

(2) For Class 2 locations, a design factor of 0.50, or less, must be used in the design formula in 49 CFR Section 195.106 for uncased steel pipe that crosses the right of way of a hard-surfaced road, a highway, a public street, or a railroad.

(3) For Class 1 and Class 2 locations, a design factor of 0.50, or less, must be used in the design formula in 49 CFR Section 195.106 for:

(a) Steel pipe in a pump station; and

(b) Steel pipe (including a pipe riser, on a platform located offshore or in inland navigable waters).

[Statutory Authority: RCW 80.01.040, 80.04.060, 81.88.040. 08-12-045 (Docket PL-070974, General Order R-548), § 480-75-370, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-370, filed 8/26/02, effective 9/26/02.]

WAC 480-75-380 Location of pump stations and breakout tanks for pipelines. A pipeline company shall not construct a new pump station on the pipeline in any zoned area without prior approval of the appropriate zoning authority and having acquired all necessary permits. In areas not zoned, the pump station shall not be located closer than five hundred feet from an existing building intended for human occupancy (other than a building under the control of the pipeline company). When locating new pump stations and breakout tanks, the pipeline company must consider such hazards as overhead power lines, geologic faults, areas prone to flooding, landslides, and falling rocks. This requirement only applies before the facility is constructed.

[Statutory Authority: RCW 80.01.040, 80.04.060, 81.88.040. 08-12-045 (Docket PL-070974, General Order R-548), § 480-75-380, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-380, filed 8/26/02, effective 9/26/02.]

WAC 480-75-390 Valve spacing and rapid shutdown. (1) Each pipeline company must have procedures to rapidly locate and isolate reportable releases from its pipeline.

(2) When determining the type of valve to be used, its location, and its shut-off time, each pipeline company must consider the following:

(a) Terrain;

(b) Geohazards;

(c) Drainage; and

(d) Type and condition of the pipe.

(3) Whenever a pipeline company installs a new rapid shutdown valve, the pipeline company must conduct a surge analysis to ensure that the surge pressure in the pipeline will not exceed one hundred ten percent of the maximum operating pressure as a result of a rapid valve closure.

[Statutory Authority: RCW 80.01.040, 80.04.060, 81.88.040. 08-12-045 (Docket PL-070974, General Order R-548), § 480-75-390, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-064 (Docket No. TO-000712, General Order No. R-508), § 480-75-390, filed 12/12/02, effective 1/12/03.]

CONSTRUCTION AND REPAIRS

WAC 480-75-400 Backfill and bed requirements. (1) When a pipeline company constructs a new pipeline or conducts maintenance on an existing pipeline, the backfill and bed must provide firm support for the pipeline such that neither the pipe nor the pipe coating is damaged by the backfill material or by subsequent surface activities.

(2) If the backfill material contains rocks or hard lumps that could damage the pipeline coating, the pipeline company must take care to protect the pipe and the pipe coating from damage, such as using mechanical shield material.

(3) A pipeline company's backfill practices must not cause distortion of the pipe cross-section that would be detrimental to the operation of the piping, or the passage of cleaning devices, internal inspection devices, or other similar devices.

(4) A pipeline company must apply backfill material in such a manner as to prevent excessive subsidence or erosion of the backfill and support material. Where a ditch is flooded, the pipeline company must assure that the pipe is not floated from the bottom of the ditch prior to completing the backfill.

(5) For open trench installations that cross paved areas subject to vehicular loading, the pipeline company must compact the backfill in layers to a minimum of ninety-five percent relative density.

(6) The bedding and backfill material a pipeline company uses must consist of clean sand or soil and it must not contain any stones larger than one-half inch. The pipeline company must place the bedding and backfill material at a minimum depth of six inches under the pipe and six inches over the top of the pipe. The remaining backfill must not contain rock larger than six inches. The pipeline company shall not use organic material or wood for bedding or backfill.

[Statutory Authority: RCW 80.01.040, 80.04.060, 81.88.040. 08-12-045 (Docket PL-070974, General Order R-548), § 480-75-400, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-400, filed 8/26/02, effective 9/26/02.]

WAC 480-75-410 Coatings. Before backfilling, each pipeline company must electrically inspect all new coated pipe used to transport hazardous liquids, using a holiday detector to check for faults not observable by visual examination. The pipeline company shall operate the holiday detector in accordance with the manufacturer's instructions and at the voltage level appropriate for the electrical characteristics of the pipeline being tested.

[Statutory Authority: RCW 80.01.040, 80.04.060, 81.88.040. 08-12-045 (Docket PL-070974, General Order R-548), § 480-75-410, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-410, filed 8/26/02, effective 9/26/02.]

WAC 480-75-420 Hydrostatic test requirements. The following minimum requirements apply to a pipeline company when it conducts a hydrostatic test of a new or existing pipeline:

(1) If a pipeline company uses a manifold for hydrostatic testing, the company must provide an isolation valve between the pressure testing manifold and the pipeline being tested. The isolation valve must be rated for the manifold test pressure when in the closed position. The pipeline company must separately pressure test the manifold used in the actual pressure test to at least 1.2 times the pipeline test pressure, but not less than the discharge pressure of the pump used for the pressure testing.

(2) If a pipeline company uses a pressure relief valve to protect the pipe, each such valve must be of adequate capacity and set to relieve at ten percent above the hydrostatic test pressure. The pipeline company must calibrate the relief valve within one month prior to the hydrostatic test.

(3) The pipeline company may use a bleed valve to protect the pipeline from overpressure. When a pipeline com-

pany uses a bleed valve, the valve must be readily accessible in case immediate depressurization is required.

(4) All equipment such as hoses, piping, and other equipment used to hydrostatically test the pipe must be rated for at least the target pressure.

(5) The pipeline company must maintain documents identifying how each hydrostatic test was conducted. Each document must be signed by a person with sufficient knowledge, certifying that the document contains accurate information about the test. The documents must contain the following information:

(a) The date of the test;

(b) A test chart or other record that shows that the pressure was maintained at the minimum test pressure throughout the entire test;

(c) Beginning and ending times of the test;

(d) Beginning and ending temperatures; and

(e) Highest and lowest pressure achieved.

(6) The pipeline company must conspicuously post precautions such as warning signs indicating that a hazardous liquid pipeline is under test conditions.

(7) The pipeline company must notify the local government and fire department with jurisdiction in the area affected by the hydrostatic test.

(8) The pipeline company shall not add any water to the pipeline after the hydrostatic test has started. Because pressure varies significantly with changing test water temperatures, each pipeline company must take into consideration temperature variations in the test water before accepting the test results.

(9) The pipeline company must comply with applicable rules of the Washington state department of ecology addressing disposal of testing water.

[Statutory Authority: RCW 80.01.040, 80.04.060, 81.88.040. 08-12-045 (Docket PL-070974, General Order R-548), § 480-75-420, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-420, filed 8/26/02, effective 9/26/02.]

WAC 480-75-430 Welding procedures. (1) Each pipeline company must use welding procedures specified in the API Standard 1104 or Section IX of the ASME Boiler and Pressure Vessel Code and each pipeline company must qualify its welders according to these standards. Information about these standards, and where to obtain them, are set out in WAC 480-75-999, Adoption by reference. Each welder qualification test result must be recorded and kept for a period of five years, and:

(a) To qualify or requalify a welder or to qualify a welding procedure, each pipeline company must use testing equipment capable of measuring the essential variables used during the test. Each pipeline company must record all essential variables performed during the qualification or requalification.

(b) Each pipeline company must have the appropriate written qualified welding procedures at the site where the welding is being performed.

(2) Each welder used by a pipeline company must carry appropriate identification and qualification cards showing the name of welder, qualifications, the date qualification expires, and the name of the pipeline company whose procedures the welder used for the qualification. Each welder's identification and qualification card will be subject to commission inspection at all times when a welder is working on a facility subject to the commission's pipeline safety jurisdiction.

[Statutory Authority: RCW 80.01.040, 80.04.060, 81.88.040. 08-12-045 (Docket PL-070974, General Order R-548), § 480-75-430, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 and 02-20-015 (Docket No. TO-000712, General Order No. R-500 and R-502), § 480-75-430, filed 8/26/02 and 9/20/02, effective 9/26/02 and 10/21/02.]

WAC 480-75-440 Pipeline repairs. Each pipeline company must make pipeline repairs in accordance with ASME B31.4 "Pipeline Transportation Systems for Liquid Hydrocarbons and Other Liquids." Information about the ASME edition adopted and where to obtain it are set out in WAC 480-75-999, Adoption by reference.

[Statutory Authority: RCW 80.01.040, 80.04.060, 81.88.040. 08-12-045 (Docket PL-070974, General Order R-548), § 480-75-440, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-440, filed 8/26/02, effective 9/26/02.]

WAC 480-75-450 Construction specifications. Each pipeline company must assure that any new pipeline construction conforms to the requirements of ASME B31.4. The longitudinal seams of connecting pipe joints must be offset by at least two inches. In addition, the longitudinal seams must be located on the upper half of the pipe when laid in an open trench. Information about the ASME edition adopted and where to obtain it are set out in WAC 480-75-999, Adoption by reference.

[Statutory Authority: RCW 80.01.040, 80.04.060, 81.88.040. 08-12-045 (Docket PL-070974, General Order R-548), § 480-75-450, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040, 81.01.010, 81.88.-060. 07-09-001 (Docket PL-061026, General Order R-541), § 480-75-450, filed 4/4/07, effective 5/5/07. Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-450, filed 8/26/02, effective 9/26/02.]

WAC 480-75-460 Welding inspection requirements. Each pipeline company must inspect all new girth welds on new or repaired sections of pipe by radiography or automatic ultrasonic testing in accordance with API 1104. Pipeline companies must keep a log of each weld inspected and keep all inspection records for the life of the pipeline. Information about the API standards adopted including where to obtain them is set out in WAC 480-75-999, Adoption by reference.

[Statutory Authority: RCW 80.01.040, 80.04.060, 81.88.040. 08-12-045 (Docket PL-070974, General Order R-548), § 480-75-460, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-460, filed 8/26/02, effective 9/26/02.]

OPERATION AND MAINTENANCE

WAC 480-75-500 Moving and lowering hazardous liquid pipelines. A pipeline company must prepare a study before it moves any line pipe to determine whether moving the line pipe will cause an unsafe condition. Moving the line pipe includes lowering the line pipe. This study must be reviewed and approved by a person designated by the pipeline company who is qualified to review the study. The pipeline company must retain a copy of the study for the life of

the pipeline. The study must include pipe stress calculations based on API RP 1117 "Movement of In-Service Pipelines." Information about the API standards adopted and where to obtain it are set out in WAC 480-75-999, Adoption by reference.

[Statutory Authority: RCW 80.01.040, 80.04.060, 81.88.040. 08-12-045 (Docket PL-070974, General Order R-548), § 480-75-500, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-500, filed 8/26/02, effective 9/26/02.]

WAC 480-75-510 Remedial action for corrosion deficiencies. Pipeline companies must initiate remedial action as necessary to correct any deficiency observed during corrosion monitoring, within ninety days after the pipeline company detects the deficiency.

[Statutory Authority: RCW 80.01.040, 80.04.060, 81.88.040. 08-12-045 (Docket PL-070974, General Order R-548), § 480-75-510, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-510, filed 8/26/02, effective 9/26/02.]

WAC 480-75-520 Inspections during excavation. Whenever a pipe is exposed for any reason, the pipeline company must examine the pipe for evidence of mechanical damage or external corrosion, including inspecting the coating for evidence of damage. The pipeline company must evaluate all mechanical damage and repair it as necessary, in accordance with company repair procedures. The pipeline company must repair all coating damage before the pipeline is reburied. If the pipeline company finds active corrosion, general corrosion, or corrosion that has caused a leak, the pipeline company must investigate further to determine the extent of corrosion. The pipeline company must also inspect the pipeline prior to and during the backfilling of the exposed section. The pipeline company must prepare a report of this inspection and its results and maintain that report for the life of the pipeline.

[Statutory Authority: RCW 80.01.040, 80.04.060, 81.88.040. 08-12-045 (Docket PL-070974, General Order R-548), § 480-75-520, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-520, filed 8/26/02, effective 9/26/02.]

WAC 480-75-530 Right of way inspections. The pipeline company must schedule right of way inspections at least once each calendar week. If weather impedes the ability to conduct a fly-over inspection for a consecutive two week period, the weather condition must be noted and the pipeline company must inspect the right of way inspection by motor vehicle or walking the area, within a two week period.

[Statutory Authority: RCW 80.01.040, 80.04.060, 81.88.040. 08-12-045 (Docket PL-070974, General Order R-548), § 480-75-530, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-530, filed 8/26/02, effective 9/26/02.]

WAC 480-75-540 Pipeline markers and above ground facilities. The pipeline company must place proper pipeline markers wherever the line pipe and any associated facilities are exposed. For all pipelines attached to bridges or otherwise spanning an area, the pipeline company must place pipeline markers so that they are visible and readable at both ends of the suspended pipeline. Each pipeline company must inspect each marker annually, and within thirty days of each inspection, replace each marker that is damaged or missing.

[Statutory Authority: RCW 80.01.040, 80.04.060, 81.88.040. 08-12-045 (Docket PL-070974, General Order R-548), § 480-75-540, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-540, filed 8/26/02, effective 9/26/02.]

WAC 480-75-550 Change in class location. Each pipeline company complying with WAC 480-75-360 and 480-75-370 must reevaluate its maximum operating pressure when there is a change in class location. The pipeline company must reevaluate the class location periodically, but not less often than once every five years.

[Statutory Authority: RCW 80.01.040, 80.04.060, 81.88.040. 08-12-045 (Docket PL-070974, General Order R-548), § 480-75-550, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-550, filed 8/26/02, effective 9/26/02.]

REPORTING

WAC 480-75-600 Maps, drawings, and records of hazardous liquid facilities. (1) Each pipeline company must prepare, maintain, and provide to the commission upon request, copies of maps, drawings, and records that pertain to the pipeline company's hazardous liquid pipeline. These documents must be of sufficient scale and detail to show the size and type of material of all facilities.

(2) Each pipeline company must make books, records, reports, and other information available to the commission, so the commission or its authorized representatives can determine whether pipeline the company is in compliance with state and federal regulations.

(3) The pipeline company shall assure that all construction records, maps, and operating history documents are current and made available to appropriate pipeline operations personnel.

[Statutory Authority: RCW 80.01.040, 80.04.060, 81.88.040. 08-12-045 (Docket PL-070974, General Order R-548), § 480-75-600, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-600, filed 8/26/02, effective 9/26/02.]

WAC 480-75-610 Reporting requirements for proposed construction. (1) At least forty-five days before starting any major construction of any pipeline intended to be operated at twenty percent or more of the specified minimum yield strength of the pipe used, the pipeline company must file a report with the commission setting forth the proposed route and the specifications for such pipeline. The report must include, but is not limited to, the following items:

(a) Description and purpose of the proposed construction;

(b) Pipe specifications and route map;

(c) Maximum operating pressure for which the pipeline is being constructed;

(d) Location and construction details of all river crossings or other unusual construction requirements encountered en route; i.e., places where pipe will be exposed or it is impractical to provide required cover, bridge crossings, lines to be laid parallel to railroads or state highways and en-

croachments, and other areas requiring special or unusual design and construction considerations;

(e) Corrosion control plan that includes the specifications for coating and for wrapping;

(f) Welding specifications and welding inspection methods and procedures required during construction of the pipeline;

(g) Required bending procedures; and

(h) Location and specification of all mainline block valves indicating whether the valves will be operated by manual or remote control. Indicate other auxiliary equipment to be installed as a part of the pipeline system to be constructed.

(2) For pipelines operating under twenty percent specified minimum yield strength, a pipeline company must submit to the commission a written notice at least forty-five days prior to the proposed construction. The notice must include a project description and timeline.

(3) The commission may waive the forty-five-day reporting requirement in an emergency.

[Statutory Authority: RCW 80.01.040, 80.04.060, 81.88.040. 08-12-045 (Docket PL-070974, General Order R-548), § 480-75-610, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-610, filed 8/26/02, effective 9/26/02.]

WAC 480-75-620 Pressure testing reporting requirements. If a pipeline company uses pressure testing as part of an effort to increase the maximum operating pressure of the pipeline, the pipeline company must file a report with the commission at least forty-five days prior to pressure testing. The report must include the change in the maximum operating pressure and information justifying a higher operating pressure.

[Statutory Authority: RCW 80.01.040, 80.04.060, 81.88.040. 08-12-045 (Docket PL-070974, General Order R-548), § 480-75-620, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-620, filed 8/26/02, effective 9/26/02.]

WAC 480-75-630 Incident reporting. (1) Each pipeline company must give telephonic notice to the commission within two hours of discovery of an incident involving that company's pipeline, such as a release of a hazardous liquid, that results in:

(a) A fatality;

(b) Personal injury requiring hospitalization;

(c) Fire or explosion not intentionally set by the pipeline company;

(d) Spills of five gallons or more of product from the pipeline;

(e) Damage to the property of the pipeline company and others of a combined total cost exceeding twenty-five thousand dollars (automobile collisions and other equipment accidents not involving hazardous liquid or hazardous-liquid-handling equipment need not be reported under this rule);

(f) A significant occurrence in the judgment of the pipeline company, even though it does not meet the criteria of (a) through (e) of this subsection;

(g) The news media reports the occurrence, even though it does not meet the criteria of (a) through (f) of this subsection.

(2) Each pipeline company that has an incident described in subsection (1) of this section shall send a written report to the commission within thirty calendar days of the incident. The report must include the following:

(a) Name(s) and address(es) of any person or persons injured or killed or whose property was damaged;

(b) The extent of injuries and damage;

(c) A description of the incident including date, time, and place;

(d) A description and maximum operating pressure of the pipeline implicated in the incident and the system operating pressure at the time of the incident;

(e) The date and time the pipeline returns to safe operations; and

(f) The date, time, and type of any temporary or permanent repair.

(3) A pipeline company must give the commission telephonic notification within twenty-four hours of emergency situations including emergency shutdowns, material defects, or physical damage that impairs the serviceability of the pipeline.

[Statutory Authority: RCW 80.01.040, 80.04.060, 81.88.040. 08-12-045 (Docket PL-070974, General Order R-548), § 480-75-630, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040, 81.01.010, 81.88.-060. 07-09-001 (Docket PL-061026, General Order R-541), § 480-75-630, filed 4/4/07, effective 5/5/07. Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-630, filed 8/26/02, effective 9/26/02.]

WAC 480-75-640 Depth-of-cover survey. For pipelines constructed after April 1, 1970, each pipeline company must conduct a depth-of-cover survey in its pipeline rights of way every five years to ensure the minimum depth-of-cover as required by subsections (1) and (2) of this section has been maintained for the entire pipeline. In areas subject to erosion and subsoiling, the survey must be conducted every three years.

(1) Unless specifically exempted in this section, each pipeline company must bury all pipe so that it is below the level of cultivation. Except as provided in subsection (2) of this section, the pipe must be installed so that the cover between the top of the pipe and the ground level, road bed, river bottom, or sea bottom, as applicable, complies with the following table:

Location	Cover (inches) For normal excavation	Cover (inches) For rock excavation
Industrial, commercial, and residential areas	36	30
Crossings of inland bodies of water with a width of at least 100 ft. from high water mark to high water mark	48	18
Drainage ditches at public roads and railroads	36	36
Deepwater port safety zone	48	24
Any other area	30	18

Note: Rock excavation is any excavation that requires blasting or removal by equivalent means.

(2) Cover less than the minimum required by subsection (1) of this section may be used if:

(a) It is impracticable for the pipeline company to comply with the minimum cover requirements; and

(b) The pipeline company provides additional protection equivalent to the minimum required cover.

[Statutory Authority: RCW 80.01.040, 80.04.060, 81.88.040. 08-12-045 (Docket PL-070974, General Order R-548), § 480-75-640, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-640, filed 8/26/02, effective 9/26/02.]

WAC 480-75-650 Annual reports. Each pipeline company must file with the commission the following reports no later than June 15 of each year, applicable to the preceding calendar year:

(1) A copy of Pipeline and Hazardous Materials Safety Administration (PHMSA) F-7000.1-1 annual report required by the PHMSA, Office of Pipeline Safety.

(2) A report titled, "Hazardous Liquid Annual Report Form" which can be obtained from the Pipeline Safety Section of the commission. The annual report must include in detail the following information:

(a) Interstate and intrastate pipeline mileage in Washington state; and

(b) A list of reportable and nonreportable safety-related conditions as defined in 49 CFR Section 195.55.

[Statutory Authority: RCW 80.01.040, 80.04.060, 81.88.040. 08-12-045 (Docket PL-070974, General Order R-548), § 480-75-650, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040, 81.01.010, 81.88.060. 07-09-001 (Docket PL-061026, General Order R-541), § 480-75-650, filed 4/4/07, effective 5/5/07. Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-650, filed 8/26/02, effective 9/26/02.]

WAC 480-75-660 Procedural manual for operations, maintenance, and emergencies. (1) Each pipeline company must prepare and follow a procedural manual that includes the following:

(a) Procedures required in 49 CFR Section 195.402;

(b) Procedures for responding to earthquakes, including a threshold for line shutoff, and procedures for integrity monitoring prior to restart; and

(c) Procedure for assessing the potential for impacts on the pipeline system due to landslides. Pipeline companies with facilities located within potential landslide areas must develop monitoring and remediation procedures for ensuring that pipeline integrity is maintained in these areas.

(2) Each pipeline company shall submit a copy of its current procedural manual to the commission and must submit any revisions to the procedural manual to the commission within thirty days of the procedural manual change. A new pipeline company must submit its procedural manual no later than sixty days prior to startup.

[Statutory Authority: RCW 80.01.040, 80.04.060, 81.88.040. 08-12-045 (Docket PL-070974, General Order R-548), § 480-75-660, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-660, filed 8/26/02, effective 9/26/02.]

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:

(1) **Title 49 Code of Federal Regulations,** cited as 49 CFR, Parts 195 and 199 including all appendices and amendments except for 49 CFR Sections 195.0 and 195.1, and 49 CFR Sections 199.1 and 199.2, published by the United States Government Printing Office.

(a) The commission adopts the version in effect on September 2, 2008.

(b) This publication is referenced in WAC 480-75-370 (Design factor (*F*) for steel pipe), WAC 480-75-630 (Incident reporting), and WAC 480-75-660 (Operations safety plan requirements).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, http://bookstore.gpo.gov/, and from various third-party vendors.

(2) **The American Society of Mechanical Engineers** (ASME) B31.4, 1998 edition.

(a) This publication is referenced in WAC 480-75-350 (Design specifications for new pipeline projects), WAC 480-75-440 (Pipeline repairs), and WAC 480-75-450 (Construction specifications).

(b) Copies of ASME B31.4 are available from The American Society of Mechanical Engineers, Park Avenue New York, New York.

(3) The 2001 edition of **Section IX of the ASME Boiler and Pressure Vessel Code.**

(a) This publication is referenced in WAC 480-75-430 (Welding procedures).

(b) Copies of *Section IX of the ASME Boiler and Pressure Vessel Code* are available from The American Society of Mechanical Engineers, Park Avenue, New York, New York.

(4) The commission adopts **American Petroleum Institute (API) standard 1104** 19th edition.

(a) This publication is referenced in WAC 480-75-430 (Welding procedures) and WAC 480-75-460 (Welding inspection requirements).

(b) Copies of API standard 1104 19th edition are available from the Office of API Publishing Services in Washington DC.

(5) The commission adopts **API RP standard 1117** Second Edition, August 1996.

(a) This publication is referenced in WAC 480-75-500 (Moving and lowering hazardous liquid pipelines).

(b) Copies of API standard 1117 Second Edition are available from Global Engineering Documents in Englewood, Colorado.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.-353. 09-01-171 (Docket A-081419, General Order R-554), § 480-75-999, filed 12/23/08, effective 1/23/09. Statutory Authority: RCW 80.01.040, 80.04.060, 81.88.040. 08-12-045 (Docket PL-070974, General Order R-548), § 480-75-999, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040, 80.04.160, 80.28.210, 81.04.160, 81.88.020, and 34.05.-353. 06-14-052 (Docket A-060464, General Order No. R-535), § 480-75-999, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-21-022 (Docket No. A-050271,

General Order No. R-521), § 480-75-999, filed 10/10/05, effective 11/10/05; 04-01-152 (General Order No. R-511, Docket No. A-030852), § 480-75-999, filed 12/22/03, effective 1/22/04. Statutory Authority: RCW 80.01.040 and 80.04.160. 02-18-032 (Docket No. TO-000712, General Order No. R-500), § 480-75-999, filed 8/26/02, 9/26/02. 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 AND CONTRACTS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-80-035 Price lists. [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.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-040 Tariff. [Order R-5, § 480-80-040, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081, filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-041 Tariff. [Statutory Authority: RCW 80.01.040. 87-24-055 (Order R-282, Cause No. U-86-125), § 480-80-041, filed 11/30/87.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-045 Filing of banded tariffs. [Statutory Authority: RCW 80.01.040. 85-20-003 (Order R-238, Cause No. U-85-44), § 480-80-045, filed 9/19/85.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

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.

480-80-050 Copies of tariff to be filed. [Statutory Authority: RCW 80.01.040. 87-24-055 (Order R-282, Cause No. U-86-125), § 480-80-050, filed 11/30/87; Order R-5, § 480-80-050, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-060 Delivery of tariff. [Order R-5, § 480-80-060, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-070 Statutory notice. [Statutory Authority: RCW 80.01.040. 89-15-042 (Order R-303, Docket No. U-89-2970-R), § 480-80-070, filed 7/18/89, effective 8/18/90; Order R-5, § 480-80-070, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-080 Tariff file at principal business office. [Order R-5, § 480-80-080, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-090 Tariff file at designated business offices. [Order R-5, § 480-80-090, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-100 Payment agencies. [Order R-5, § 480-80-100, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-110 Reference to tariff file. [Order R-5, § 480-80-110, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

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.

480-80-125 Notice by utility to customers concerning hearing. [Statutory Authority: RCW 80.01.040. 88-01-115 (Order R-283, Cause No. T-2118), § 480-80-125, filed 12/23/87; 85-20-003 (Order R-238, Cause No. U-85-44), § 480-80-125, filed 9/19/85; 82-13-088 (Order R-184, Cause No. U-82-03), § 480-80-125, filed 6/23/82. Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-08-138 (Order R-128, Cause No. U-79-29), § 480-80-125, filed 8/1/79.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-130 Notation of receipt of tariff by agents. [Order R-5, § 480-80-130, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-140 Form of tariff sheets. [Order R-5, § 480-80-140, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-150 Numbering of tariffs. [Order R-5, § 480-80-150, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed

5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-160 General arrangement of tariff. [Order R-5, § 480-80-160, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-170 Schedule designation. [Order R-5, § 480-80-170, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-180 Tariff sheet designation. [Order R-5, § 480-80-180, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-190 Numbering plan for sheets. [Order R-5, § 480-80-190, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-200 Title page. [Order R-5, § 480-80-200, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-201 Use of price lists. [Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-201, filed 5/14/02, effective 6/17/02.] Repealed by 07-08-027 (Docket UT-060676, General Order R-540), filed 3/27/07, effective 4/27/07. Statutory Authority: RCW 80.36.010, 80.36.-110, 80.36.320, 80.36.330, 80.36.333, 80.36.338, 80.01.040 and 80.04.160.

480-80-202 Interpretation and application of price lists. [Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-202, filed 5/14/02, effective 6/17/02.] Repealed by 07-08-027 (Docket UT-060676, General Order R-540), filed 3/27/07, effective 4/27/07. Statutory Authority: RCW 80.36.010, 80.36.110, 80.36.320, 80.36.330, 80.36.333, 80.36.338, 80.01.040 and 80.04.160.

480-80-203 Transmittal letter. [Statutory Authority: RCW 80.01.-040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-203, filed 5/14/02, effective 6/17/02.] Repealed by 07-08-027 (Docket UT-060676, General Order R-540), filed 3/27/07, effective 4/27/07. Statutory Authority: RCW 80.36.010, 80.36.-110, 80.36.320, 80.36.330, 80.36.333, 80.36.338, 80.01.040 and 80.04.160.

480-80-204 Price lists format and content. [Statutory Authority: RCW 80.01.040 and 80.04.160. 05-03-031 (Docket No. UT 040015, General Order No. R-516), § 480-80-204, filed 1/10/05, effective 2/10/05. Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-204, filed 5/14/02, effective 6/17/02.] Repealed by 07-08-027 (Docket UT-060676, General Order R-540), filed 3/27/07, effective 4/27/07. Statutory Authority: RCW 80.36.010, 80.36.110, 80.36.320, 80.36.330, 80.36.333, 80.36.338, 80.01.040 and 80.04.160.

480-80-205 Effective date of price list filings. [Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. 03-22-046 (Docket No. A-030832, General Order No. R-509), § 480-80-205, filed 10/29/03, effective 11/29/03. Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-205, filed 5/14/02, effective 6/17/02.] Repealed by 07-08-027 (Docket UT-060676, General Order R-540), filed 3/27/07, effective 4/27/07. Statutory Authority: RCW 80.36.010, 80.36.-110, 80.36.320, 80.36.330, 80.36.333, 80.36.338, 80.01.040 and 80.04.160.

480-80-206 Price list availability to customers. [Statutory Authority: RCW 80.01.040 and 80.04.160. 05-03-031 (Docket No. UT 040015, General Order No. R-516), § 480-80-206, filed 1/10/05, effective 2/10/05. Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-206, filed 5/14/02, effective 6/17/02.] Repealed by 07-08-027 (Docket UT-060676, General Order R-540), filed 3/27/07, effective 4/27/07. Statutory Authority: RCW 80.36.010, 80.36.110, 80.36.320, 80.36.330, 80.36.333, 80.36.338, 80.01.040 and 80.04.160.

480-80-210 Index page. [Order R-5, § 480-80-210, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-220 Rules and regulations page. [Statutory Authority: RCW 80.01.040. 85-20-003 (Order R-238, Cause No. U-85-44), § 480-80-220, filed 9/19/85; Order R-5, § 480-80-220, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-230 Rate schedule page. [Order R-5, § 480-80-230, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-240 Less than statutory notice. [Statutory Authority: RCW 80.01.040. 93-24-103 (Order R-400, Docket No. A-930517), § 480-80-240, filed 12/1/93, effective 1/1/94; 86-14-113 (Order R-263, Cause No. U-86-42), § 480-80-240, filed 7/2/86; 85-20-003 (Order R-238, Cause No. U-85-44), § 480-80-240, filed 9/19/85; Order R-5, § 480-80-240, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-241 Filing contracts for services classified as competitive. [Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-80-241, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-241, filed 5/14/02, effective 6/17/02.] Repealed by 07-08-027 (Docket UT-060676, General Order R-540), filed 3/27/07, effective 4/27/07. Statutory Authority: RCW 80.36.010, 80.36.110, 80.36.320, 80.36.330, 80.36.333, 80.36.338, 80.01.040 and 80.04.-160.

480-80-242 Using contracts for services classified as competitive. [Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-242, filed 5/14/02, effective 6/17/02.] Repealed by 07-08-027 (Docket UT-060676, General Order R-540), filed 3/27/07, effective 4/27/07. Statutory Authority: RCW 80.36.010, 80.36.110, 80.36.320, 80.36.330, 80.36.333, 80.36.338, 80.01.040 and 80.04.-160.

480-80-250 Adoption notice. [Order R-5, § 480-80-250, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-260 Tariff of acquired utility. [Order R-5, § 480-80-260, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-270 Reference to tariff. [Order R-5, § 480-80-270, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-280 Issuing agent. [Order R-5, § 480-80-280, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-290 Suspension of tariffs. [Order R-5, § 480-80-290, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-300 Rejection of tariffs. [Order R-5, § 480-80-300, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-310 Exceptions. [Order R-5, § 480-80-310, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02,

effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-320 Discontinuance of service. [Order R-5, § 480-80-320, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-325 Contract for service. [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.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-326 Contract for gas and electric service. [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.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-330 Telecommunications contracts. [Statutory Authority: RCW 80.36.080, 80.01.040 and the United States Telecommunications Act of 1996, Section 254. 98-04-028 (Order R-448, Docket No. UT-970317), § 480-80-330, filed 1/28/98, effective 2/28/98. Statutory Authority: RCW 80.01.040. 89-12-038 (Order R-301, Docket No. U-88-1704-R), § 480-80-330, filed 6/1/89; 88-22-037 (Order 291, Docket No. U-88-2337-R), § 480-80-330, filed 10/28/88; Order R-5, § 480-80-330, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-335 Special contracts for electric, water, and natural gas companies. [Statutory Authority: RCW 80.04.160 and 80.01.040. 00-17-048 (General Order No. R-472, Docket No. U-991928), § 480-80-335, filed 8/7/00, effective 9/7/00. Statutory Authority: RCW 80.01.040. 88-22-037 (Order 291, Docket No. U-88-2337-R), § 480-80-335, filed 10/28/88.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-340 Forms. [Order R-5, § 480-80-340, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081, filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-350 Refiling tariffs. [Order R-5, § 480-80-350, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-360 Standard tariff forms. [Order R-5, § 480-80-360, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-370 Symbols. [Order R-5, § 480-80-370, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

480-80-380 Availability of rules. [Order R-5, § 480-80-380, filed 6/6/69, effective 10/9/69.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.180.

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.

I. GENERAL RULES

WAC 480-80-010 Application of rules. (1) The rules in this chapter apply to any public service company that is subject to the jurisdiction of the commission as to rates and services under the provisions of Title 80 RCW.

(2) The tariffs and contracts filed by public service companies must conform with these rules. If the commission accepts a tariff or contract 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 480-80-015 (Exemptions from rules in chapter 480-80 WAC). Tariffs or contracts 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 public service company or customer by posing an informal complaint under WAC 480-07-910 (Informal complaints), or by filing a formal complaint under WAC 480-07-370 (Pleadings—General).

(4) No deviation from these rules is permitted without written authorization by the commission. Violations will be subject to penalties as provided by law.

(5) Any tariff or contract on file and in effect or pending on the effective date of these rules is not required to be refiled to comply with these rules.

[Statutory Authority: RCW 80.36.010, 80.36.110, 80.36.320, 80.36.330, 80.36.333, 80.36.338, 80.01.040 and 80.04.160. 07-08-027 (Docket UT-060676, General Order R-540), § 480-80-010, filed 3/27/07, effective 4/27/07. Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-80-010, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-010, filed 5/14/02, effective 6/17/02. 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 480-80-015 Exemptions from rules in chapter 480-80 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 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 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 480-07 WAC.

[Statutory Authority: RCW 80.36.010, 80.36.110, 80.36.320, 80.36.330, 80.36.333, 80.36.338, 80.01.040 and 80.04.160. 07-08-027 (Docket UT-060676, General Order R-540), § 480-80-015, filed 3/27/07, effective 4/27/07. Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-80-015, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-015, filed 5/14/02, effective 6/17/02.]

WAC 480-80-020 Additional requirements. (1) These rules do not relieve any public service 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 public service company in appropriate circumstances, consistent with the requirements of law.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-020, filed 5/14/02, effective 6/17/02; Order R-5, § 480-80-020, filed 6/6/69, effective 10/9/69.]

WAC 480-80-025 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 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-025, filed 5/14/02, effective 6/17/02.]

WAC 480-80-030 Definitions. The definitions in this section apply throughout the chapter unless the context clearly requires otherwise:

"Advice number" means a number assigned by the applicant to a tariff filing or contract filing for internal tracking purposes.

"Banded rate" means a rate that has a minimum and maximum rate.

"Commission" means the Washington utilities and transportation commission.

"Competitive telecommunications company" means a telecommunications company that has been classified as competitive by the commission pursuant to RCW 80.36.310.

"Fax" means the transmittal of electronic signals over telephone lines for conversion into written text.

"Public service company" means every gas company, electric company, telecommunications company, water company, or irrigation plant that is subject to the jurisdiction of the commission as to rates and service.

"RCW" means the Revised Code of Washington.

"Tariff" is a document that sets forth terms and conditions of regulated service, including rates, charges, tolls, rentals, rules, and equipment and facilities, and the manner in which rates and charges are assessed for regulated services provided to customers, and rules and conditions associated with offering service.

"Unified Business Identifier (UBI) number" means the standard nine-digit sequential number issued by Washington state and used by all state agencies to uniquely identify a business entity. The department of licensing, department of revenue, and secretary of state's office are authorized to issue UBI numbers.

"Utility" means every public service company that has not been classified as competitive by the commission.

"WAC" means the Washington Administrative Code.

[Statutory Authority: RCW 80.36.010, 80.36.110, 80.36.320, 80.36.330, 80.36.333, 80.36.338, 80.01.040 and 80.04.160. 07-08-027 (Docket UT-060676, General Order R-540), § 480-80-030, filed 3/27/07, effective 4/27/07. Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-030, filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040. 85-20-003 (Order R-238, Cause No. U-85-44), § 480-80-030, filed 9/19/85; Order R-5, § 480-80-030, filed 6/6/69, effective 10/9/69.]

WAC 480-80-031 Delivery of tariff and contract filings. (1) The commission records center will accept a tariff or contract filing delivered in person, by mail, fax, or electronic means. The commission records center will stamp a filing received on Saturdays, Sundays, and state holidays, or after 5:00 p.m., Pacific time, as received on the next business day.

(2) In person or by mail.

(a) In order to be deemed received on a given day, the commission records center must receive an original and two copies of the filing(s) and a transmittal letter by 5:00 p.m., Pacific time.

(b) A filing delivered by mail must be free from all charges for postage. The commission records center will return any postage-due filing to the sender.

(3) Fax filing.

(a) The commission records center must receive an original and two copies of the filing the following business day.

(b) The commission will use the date and time the fax filing is received and printed at the commission records center as the official file date.

(c) The commission records center must receive a faxed filing in its entirety by 5:00 p.m., Pacific time, Monday through Friday, except on state holidays, to be considered received on that business day.

(4) Electronic filing.

(a) An electronic filing must conform to commission procedures for electronic filing.

(b) After accepting an electronic filing, the commission records center will return an electronic mail message noting the receipt date.

[Statutory Authority: RCW 80.36.010, 80.36.110, 80.36.320, 80.36.330, 80.36.333, 80.36.338, 80.01.040 and 80.04.160. 07-08-027 (Docket UT-060676, General Order R-540), § 480-80-031, filed 3/27/07, effective 4/27/07. Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-031, filed 5/14/02, effective 6/17/02.]

II. TARIFFS AND CONTRACTS: UTILITIES

WAC 480-80-101 Tariff requirements. (1) A utility that is required to have a tariff on file with the commission must file and maintain its tariff(s) as required in the RCW and WAC.

(2)(a) A utility that provides more than one kind of service, such as gas, electric, or water, must file a separate tariff for each service type.

(b) Each tariff must have an official designation number, printed as WN U-number. Subsequent tariff designations must be sequentially numbered in ascending order.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-101, filed 5/14/02, effective 6/17/02.]

WAC 480-80-102 Tariff content. The tariff must include:

(1) **Title page.** The first sheet of the tariff must contain the following information:

(a) Tariff number;

(b) The canceled tariff number, when applicable;

(c) The types of services covered by the tariff;

(d) An identification of the territory to which the tariff applies;

(e) Effective date of the sheet; and

(f) The complete name, address, phone number, unified business identifier (UBI) number, and if available, the mail address and web page address of the issuing utility.

(2) **Index or table of contents.** The second section of the tariff must be updated, when applicable, whenever a tariff sheet is added, revised, or canceled. It must include:

(a) Tariff number;

(b) Name of the utility issuing the tariff;

(c) Effective date of the revised index or table of contents sheet; and

(d) A complete and accurate list of the contents of the tariff.

(3) **Legend of symbols.** This section must identify all symbols used in the tariff to identify changes resulting from the filing of the specific sheet change. The list must include the required symbols and their meanings, and any other utility-specific symbol with its meaning, consistent with the requirements identified in WAC 480-80-105(4).

(4) **Rules section.** The rules section sets forth the conditions governing services under the tariff.

(a) The rules section must include the following, when applicable:

(i) Application for service;

(ii) Definition of service;

(iii) Reconnection charge;

(iv) Service connection;

(v) Installation of meters;

(vi) Distribution main or line extension unless specified in a rate schedule;

(vii) Responsibility for, and maintenance of, distribution plant and service lines;

(viii) Access to premises;

(ix) Interruptions to service;

(x) Bills;

(xi) Deposits;

(xii) Delinquent accounts;

(xiii) Discontinuance of service; and

(xiv) The method the utility will use to give notice to its customers of changes within the limits of a banded rate.

(b) Gas companies must also include the requirements set out in:

(i) WAC 480-90-233 (Purchased gas adjustment) (may be included in rules section or rates section);

(ii) WAC 480-90-303 (Heating value of gas); and

(iii) WAC 480-90-343 (Statement of meter test procedures).

(c) Electric companies must also include the requirements set out in WAC 480-100-343 (Statement of meter test procedures).

(d) Rules for specific services may be included in either the rate schedule section or the rules section.

(5) **Rate schedule section.**

(a) Rate schedule sheets must include the following, when applicable:

(i) Schedule number;

(ii) A title that accurately describes the service;

(iii) Availability;

(iv) The rates to be paid for the service;

(v) Any special terms or conditions associated with the service or the calculation of rates to be paid for the service.

(b) Telecommunications companies not classified as competitive must also provide the following information, when applicable, based upon the type of service offered:

(i) **Exchange service rate schedules** that include:

(A) Primary rate schedules;

(B) Private branch exchange rate schedules;

(C) Miscellaneous rate schedules; and

(D) Exchange area maps.

(ii) **Inter-exchange service rate schedules** that include:

(A) Basic rate schedules;

(B) Supplementary rate schedules; and

(C) List of toll points.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-102, filed 5/14/02, effective 6/17/02.]

WAC 480-80-103 Tariff format. (1) **Tariff sheet format.**

(a) A utility must clearly print or type all tariffs on eight and one-half inch by eleven inch paper, with at least one-half inch margins on each side.

(b) The tariff sheet must include a blank space at least two inches wide and one and one-half inches high in the upper right hand corner of the sheet for commission use.

(c) Tariff sheets filed electronically must meet the requirements set forth in the applicable commission procedures.

(2) **Sheet requirements.** Each tariff sheet must specify:

(a) The designated tariff number;

(b) The tariff sheet revision number;

(c) The name of the utility issuing the tariff; and

(d) The effective date.

(3) **Sheet numbering.** Each tariff sheet must have a unique sheet number.

(a) The utility must designate the initial tariff sheet as the "original sheet."

(b) All subsequent revisions must be in sequential order and indicate the cancellation of the superseded sheet as follows:

On the first revision, designate the sheet as:
FIRST (or 1st) REVISION OF SHEET
CANCELING
ORIGINAL SHEET

On the second revision, designate the sheet as:
SECOND (or 2nd) REVISION OF SHEET
CANCELING
FIRST REVISION OF SHEET

(c) Each tariff revision sheet must use consecutive revision numbers and indicate the cancellation of the superseded sheet.

(d) A utility may reuse revision numbers assigned to sheets that were rejected or withdrawn for subsequent tariff changes.

(e) A utility may not reuse sheet numbers assigned to tariff sheets that are canceled and removed from the tariff during the life of the tariff unless the utility specifies that the sheet is reserved for future use.

(f) A utility may assign sheet numbers to sheets intended for future use.

(4) **Authorizing signature.**

(a) When the tariff sheets are submitted without a signature, the utility must include a statement in the transmittal letter certifying that the submitting person has authority to issue tariff revisions on behalf of the utility; or

(b) When the tariff sheets are submitted with a signature, such signature constitutes a certification that the person signing the tariff sheet has the authority to issue the tariff sheets on behalf of the utility.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-103, filed 5/14/02, effective 6/17/02.]

WAC 480-80-104 Transmittal letter. A utility must submit a transmittal letter with all tariff and contract filings. The transmittal letter must:

(1) Identify all new tariffs or contracts, or identify the tariff or contract changes;

(2) Explain in understandable terms why the tariff or contract filing is being submitted;

(3) Specify the changes requested in clear and concise terms and define any acronyms used;

(4) Refer to the commonly used name of the service, the advice number, if known, and the docket number, if applicable;

(5) Include the advice number if the utility uses consecutively numbered advice letters;

(6) Describe the general effect of, and reasons for, tariff or contract filings involving only text changes;

(7) Describe which services are affected, and the dollar amount and percentage of increase or decrease if the filing is a rate change. If a combination of changes is filed (i.e., increases and decreases), each change should be described, as well as the net effect on company revenues; and

(8) If the utility does not include an authorizing signature on the tariff sheets, include a statement certifying that the submitting person has authority to issue tariff revisions on behalf of the utility.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-104, filed 5/14/02, effective 6/17/02.]

WAC 480-80-105 Tariff filing instructions. (1) A tariff filing must:

(a) Comply with statutory notice requirements;

(b) Specify the requested effective date of the tariff sheet;

(c) Include an original and two copies of each tariff sheet unless it is filed electronically; and

(d) Be accompanied by a transmittal letter as set forth in WAC 480-80-104.

(2) Tariff filings must comply with the requirements set forth in chapter 480-07 WAC, where applicable.

(3) The tariff filing must include information sufficient to determine that the proposed tariff is fair, just, and reasonable.

(4) **Tariff symbols.** Each time a tariff sheet(s) is revised, a utility must code all changes with the tariff symbol that best reflects the purpose and effect of the change. A utility:

(a) Must locate the symbols on the right hand side of the changed text directly across from the change;

(b) Must use the following list of symbols to signify:

D - discontinued rate, service, regulation, or condition;

N - new rate, service, regulation, condition, or sheet;

I - a rate increase;

R - a rate reduction;

C - changed condition or regulation;

K - that material has been transferred **to** another sheet in the tariff. (A footnote is required on the tariff sheet to identify the material's new sheet number);

M - that material has been transferred **from** another sheet in the tariff. (A footnote is required on the tariff sheet to identify the material's former sheet number);

T - a change in text for clarification;

O - no change. (This symbol is discretionary unless specifically requested by the commission); and

(c) May use additional symbols for other purposes when it has identified the symbols in its tariff as provided for in WAC 480-80-102(3).

(5) A utility must not give effect to revised tariff sheets until the commission approves the tariff filing by issuing an order or the new or changed provisions become effective by operation of law.

(6) When a tariff sheet(s) becomes effective, the commission will return one copy of the transmittal letter and one copy of each tariff sheet to the utility marked with the receipt date.

(7) The commission may require a utility to refile the tariff in its entirety should circumstances warrant it.

(8) If the commission issues an order directing a utility to refile all or a portion of its tariff, the utility must refile, marking each affected sheet with the docket number.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-80-105, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-105, filed 5/14/02, effective 6/17/02.]

WAC 480-80-111 Substitute tariff filings. (1) A utility may file substitute tariff sheets within a pending tariff filing if:

(a) There is no material change to the terms and conditions of service contained in the pending tariff sheet. This

restriction does not apply to changes made to address commission concerns with the filing;

(b) The change does not increase the rates contained in the pending tariff sheet; or

(c) The change is to make typographical corrections to the pending tariff sheet.

(2) The filing must include a transmittal letter as set forth in WAC 480-80-104. The substitute filing must include the notation "Do Not Redocket."

(3) The commission retains discretion to reject any substitute tariff sheets where doing so is in the public interest.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-111, filed 5/14/02, effective 6/17/02.]

WAC 480-80-112 Banded rate tariff filings. (1) **Telecommunications companies not classified as competitive.** Telecommunications companies not classified as competitive may file banded rate tariffs. The filings must, at a minimum, be accompanied with the following:

(a) A statement supporting the use of a banded rate tariff rather than a tariff with fixed rates;

(b) A verifiable cost-of-service study supporting the contention that the minimum rate in the banded rate tariff covers the cost of the service. Costs will be determined under a long-run incremental cost analysis, including, as part of the incremental cost, the price charged to other telecommunications companies for any essential function used to provide the service, or any other commission-approved cost method; and

(c) Information detailing the potential effect on revenue of the proposed banded rate tariff range, as well as the effect on revenue of the current or proposed rate.

(2) **Gas and electric companies.** Gas and electric companies may file banded rate tariffs for any nonresidential gas or electric service that is subject to effective competition from energy suppliers not regulated by the commission. When a gas or electric company files for a banded rate tariff, the filings must, at a minimum, be accompanied with the following:

(a) A statement supporting the use of a banded rate tariff rather than a tariff with fixed rates;

(b) A verifiable cost-of-service study supporting the contention that the minimum rate in the banded rate tariff covers all costs resulting from providing the service and provides a contribution to fixed costs; and

(c) Information detailing the potential effect on revenue of the proposed banded rate tariff range, as well as the effect on revenue of the current or proposed rate.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-112, filed 5/14/02, effective 6/17/02.]

WAC 480-80-121 Tariff changes with statutory notice. (1) The statutory notice periods for tariff changes are:

(a) The commission must receive tariff changes not less than thirty days in advance of the requested effective date as required by RCW 80.28.060 and 80.36.110 (1)(a);

(b) The commission must receive telecommunications tariff changes that reduce rates with no offsetting rate increases not less than ten days in advance of the requested effective date, as required by RCW 80.36.110 (2)(a). If a company makes a filing pursuant to this subsection, it may not file for an increase to any rate, charge, rental, or toll to recover the revenue deficit that results from the decrease for a period of one year.

(2) The statutory notice period begins on the date the commission receives the tariff filing, in accordance with WAC 480-80-031.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. 03-22-046 (Docket No. A-030832, General Order No. R-509), § 480-80-121, filed 10/29/03, effective 11/29/03. Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-121, filed 5/14/02, effective 6/17/02.]

WAC 480-80-122 Tariff changes with less than statutory notice. (1) The commission may allow tariff changes to become effective with less than the statutory notice (LSN) period specified in WAC 480-80-121(1) when the utility provides good cause. A utility filing for LSN treatment may use an LSN form provided by the commission, or may submit a letter that includes the following:

(a) Utility information:

(i) Name and address of utility;

(ii) Telephone number, e-mail address, and fax number; and

(iii) Name of contact person for the filing.

(b) Tariff identification information:

(i) Number of the tariff being amended;

(ii) Title of the tariff item(s) being amended, if applicable; and

(iii) Number of the tariff sheet being amended.

(c) Concise description of the changes being proposed;

(d) Reason(s) for requesting LSN handling;

(e) Effective date requested; and

(f) If the utility does not include an authorizing signature on the tariff sheets, a statement certifying that the submitting person has authority to issue tariff changes on behalf of the utility.

(2) A utility requesting LSN must file tariff sheets with an effective date that reflects the required statutory notice period.

(3) If the LSN request is granted, the commission will issue an order directing that the tariff sheets be revised to reflect the authorized LSN effective date.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. 03-22-046 (Docket No. A-030832, General Order No. R-509), § 480-80-122, filed 10/29/03, effective 11/29/03. Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-122, filed 5/14/02, effective 6/17/02.]

WAC 480-80-123 Tariff changes that do not require statutory notice. (1) A utility must file with the commission tariff changes that do not require statutory notice at least one day before the effective date.

(2) The filing must include a transmittal letter as set forth in WAC 480-80-104 (Transmittal letter).

(3) Tariff changes that do not require statutory notice include:

(a) Initial tariffs filed by a newly regulated utility;

(b) A filing for a service not previously contained within a regulated utility's existing tariff;

(c) A change to a telecommunications tariff not affecting the rates or charges paid by customers;

(d) A change to a tariff, other than a telecommunications tariff, that does not affect the public; and

(e) A change in a banded rate when notice to customers has been or will be given in accordance with tariff rules applicable to the service.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 05-03-031 (Docket No. UT 040015, General Order No. R-516), § 480-80-123, filed 1/10/05, effective 2/10/05. Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-123, filed 5/14/02, effective 6/17/02.]

WAC 480-80-124 Failure to provide statutory notice. Except as provided under WAC 480-80-122, a tariff filing issued without the required statutory notice to the commission and the public has the same status as if the tariff filing had not been issued. A utility must give full statutory notice on any reissued tariff filing. The commission will promptly notify the utility in writing when a tariff filing is rejected for failure to provide statutory notice, but failure to notify the utility will not affect the status of the tariff filing.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-124, filed 5/14/02, effective 6/17/02.]

WAC 480-80-126 Telecommunications promotional offering. (1) Any telecommunications tariff filing that makes a promotional offering becomes effective on the later of the effective date stated in the tariff or the date it is filed with the commission.

(2) For purposes of this section, a promotional offering is a telecommunications tariff that, for a period of up to ninety days, waives or reduces charges or conditions of service for existing or new subscribers for the purpose of retaining or increasing the number of customers who subscribe to or use a service.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. 03-22-046 (Docket No. A-030832, General Order No. R-509), § 480-80-126, filed 10/29/03, effective 11/29/03.]

WAC 480-80-131 Withdrawing a tariff filing. When withdrawing a filing, a utility must submit a letter that includes the following:

(1) The name and address of the utility;

(2) Docket number;

(3) Advice number, if applicable;

(4) The name of the contact person for the withdrawal;

(5) An explanation of why it is requesting the withdrawal; and

(6) A statement certifying that the submitting person has authority to withdraw the filing on behalf of the utility.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-131, filed 5/14/02, effective 6/17/02.]

WAC 480-80-132 Rejecting tariff changes. The commission will reject any tariff change that reflects retroactive rate treatment. The commission may reject any tariff change that does not comply with commission rules.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-132, filed 5/14/02, effective 6/17/02.]

WAC 480-80-133 Tariff adoption notice. (1) A utility must file a tariff adoption notice with the commission when either of the following changes affects an existing tariff:

(a) Transfer of the operating control or ownership; or

(b) Utility name change.

(2) The acquiring utility must file the tariff adoption notice if there is a change in ownership or operating control. The surviving utility must file the tariff adoption notice if there is a name change.

(3) Content of the tariff adoption notice must contain, at a minimum, the following:

> (Name of Utility) adopts and makes its own in every respect all tariffs, supplements and amendments filed with the Washington Utilities and Transportation Commission by (Name of Previous Utility or Prior Name of the Utility) prior to (Date).

(4) The tariff adoption notice may be made effective on one day's notice.

(5) In the event of a change in control or ownership, as described above, the utility adopting the tariff must file to incorporate the adopted tariff in its own tariff within sixty days of the date of the filing of the adoption notice. In the event of a name change the time limit is one year.

(6) Until the utility that adopted a tariff refiles the tariff in its own name, all changes after the adoption must include:

(a) The name of the utility whose tariff was adopted at the top of the sheet; and

(b) The name of the utility that adopted the tariff at the bottom of the sheet.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-133, filed 5/14/02, effective 6/17/02.]

WAC 480-80-134 Discontinuing a tariffed service or services. When discontinuing a service or services, a utility must file to cancel the applicable tariff sheets in the same manner as required by tariff filing instructions set forth in WAC 480-80-105. The commission will handle discontinuation filings in the same manner and in accordance with the same provisions governing all other tariff filings.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-134, filed 5/14/02, effective 6/17/02.]

WAC 480-80-141 Service contract. (1) A utility may use service contracts when its tariff requires certain assurances from the customer for a specific service level such as a commitment to a minimum period of service.

(2) If the utility chooses to use service contracts, the utility must provide the commission with samples of the service contracts.

(a) Gas, electric, and water companies must provide the commission with samples of all service contracts currently in use.

(b) Telecommunications companies not classified as competitive must provide the commission with samples of current service contracts within five days after a request by the commission.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-141, filed 5/14/02, effective 6/17/02.]

WAC 480-80-142 Special contracts for telecommunications companies not classified as competitive. (1) Contracts to be filed. Telecommunications companies not classified as competitive must file with the commission:

(a) All contracts for retail sale to end-use customers of intrastate telecommunications services not classified as competitive that:

(i) State rates, charges, prices, terms, or conditions that are not consistent with any existing tariff; or

(ii) Provide for telecommunications services not specifically addressed in the existing tariffs.

(b) Any significant modification of a previously executed contract will be treated as a new contract.

(c) A service order made pursuant to a filed contract is not itself a contract or contract amendment and need not be filed with the commission.

(2) Duration. All contracts must be for a stated time period.

(3) Ratemaking disclaimer. Unless otherwise provided by the commission, approval of contracts will not be determinative with respect to the expenses and revenues of the company for subsequent ratemaking considerations.

(4) Types of telecommunications contracts. The following types of telecommunications contracts have special or unique features, effective dates, and requirements:

(a) Federal, state, and local government "firm bid" contracts are governed under subsection (5) of this section.

(b) School, library, and rural health care (RHC) provider contracts entered into pursuant to 47 CFR, Part 54, are governed under subsection (6) of this section.

(c) All other retail contracts are governed under subsection (7) of this section.

SUMMARY COMPARISON OF THE DIFFERENT TYPES OF RETAIL CONTRACTS			
Subsection	**Contract Type**	**When to File**	**Effective Date**
(5)	Federal, State, and Local Firm Bid	no later than fifteen days after acceptance	when filed or later as specified
(6)	47 CFR Part 54; Schools, Libraries, and RHCs	no later than fifteen days after acceptance	when filed or later as specified
(7)	All other retail contracts	no later than thirty days prior to the proposed effective date	at least thirty days after filing

(5) Federal, state, and local government "firm bid" contracts - filing requirements and effective dates. Where a government 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 noncompetitive telecommunications company must file the contract with the commission no later than fifteen days after acceptance. The filing must include the same documentation as required for approval by subsection (7)(b) of this section and, if applicable, subsection (8) of this section. The contract will become effective at the time specified in the contract, but not earlier than when filed with the commission.

(6) School, library, and RHC provider contracts - filing requirements and effective dates. A telecommunications company that enters into a contract to provide service to a school, library, or RHC provider, as part of the federal universal service program, must file the contract with the commission no later than fifteen days after acceptance by the administrator of the federal universal service program. The filing must include the same documentation as required for approval by subsection (7)(b) of this section and, if applicable, subsection (8) of this section. The contract will become effective at the time specified in the contract, but not earlier than when filed with the commission.

(7) All other retail contracts - standard filing requirements and effective dates.

(a) Contracts must be filed with the commission not less than thirty days before the proposed effective date of the contract.

(b) Each application filed for commission approval of a contract must:

(i) Include a complete copy of the proposed contract;

(ii) Show that the contract meets the requirements of RCW 80.36.170 (Prohibiting unreasonable preference) and RCW 80.36.180 (Prohibiting rate discrimination);

(iii) Demonstrate, at a minimum, that the contract charges cover the company's cost of providing the service. Costs will be determined under a long-run incremental cost analysis, including as part of the incremental cost, the price charged by the offering company to other telecommunications companies for any essential function used to provide the service, or any other commission-approved cost method.

(iv) Summarize the basis of the charge(s) proposed in the contract and explain the derivation of the proposed charge(s) including all cost computations involved; and

(v) Indicate the basis for using a contract rather than a filed tariff for the specific service involved.

(c) Contracts will become effective on the effective date stated on the contract or thirty days after the filing date, whichever occurs later, unless suspended or rejected by the commission. The commission may approve an earlier effective date if requested by the company, in which event the contract shall not become effective on a date that precedes commission approval. A request for an earlier effective date must include a complete explanation of why an earlier effective date is appropriate.

(8) Confidentiality. Filings under this section may be submitted with portions designated "confidential" pursuant to WAC 480-07-160. However, any filing that designates as "confidential" the essential terms and conditions will be rejected by the commission as not in compliance with the public inspection requirement of RCW 80.36.150(1). Essential terms and conditions are:

(a) Nature, characteristics, and quantity of the service provided;

(b) Duration of the contract, including the stated effective date, ending date, and any options to renew;

(c) Charge(s) for service, including minimum charge provisions; and

(d) Geographic location(s), such as exchange or city, where service will be provided.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-80-142, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-142, filed 5/14/02, effective 6/17/02.]

WAC 480-80-143 Special contracts for gas, electric, and water companies. (1) Contracts to be filed. Gas, electric, and water companies must file with the commission all contracts for the retail sale of regulated utility services to end-use customers that:

(a) State charges or conditions that do not conform to the company's existing tariff; or

(b) Provide for utility services not specifically addressed in the gas, electric, or water company's existing tariffs.

(2) Any significant modification of a previously executed contract will be treated as a new contract for purposes of this section.

(3) Essential terms and conditions of all contracts filed pursuant to this section are considered a part of the gas, electric, or water company's filed tariffs and are subject to enforcement, supervision, regulation, control, and public inspection as such.

(4) Filing and effective dates. The contract will become effective on the effective date stated in the contract or thirty days after the filing date, whichever occurs later, unless suspended or rejected by the commission. The commission may approve an earlier effective date if requested by the company, in which event the contract shall not become effective on a date that precedes commission approval. A request for an earlier effective date must include a complete explanation of why an earlier effective date is appropriate.

(5) Each application filed for commission approval of a contract must:

(a) Include a complete copy of the proposed contract;

(b) Show that the contract meets the requirements of RCW 80.28.090 (Prohibiting unreasonable preference) and RCW 80.28.100 (Prohibiting rate discrimination);

(c) Demonstrate, at a minimum, that the contract charges recover all costs resulting from providing the service during its term, and, in addition, provide a contribution to the gas, electric, or water company's fixed costs;

(d) Summarize the basis of the charge(s) proposed in the contract and explain the derivation of the proposed charge(s) including all cost computations involved; and

(e) Indicate the basis for using a contract rather than a filed tariff for the specific service involved. If the basis for using a contract is the availability of an alternative service provider, identify that provider.

(6) All contracts must be for a stated time period, except for contracts for water line extensions. The commission may approve terms and conditions that prescribe the charge(s) to be applied during the time period, if such charge(s) are found to be appropriate. Unless otherwise provided by the commission, such approval will not be determinative with respect to the expenses and revenues of the utility for subsequent rate-making considerations.

(7) Filings under this section may be submitted with portions designated "confidential" pursuant to WAC 480-07-160. However, any filing that designates the essential terms and conditions of the contract as "confidential" shall be rejected by the commission as not in compliance with the public inspection requirement of RCW 80.28.050. Essential terms and conditions are:

(a) Identity of the customer;

(b) Nature and characteristics of the service provided, including interruptible, firm, or peak delivery;

(c) Duration of the contract, including any options to renew;

(d) Charge(s) for service, including minimum charge provisions;

(e) Geographic location where service will be provided; and

(f) Additional obligations specified in the contract, if any.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-80-143, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-80-143, filed 5/14/02, effective 6/17/02.]

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GAS COMPANIES—OPERATIONS

WAC

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480-90-010 Application of rules. [Order R-5, § 480-90-010, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-011.

480-90-011 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.

480-90-020 Saving clause. [Order R-5, § 480-90-020, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-016.

480-90-021 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.

480-90-030 Definitions of terms as used in these rules. [Order R-5, § 480-90-030, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-021.

480-90-031 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.

480-90-040 Statement of test procedures. [Order R-5, § 480-90-040, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-166.

480-90-041 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.

480-90-050 Tariffs. [Order R-5, § 480-90-050, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-026.

480-90-051 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.

480-90-060 Classification of accounts. [Order R-5, § 480-90-060, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71.

480-90-061 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.

480-90-070 Annual reports. [Order R-5, § 480-90-070, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71.

480-90-071 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.

480-90-080 Information available. [Order R-5, § 480-90-080, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-041.

480-90-081 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.

480-90-090 Complaints. [Order R-5, § 480-90-090, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-096.

480-90-091 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.

480-90-100 Record of complaints. [Order R-5, § 480-90-100, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-096.

480-90-101 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.

480-90-110 Filing of records and reports. [Order R-5, § 480-90-110, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-181.

480-90-111 Dispute as to billing. [Order R-27, § 480-90-111, filed 7/15/71.] Repealed by Order R-83, filed 6/30/76.

480-90-116 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.

480-90-120 Identification of employees. [Order R-5, § 480-90-120, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-091.

480-90-121 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.

480-90-130 Application for service. [Order R-5, § 480-90-130, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-046.

480-90-131 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.

480-90-140 Contract for service. [Order R-5, § 480-90-140, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-061.

480-90-141 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.

480-90-150 Deposits. [Order R-5, § 480-90-150, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-051.

480-90-151 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.

480-90-160 Discontinuance of service by customer. [Order R-5, § 480-90-160, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-071.

480-90-161 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.

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.

480-90-170 Discontinuance of service by utility. [Order R-5, § 480-90-170, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-071.

480-90-171 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.

480-90-180 Responsibility for delinquent accounts. [Order R-5, § 480-90-180, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-121.

480-90-181 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.

480-90-190 Refusal of service. [Order R-5, § 480-90-190, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-056.

480-90-191 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.

480-90-200 Quality of gas. [Order R-5, § 480-90-200, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-101.

480-90-201 Prohibited fixtures. [Statutory Authority: RCW 80.01.-040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-201, filed 11/7/79.] Repealed

by 89-08-030 (Order R-297, Docket No. U-88-1867-R), filed 3/30/89. Statutory Authority: RCW 80.01.040.

480-90-206 Exemptions fixtures. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-206, filed 11/7/79.] Repealed by 89-08-030 (Order R-297, Docket No. U-88-1867-R), filed 3/30/89. Statutory Authority: RCW 80.01.040.

480-90-208 Financial reporting requirements. [Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 2003 c 296. 04-05-031 (Docket No. A-031232, General Order No. R-512), § 480-90-208, filed 2/11/04, effective 3/13/04. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-90-208, filed 8/26/02, effective 9/26/02. 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.] Repealed by 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), filed 2/28/05, effective 3/31/05. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353.

480-90-210 Character of service. [Order R-5, § 480-90-210, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-076.

480-90-211 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.

480-90-216 Prohibited service. [Statutory Authority: RCW 80.01.-040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-216, filed 11/7/79.] Repealed by 89-08-030 (Order R-297, Docket No. U-88-1867-R), filed 3/30/89. Statutory Authority: RCW 80.01.040.

480-90-218 Securities, affiliated interests, and transfers of property. [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.] Repealed by 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), filed 2/28/05, effective 3/31/05. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353.

480-90-220 Change in character of service. [Order R-5, § 480-90-220, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-076.

480-90-221 Exemptions—Prohibited service—Lighting of historical significance. [Statutory Authority: RCW 80.01.-040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-221, filed 11/7/79.] Repealed by 89-08-030 (Order R-297, Docket No. U-88-1867-R), filed 3/30/89. Statutory Authority: RCW 80.01.040.

480-90-226 Exemptions—Prohibited service—Memorial lighting. [Statutory Authority: RCW 80.01.040(4) and 80.04.-160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-226, filed 11/7/79.] Repealed by 89-08-030 (Order R-297, Docket No. U-88-1867-R), filed 3/30/89. Statutory Authority: RCW 80.01.040.

480-90-230 Pressure variation. [Order R-5, § 480-90-230, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-076.

480-90-231 Exemptions—Prohibited service—Commercial lighting of a traditional nature. [Statutory Authority: RCW 80.01.040 and 80.04.160. 81-09-009 (Order R-161, Cause No. U-81-13), § 480-90-231, filed 4/8/81. Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-231, filed 11/7/79.] Repealed by 89-08-030 (Order R-297, Docket No. U-88-1867-R), filed 3/30/89. Statutory Authority: RCW 80.01.040.

480-90-240 Changes in use. [Order R-5, § 480-90-240, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-076.

480-90-241 Exemptions—Prohibited service—Safety of persons and property. [Statutory Authority: RCW 80.01.040 and 80.04.160. 81-09-009 (Order R-161, Cause No. U-81-13), § 480-90-241, filed 4/8/81. Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-241, filed 11/7/79.] Repealed by 89-08-030 (Order R-297, Docket No. U-88-1867-R), filed 3/30/89. Statutory Authority: RCW 80.01.040.

480-90-246 Exemptions—Prohibited service—Substantial expense and not cost justified. [Statutory Authority: RCW 80.01.040 and 80.04.160. 81-09-009 (Order R-161, Cause No. U-81-13), § 480-90-246, filed 4/8/81. Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-246, filed 11/7/79.] Repealed by 89-08-030 (Order R-297, Docket No. U-88-1867-R), filed 3/30/89. Statutory Authority: RCW 80.01.040.

480-90-250 Adequacy and continuity of service. [Order R-5, § 480-90-250, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-076.

480-90-251 Exemptions—Prohibited service—Public interest. [Statutory Authority: RCW 80.01.040(4) and 80.04.-160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-251, filed 11/7/79.] Repealed by 89-08-030 (Order R-297, Docket No. U-88-1867-R), filed 3/30/89. Statutory Authority: RCW 80.01.040.

480-90-256 Exemptions—Stays. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-256, filed 11/7/79.] Repealed by 89-08-030 (Order R-297, Docket No. U-88-1867-R), filed 3/30/89. Statutory Authority: RCW 80.01.040.

480-90-260 Distribution extensions. [Order R-5, § 480-90-260, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-066.

480-90-261 Temporary exemption—Time to install substitute lighting. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-261, filed 11/7/79.] Repealed by 89-08-030 (Order R-297, Docket No. U-88-1867-R), filed 3/30/89. Statutory Authority: RCW 80.01.040.

480-90-266 Utility to notify customer. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-266, filed 11/7/79.] Repealed by 89-08-030 (Order R-297, Docket No. U-88-1867-R), filed 3/30/89. Statutory Authority: RCW 80.01.040.

480-90-270 Service connections. [Order R-5, § 480-90-270, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-081.

480-90-271 Petitions for exemption. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-271, filed 11/7/79.] Repealed by 89-08-030 (Order R-297, Docket No. U-88-1867-R), filed 3/30/89. Statutory Authority: RCW 80.01.040.

480-90-276 Action for failure to comply. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-276, filed 11/7/79.] Repealed by 89-08-030 (Order R-297, Docket No. U-88-1867-R), filed 3/30/89. Statutory Authority: RCW 80.01.040.

480-90-280 Service entrance. [Order R-5, § 480-90-280, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-086.

480-90-281 Procedure for unknown prohibited use. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-281, filed 11/7/79.] Repealed by 89-08-030 (Order R-297, Docket No. U-88-1867-R), filed 3/30/89. Statutory Authority: RCW 80.01.040.

480-90-286 Failure of utility to comply. [Statutory Authority: RCW 80.01.040(4) and 80.04.160. 79-11-134 (Order R-133, Cause No. U-79-45), § 480-90-286, filed 11/7/79.] Repealed by 89-08-030 (Order R-297, Docket No. U-88-1867-R), filed 3/30/89. Statutory Authority: RCW 80.01.040.

480-90-290 Access to premises. [Order R-5, § 480-90-290, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-091.

480-90-300 Forms of bills. [Order R-5, § 480-90-300, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-106.

480-90-310 Dispute as to bills. [Order R-5, § 480-90-310, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-111.

480-90-320 Location of meter and regulator. [Order R-5, § 480-90-320, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-136.

480-90-330	Installation of meters. [Order R-5, § 480-90-330, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-131.
480-90-340	Meter reading. [Order R-5, § 480-90-340, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-126.
480-90-350	Determination of maximum demand. [Order R-5, § 480-90-350, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-106.
480-90-360	Initial accuracy of meters. [Order R-5, § 480-90-360, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-146.
480-90-370	Permissible error. [Order R-5, § 480-90-370, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-151.
480-90-380	Method of testing. [Order R-5, § 480-90-380, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71.
480-90-390	Frequency of periodic tests. [Order R-5, § 480-90-390, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-171.
480-90-400	Meter history records. [Order R-5, § 480-90-400, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-176.
480-90-410	Dispute as to accuracy of meters. [Order R-5, § 480-90-410, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-156.
480-90-420	Free complaint meter test. [Order R-5, § 480-90-420, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-161.
480-90-430	Fee for extra-complaint meter tests. [Order R-5, § 480-90-430, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-161.
480-90-440	Identification of meters. [Order R-5, § 480-90-440, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-140.
480-90-450	Complaint reports. [Order R-5, § 480-90-450, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71.
480-90-460	Refunds for inaccurate metering. [Order R-5, § 480-90-460, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-116.
480-90-470	Meter seals. [Order R-5, § 480-90-470, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71. See WAC 480-90-146.
480-90-480	Reports of accidents. [Order R-5, § 480-90-480, filed 6/6/69, effective 10/9/69.] Repealed by Order R-27, filed 7/15/71.

PART I—GENERAL PROVISIONS

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 customer by posing an informal complaint under WAC 480-07-910, Informal complaints, or by filing a formal complaint under WAC 480-07-370, 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. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-90-003, filed 11/24/03, effective 1/1/04; 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. The commission may grant an exemption from the provisions of any rule in this chapter in the same manner and consistent with the standards and according to the procedures set forth in WAC 480-07-110 (Exceptions from and modifications to the rules in this chapter; special rules).

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-90-008, filed 2/28/05, effective 3/31/05. Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-90-008, filed 11/24/03, effective 1/1/04; 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-008, filed 5/3/01, effective 6/3/01.]

WAC 480-90-013 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 480-90-018 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 480-90-023 Definitions. "Affiliated interest" means a person or corporation as defined in RCW 80.16.010.

"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.

"Control" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a company, whether through the ownership of voting shares, by contract, or otherwise.

"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.

"Subsidiary" means any company in which the gas utility owns directly or indirectly five percent or more of the voting securities, unless the utility demonstrates it does not have control.

"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, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-90-023, filed 2/28/05, effective 3/31/05. 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 480-90-028 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 480-90-033 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.]

PART II—CONSUMER RULES

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 bill-

ing 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 480-90-108 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 chose 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 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.** Deposits required for a customer or location must not exceed:

(a) Two-twelfths of the estimated annual billings for utilities billing monthly; or

(b) Three-twelfths of estimated annual billings for utilities billing bimonthly.

(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 quickly and easily be 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, less any outstanding balance owing from the old address, must be transferred to the new address 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.** Utilities that collect customer deposits must pay interest on those deposits calculated:

(a) For each calendar year, at the rate for the one-year Treasury Constant Maturity calculated by the U.S. Treasury, as published in the Federal Reserve's Statistical Release H.15 on January 15 of that year. If January 15 falls on a nonbusiness day, the utility will use the rate posted on the next following business day; and

(b) From the date of deposit to the date of refund or when applied directly to the customer's account.

(10) **When refund of deposits is required.** A utility must apply deposits plus accrued interest to the customer's account, or refund deposits plus accrued interest when there has been satisfactory payment, as defined in (a) of this subsection, or when 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:

(i) The utility has not started a disconnection process against the customer; and

(ii) The utility has sent no more than two delinquency notices to the customer.

(b) Termination of service. When service is terminated, 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.** A utility must refund any deposit plus accrued interest as indicated by the customer at the time of deposit, or as modified by the customer on a later date, using 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.

[Statutory Authority: RCW 80.01.040, 80.04.160, and 81.04.160. 02-21-066 (Docket No. A-020405, General Order No. R-504), § 480-90-113, filed 10/16/02, effective 1/1/03. 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 480-90-118 Nonresidential services deposit requirements. (1) **Deposit criteria for nonresidential customers.** A utility may require an applicant for nonresidential service to demonstrate that the applicant is a satisfactory credit risk by reasonable means appropriate under the circumstances.

(2) **Deposit amount.** Deposits required for a customer or location must not exceed:

(a) Two-twelfths of the estimated annual billings for utilities billing monthly; or

(b) Three-twelfths of estimated annual billings for utilities billing bimonthly.

(3) **Transfer of deposit.** When a customer moves to a new address within the utility's service territory, the deposit plus accrued interest, less any outstanding balance owing from the old address, must be transferred to the new address or refunded.

(4) **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.

(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.** Utilities that collect customer deposits must pay interest on those deposits calculated:

(a) For each calendar year, at the rate for the one-year Treasury Constant Maturity calculated by the U.S. Treasury, as published in the Federal Reserve's Statistical Release H.15 on January 15 of that year. If January 15 falls on a nonbusiness day, the utility will use the rate posted on the next following business day; and

(b) From the date of deposit to the date of refund or when applied directly to the customer's account.

(7) **When refund of deposits is required.** A utility must apply deposits plus accrued interest to the customer's account, or refund deposits plus accrued interest when there

has been satisfactory payment, as defined in (a) of this subsection, or when 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:

(i) The utility has not started a disconnection process against the customer; and

(ii) The utility has sent no more than two delinquency notices to the customer.

(b) Termination of service. When service is terminated, 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, 80.04.160, and 81.04.160. 02-21-066 (Docket No. A-020405, General Order No. R-504), § 480-90-118, filed 10/16/02, effective 1/1/03. 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 480-90-123 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 service 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 480-07-910, Informal complaints; or a formal complaint under WAC 480-07-370, Pleadings—General.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-90-123, filed 11/24/03, effective 1/1/04; 01-24-077 (General Order No. R-496, Docket No. UG-990294), § 480-90-123, filed 12/3/01, effective 1/3/02.]

WAC 480-90-128 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 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. 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-128, filed 5/3/01, effective 6/3/01.]

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 480-90-138 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.

[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 480-90-143 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 480-090-128, 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 480-90-148 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 480-90-153 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 480-80-143 (Special contracts for gas, electric, and water companies).

(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, 80.04.160, 81.04.160, and 34.05.353. 03-22-046 (Docket No. A-030832, General Order No. R-509), § 480-90-153, filed 10/29/03, effective 11/29/03. 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 480-90-158 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 480-90-163 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 480-90-168 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 480-90-173 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 480-07-910, Informal complaints; or

(b) A formal complaint against the utility as described in WAC 480-07-370, Pleadings—General.

(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. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-90-173, filed 11/24/03, effective 1/1/04; 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-173, filed 5/3/01, effective 6/3/01.]

WAC 480-90-178 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 480-90-183 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 480-90-193 Posting of tariffs for public inspection and review. Each gas utility offering service under tariff must make available for public inspection and review all tariffs governing its provision of service, as required by RCW 80.28.050. To comply with this requirement, a utility must fulfill the provisions of either subsection (1) or (2) of this section.

(1) **Web, telephone, and mail access.** The utility must:

(a) Maintain a complete copy of its tariff or tariffs and all proposed tariff changes on an internet web site accessible to the public using generally available browser software;

(b) Provide a toll-free telephone number by which customers and applicants can obtain assistance during normal business hours from a company agent qualified to assist the customer in locating, interpreting, and applying tariff provisions;

(c) Upon written or oral request by any customer or applicant, deliver at no charge a copy of any current, proposed or most recently canceled tariff page that relates to the customer's or applicant's service; and

(d) Include on each customer bill and notice the address of the tariff web site and the toll-free telephone number.

(2) **Physical access.** The utility must make available for public inspection and copying a complete copy of its tariff or tariffs, all most recently canceled tariff sheets, and all proposed tariff changes at one or more offices in each county where it offers service, except: A single office may serve more than one county if the office is within twenty miles of all customers in the county where no tariff is posted. The utility must provide at each office either an agent qualified to assist the customer in locating, interpreting, and applying tariff provisions or access to such an agent by a toll-free telephone number.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-90-193, filed 5/14/02, effective 6/17/02. 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 480-90-194 Publication of proposed tariff changes to increase charges or restrict access to services. Each gas utility offering service under tariff must publish all proposed changes to its tariff for at least thirty days, as required by RCW 80.28.060. For any proposed tariff change that would increase recurring charges, except purchased gas adjustment (PGA) filings as provided in subsection (5) of this section, or restrict access to services (e.g., discontinue a service, or limit access to service by imposing a new usage level on existing services), a utility must fulfill the requirements of subsection (1), (2), or (3) of this section. For any other proposed tariffs, the utility must fulfill the requirements of WAC 480-90-195. The utility will not be required to accomplish publication under this section if it has agreed to suspend its tariff filing and to provide notice as provided under WAC 480-90-197.

(1) **Thirty-day notice to individual customers.** To comply under this method, the utility must, at least thirty days before the stated effective date of the proposed change, mail the posting to each customer that would be affected by the proposed change. The posting must include the information listed in subsection (4) of this section.

(2) **Published notice.** To comply under this method, the utility must, at least thirty days before the stated effective date of the proposed change, publish notice of the proposed change within the geographical areas where it offers service. To meet minimum publication requirements, a utility must:

(a) Distribute copies of the published notice to community agencies and organizations in the geographic area where the utility offers service for posting and publication by the agency or organization. The utility must include in its distribution list any agency or organization that requests these notices;

(b) Cause to be printed in large print, as a paid advertisement, a complete copy of the published notice in the daily

newspaper of general circulation with the greatest number of subscribers in each geographic area or each of the areas affected by the proposed tariff;

(c) Provide to the news editor of every newspaper, television station, and radio station, in the geographic area within which it offers service a news release or public service announcement summarizing the published notice. The release or announcement must include a toll-free number that customers can use to obtain more information from the utility. The commission will maintain a list of area newspapers, television, and radio stations and will provide it on request to any utility; and

(d) Post a complete copy of the published notice on an Internet web site accessible to the public using generally available browser software.

(3) **Reduced publication with shortened notice to individual customers.** To comply under this method, the utility must:

(a) Mail the posting to each customer that would be affected by the proposed change at least fifteen days before the stated effective date of the proposed change;

(b) At the time of the utility's filing with the commission, distribute copies of the published notice in the same manner as provided in subsection (2)(a) of this section;

(c) At the time of the utility's filing with the commission, provide news media notice in the same manner as provided in subsection (2)(c) of this section; and

(d) At the time of the utility's filing with the commission, post a complete copy of the published notice in the same manner as provided in subsection (2)(d) of this section.

(4) **Content of postings.** The published notice required by this rule must include, when applicable:

(a) The date the notice is issued;

(b) The utility's name and address;

(c) A brief explanation of the reason(s) the utility has requested the rate change (e.g., increase in labor costs, recovery of new plant investment, and increased office expenses, such as postage and customer billing);

(d) A comparison of current and proposed rates by service;

(e) An example showing the monthly increase of the average customer's bill based on the proposed rates (e.g., "based on the proposed rates, a typical gas customer using an average of eighty therms per month would see an average monthly increase of $2.74.");

(f) When the rates will be billed (i.e., monthly or bimonthly);

(g) The requested effective date and, if different, the implementation date;

(h) A statement that the commission has the authority to set final rates that may vary from the utility's request, which may be either higher or lower depending on the results of the investigation;

(i) A description of how customers may contact the utility if they have specific questions or need additional information about the proposal; and

(j) Public involvement language. A utility may choose from:

(i) Commission-suggested language that is available from the commission's designated public affairs officer; or

(ii) Utility-developed language that must include the commission's mailing address, toll-free number, and docket number, if known, and a brief explanation of:

(A) How to participate in the commission's process by mailing or faxing a letter, or submitting an e-mail; and

(B) How to contact the commission for process questions or to be notified of the scheduled open meeting at which the proposal will be considered by the commission.

(5) **Optional method of publication for purchase gas adjustment (PGA).** A utility that publishes notice of a PGA filing pursuant to this subsection is not required to publish notice of the filing pursuant to subsection (1), (2), or (3) of this section.

(a) The utility must provide notice to affected customers before and after final commission disposition. Notice before commission disposition is to educate customers of a potential increase in natural gas prices. Notice after commission disposition is to inform customers of the new rates.

(b) Prior PGA notice. The notice must:

(i) Clearly define what a PGA is and explain how it works;

(ii) State whether the utility expects an increase or decrease in the upcoming filing; and

(iii) Include a utility contact phone number for additional information.

(c) The utility must mail the notice to each affected customer. The utility must also send the notice or a press release about the increase to every daily paper within its service territory.

(d) A newsletter, bill insert, bill message, or separate mailing to customers is permitted for prior notice.

(e) Customer notice after final commission disposition must be provided pursuant to WAC 480-90-195.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-90-194, filed 5/14/02, effective 6/17/02.]

WAC 480-90-195 Notice of tariff changes other than increases in recurring charges and restrictions in access to services. (1) This section applies to tariff changes for other than those that are subject to WAC 480-90-194.

(2) A utility that files a tariff change to increase any charge that a customer may incur without being quoted a rate or price (e.g., late payment fees, insufficient fund charges, or a one-time charge) must provide notice to each affected customer on or with the first bill after the change becomes effective.

(a) At a minimum, the notice must include the effective date, a clear description of changes to rates or services and a utility contact number where customers may seek additional information.

(b) Methods of notice permitted include a bill insert, bill message, printing on the billing envelope, a separate mailing to all affected customers or, if the utility has the capability and the customer has authorized, by e-mail.

(3) A utility that files a tariff change that decreases rates, including promotions that temporarily waive recurring or nonrecurring charges, or that changes terms or conditions without restricting access to the service, must publish the change in the manner it posts tariffs under WAC 480-90-193.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-90-195, filed 5/14/02, effective 6/17/02.]

WAC 480-90-197 Adjudicative proceedings where public testimony will be taken. (1) For adjudicated proceedings, when scheduling a hearing to take testimony from the public, the timing, location, and amount of notice to the public or to customers will be addressed in the prehearing conference order.

(2) The notice must include all information contained in WAC 480-90-194(4), except the public involvement information in WAC 480-90-194 (4)(j). A utility must include either of the following public involvement language:

(a) Commission-suggested language that is available from the commission's designated public affairs officer; or

(b) Utility-developed language that must include the commission's mailing address, toll-free number, docket number, and a brief explanation:

(i) How to participate in the commission's process by mailing or faxing a letter, or submitting an e-mail;

(ii) How to contact the commission for process questions; and

(iii) The date, time and location of the public hearing.

(3) Methods of notice permitted include a bill insert, bill message, printing on the billing envelope, a separate mailing to all affected customers or, if the utility has the capability and the customer has authorized, by e-mail.

(4) In addition to each affected customer, a utility must notify at least one newspaper of general circulation, and at least one radio station and at least one television station in the area or each of the areas affected.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-90-197, filed 5/14/02, effective 6/17/02.]

WAC 480-90-198 Notice verification and assistance. (1) Within ten days of making a filing requiring posting, publication, or customer notice under WAC 480-90-194, 480-90-195, or 480-90-197, but no sooner than when the tariff is filed with the commission, a utility must file a statement with the commission's records center that the required notice has been posted, published, and/or mailed. The declaration must include:

(a) The methods used to post, publish, and/or give notice to customers;

(b) When and how the notice was posted, published, and/or issued to customers;

(c) How many customers are affected; and

(d) A copy of the notice.

(2) A utility may request assistance from the commission's designated public affairs officer with efforts to comply with WAC 480-90-193 through 480-90-197.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-90-198, filed 5/14/02, effective 6/17/02.]

WAC 480-90-199 Other customer notice. The commission may require notice to customers of tariff changes other than those described in these rules when the commission determines that additional customer education is needed.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-90-199, filed 5/14/02, effective 6/17/02.]

PART III—FINANCIAL RECORDS AND REPORTING RULES

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 Title 18 of the Code of Federal Regulations, Part 201. 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.

(4) This rule does not supersede any commission order regarding accounting treatments.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-90-203, filed 8/26/02, effective 9/26/02. 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.]

Subpart A: General Rules

WAC 480-90-207 Filing information. (1) **Filing.** The commission record center will accept any filing under WAC 480-90-242 (Issuing securities) delivered in person, by mail, telefacsimile, or electronic mail message. The commission records center will accept all other reports required in Part III in person, by mail, or when procedures are in place, electronic mail message.

(2) **Commission may require additional information.** The commission may require pertinent information in addition to that specified by statute or in this chapter.

(3) **Information by reference.** When any information required to support a filing is on file with the commission, it is sufficient to make specific reference to the information indicating the proceeding, report, or other filing that contains the referenced information.

(4) **When information is unavailable.** If any required information is unavailable at the time of the filing, the filing must include the reason why the information is not available and state when it will be available.

[Statutory Authority: RCW 80.01.040, 80.04.160, and 81.04.160. 05-17-026 (Docket No. A-021178 and TO-030288, General Order No. R-522), § 480-90-207, filed 8/5/05, effective 9/5/05. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-90-207, filed 2/28/05, effective 3/31/05.]

WAC 480-90-209 Additional reports. Part III 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, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-90-209, filed 2/28/05, effective 3/31/05.]

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 480-90-223 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

(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 Integrated resource planning. (1) Purpose. Each natural gas utility regulated by the commission has the responsibility to meet system demand with the least cost mix of natural gas supply and conservation. In furtherance of that responsibility, each natural gas utility must develop an "integrated resource plan."

(2) Definitions.

(a) "Integrated resource plan" or "plan" means a plan describing the mix of natural gas supply and conservation designated to meet current and future needs at the lowest reasonable cost to the utility and its ratepayers.

(b) "Lowest reasonable cost" means the lowest cost mix of resources determined through a detailed and consistent analysis of a wide range of commercially available sources. At a minimum, this analysis must consider resource costs, market-volatility risks, demand-side resource uncertainties, the risks imposed on ratepayers, resource effect on system operations, public policies regarding resource preference adopted by Washington state or the federal government, the cost of risks associated with environmental effects including emissions of carbon dioxide, and the need for security of supply.

(c) "Conservation" means any reduction in natural gas consumption that results from increases in the efficiency of energy use or distribution.

(3) Content. At a minimum, integrated resource plans must include:

(a) A range of forecasts of future natural gas demand in firm and interruptible markets for each customer class that examine the effect of economic forces on the consumption of natural gas and that address changes in the number, type and efficiency of natural gas end-uses.

(b) An assessment of commercially available conservation, including load management, as well as an assessment of currently employed and new policies and programs needed to obtain the conservation improvements.

(c) An assessment of conventional and commercially available nonconventional gas supplies.

(d) An assessment of opportunities for using company-owned or contracted storage.

(e) An assessment of pipeline transmission capability and reliability and opportunities for additional pipeline transmission resources.

(f) A comparative evaluation of the cost of natural gas purchasing strategies, storage options, delivery resources, and improvements in conservation using a consistent method to calculate cost-effectiveness.

(g) The integration of the demand forecasts and resource evaluations into a long-range (e.g., at least ten years; longer if appropriate to the life of the resources considered) integrated resource plan describing the mix of resources that is designated to meet current and future needs at the lowest reasonable cost to the utility and its ratepayers.

(h) A short-term plan outlining the specific actions to be taken by the utility in implementing the long-range integrated resource plan during the two years following submission.

(i) A report on the utility's progress towards implementing the recommendations contained in its previously filed plan.

(4) Timing. Unless otherwise ordered by the commission, each natural gas utility must submit a plan within two years after the date on which the previous plan was filed with the commission. Not later than twelve months prior to the due date of a plan, the utility must provide a work plan for informal commission review. The work plan must outline the content of the integrated resource plan to be developed by the utility and the method for assessing potential resources.

(5) Public participation. Consultations with commission staff and public participation are essential to the development of an effective plan. The work plan must outline the timing and extent of public participation. In addition, the commission will hear comment on the plan at a public hearing scheduled after the utility submits its plan for commission review.

(6) The commission will consider the information reported in the integrated resource plan, when it evaluates the performance of the utility in rate and other proceedings.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-03-001 (Docket Nos. UE-030311 and UG-030312, General Order No. R-526), § 480-90-238, filed 1/4/06, effective 2/4/06; 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-238, filed 5/3/01, effective 6/3/01.]

Subpart B: Financial Transaction Reporting Requirements

WAC 480-90-242 Issuing securities. For the purpose of this section:

"Securities" means stocks, stock certificates, other evidence of interest or ownership, bonds, notes other than those notes exempted from reporting under RCW 80.08.043, or other evidence of indebtedness, or any obligation or liability as guarantor subject to reporting under RCW 80.08.130.

(1) Before a gas utility issues a security, it must file with the commission:

(a) A description of the purposes for which the issuance will be made, including a certification by an officer authorized to do so, that the proceeds from any such financing is for one or more of the purposes allowed by RCW 80.08.030;

(b) A description of the proposed issuance, including the terms of financing; and

(c) A statement as to why the transaction is in the public interest.

(2) A commission order is not required for such a filing. The utility may request a written order affirming that the utility has complied with the requirements of RCW 80.08.040. The utility must submit the request for a commission order, along with the information required in subsection (1) of this section, at least fifteen business days before the requested effective date for the order. Requests for supplemental orders may be exempt from the fifteen business day requirement.

(3) Filing a Registration Statement with the Securities and Exchange Commission using a shelf registration process does not constitute undertaking the issuance of a security, and therefore a filing with the commission is not required under the provisions of RCW 80.08.040. A shelf registration filing is defined under the General Rules and Regulations promulgated under the Securities Act of 1933, Rule 415 - Delayed or Continuous Offering and Sale of Securities.

(4) An authorized representative must sign and date the filing and include a certification or declaration that the information is true and correct under penalty of perjury as set forth in chapter 9A.72 RCW. The certificate or declaration must be in substantially the following form:

"I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct."

(5) Filings under this section may be submitted with portions designated confidential pursuant to WAC 480-07-160 (Confidential information).

(6) Within sixty days after the issuance of any securities, except for dividend reinvestment and employee benefit plans, a utility must file with the commission a verified statement:

(a) Outlining the final terms and conditions of the transaction; and

(b) Setting forth actual proceeds from the issuance and, to the extent known, the disposition of proceeds stating the final amount to be used for each purpose allowed by RCW 80.08.030.

[Statutory Authority: RCW 80.01.040, 80.04.160, and 81.04.160. 05-17-026 (Docket No. A-021178 and TO-030288, General Order No. R-522), § 480-90-242, filed 8/5/05, effective 9/5/05.]

WAC 480-90-244 Transferring cash or assuming obligations. (1) At least five business days before a gas utility whose corporate/issuer rating is not in one of the four highest rating categories of either Standard & Poor's L.L.C. or Moody's Investors Service, Inc., or its subsidiary transfers cash to any of its affiliated interests or subsidiaries or assumes an obligation or liability of any of its affiliated interests or any of its subsidiaries, the utility must report to the commission an estimate of the amount to be transferred and the terms of the transaction when the transaction will exceed thresholds described in (a) or (b) of this subsection.

(a) The utility must report if the cumulative transactions to a subsidiary or affiliated interest for the prior twelve months exceed a threshold of two percent, which is based on the utility's common shareholders equity.

(b) When the threshold in (a) of this subsection has been reached, the utility must report each subsequent transaction exceeding a threshold of one percent for the prior twelve-month period, which is based on the utility's common shareholders equity.

A utility's common shareholder equity is determined according to the latest annual report filed pursuant to WAC 480-90-252 (Federal Energy Regulatory Commission (FERC) Form No. 2). 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).

(2) The reporting requirements in subsection (1) of this section do not include payments for:

(a) Federal and state taxes;

(b) Goods, services, or commodities, including fuel supplies (e.g., gas, coal, or oil);

(c) Transactions, attributed to the regulated entity, previously approved or ordered by the commission, other regulatory agencies, or the court;

(d) Dividends to the extent the level of such dividends over a twelve-month period does not exceed the larger of:

(i) Net income during such period; or

(ii) The average level of dividends over the preceding three years; or

(e) Sweep or cash management accounts used to transfer funds to or from a subsidiary or affiliate as part of the customary and routine cash management functions between or among the utility and its subsidiary or affiliate.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-90-244, filed 2/28/05, effective 3/31/05.]

WAC 480-90-245 Affiliated interests—Contracts or arrangements. Prior to the effective date of any contract or arrangement described in RCW 80.16.020, each gas utility must file a verified copy or a verified summary, if unwritten, of contracts or arrangements, except for transactions provided at tariff rates, with any affiliated interest. Prior to the effective date of any modification or amendment, the utility must file verified copies of the modifications or amendments to the contracts or arrangements. If the contract or arrangement is unwritten, the utility must file a verified summary of any modification or amendment. The commission may institute an investigation and disapprove the contract or arrangement if the commission finds the utility has failed to prove that it is reasonable and consistent with the public interest.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-90-245, filed 2/28/05, effective 3/31/05.]

WAC 480-90-248 Transfers of property. Before selling, leasing, or assigning any of its property or facilities which are necessary or useful in the performance of its duties to the public, or before acquiring property or facilities of another public utility, a gas utility must obtain from the commission an order authorizing such transaction in accordance with chapter 80.12 RCW (Transfers of property) and chapter 480-143 WAC (Commission general—Transfers of property).

[Statutory Authority: RCW 80.01.040, 80.04.160, and 81.04.160. 05-17-026 (Docket No. A-021178 and TO-030288, General Order No. R-522), § 480-90-248, filed 8/5/05, effective 9/5/05. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-90-248, filed 2/28/05, effective 3/31/05.]

Subpart C: Annual Reporting Requirements

WAC 480-90-252 Federal Energy Regulatory Commission (FERC) Form No. 2. (1) Each gas utility must use the annual report form (FERC Form No. 2) promulgated by the Federal Energy Regulatory Commission in Title 18 of the Code of Federal Regulations, Part 260, for purposes of this report to the 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. The utility 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 No. 2, 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).

(2) Each utility 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.

(3) 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 methods for rate-making purposes is accomplished only by commission order.

(4) 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.

(5) **Regulatory fees.** The gas utility annual regulatory fee is set by statute at one-tenth of one percent of the first fifty thousand dollars of gross intrastate operating revenue plus two-tenths of one percent of any gross intrastate operating revenue in excess of fifty thousand dollars.

(a) The maximum regulatory fee is assessed each year, unless the commission issues an order establishing the regulatory fee at an amount less than the statutory maximum.

(b) The minimum regulatory fee that a gas utility must pay is twenty dollars.

(c) The twenty-dollar minimum regulatory fee is waived for any gas utility with less than twenty thousand dollars in gross intrastate operating revenue.

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

(e) If a company does not pay its regulatory fee by May 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.

[Statutory Authority: 80.01.040(4), 81.04.160, and 34.05.353. 06-08-057 (Docket A-060085, General Order No. R-531), § 480-90-252, filed 3/31/06, effective 5/1/06. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-21-022 (Docket No. A-050271, General Order No. R-521), § 480-90-252, filed 10/10/05, effective 11/10/05; 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-90-252, filed 2/28/05, effective 3/31/05.]

WAC 480-90-257 Commission basis report. (1) Commission basis reports are due within four months of the end of a utility's fiscal year.

(2) The intent of the commission basis report is to depict the gas operations of a gas utility under normal temperature and power supply conditions during the reporting period. The commission basis report must include:

(a) 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;

(b) Results of operations adjusted for any material out-of-period, nonoperating, nonrecurring, and extraordinary items or any other item that materially distorts reporting period earnings and rate base; and

(c) Booked revenues and power supply expenses adjusted to reflect operations under normal temperature and power supply conditions before the achieved return on rate base is calculated.

(3) 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.

(4) Each utility 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.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-90-257, filed 2/28/05, effective 3/31/05.]

WAC 480-90-262 Securities report. Each gas utility that has issued securities must file with the commission an annual securities transaction report. The report is due five months from the end of the utility's reporting period, whether a fiscal or calendar year. At a minimum, the report must contain:

(1) A schedule of the securities issued during the reporting period including a detailed description of the final agreements;

(2) A description of the use of proceeds stating the amounts used for each purpose allowed by RCW 80.08.030;

(3) The level of expenses for each of the securities transactions for the reporting period;

(4) A schedule of securities retired, refunded, repurchased, or otherwise removed from the utility's capitalization; and

(5) A schedule of securities scheduled to mature in the fiscal or calendar year following the reporting period.

[Statutory Authority: RCW 80.01.040, 80.04.160, and 81.04.160. 05-17-026 (Docket No. A-021178 and TO-030288, General Order No. R-522), § 480-90-262, filed 8/5/05, effective 9/5/05.]

WAC 480-90-264 Affiliated interest and subsidiary transactions report. (1) Each gas utility must file an annual report summarizing all transactions, except transactions provided at tariff rates, that occurred between the utility and its affiliated interests, and the utility and its subsidiaries. The report is due one hundred twenty days from the end of the utility's fiscal or calendar year (reporting period). The report must include a corporate organization chart of the utility and its affiliated interests and subsidiaries.

(2) When total transactions with an affiliated interest or a subsidiary are less than one hundred thousand dollars for the reporting period, the utility must provide the name of the affiliated interest or subsidiary participating in the transactions and the total dollar amounts of the transactions. When total transactions with an affiliated interest or subsidiary equal or exceed one hundred thousand dollars for the reporting period, the utility must provide:

(a) A balance sheet and income statement for such affiliated interest;

(b) A description of the products or services provided to or from the utility and each such affiliated interest or subsidiary;

(c) A description of the pricing basis or costing method, and procedures for allocating costs for such products or services, and the amount and accounts charged during the year;

(d) A description of the terms of any loans between the utility and each such affiliated interest or subsidiary and a listing of the year-end loan amounts and maximum loan amounts outstanding during the year;

(e) A description of the terms and total amount of any obligation or liability assumed by the utility for each such affiliated interest or subsidiary;

(f) A description of the activities of each such affiliated interest or subsidiary with which the utility has transactions; and

(g) A list of all common officers and directors between the gas utility and each such affiliated interest or subsidiary, along with their titles in each organization.

(3) The report required in this section supersedes the reporting requirements contained in previous commission orders authorizing affiliated interest transactions pursuant to chapter 80.16 RCW.

(4) The utility is obligated to file verified copies of affiliated interest contracts and arrangements as stated in WAC 480-90-245 (Affiliated interest—Contracts and arrangements).

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-90-264, filed 2/28/05, effective 3/31/05.]

WAC 480-90-268 Essential utilities services contracts report. (1) When the annual value to a vendor exceeds one and one-half percent of total company sales to ultimate customers as reported in the utility's most recent Federal Energy Regulatory Commission (FERC) Form No. 2 (or combined Forms No. 1 and No. 2 for combined utilities), each gas utility must report the total contracts with that vendor for essential utility services specifying the relevant terms of the contract or contracts, along with anticipated associated charges. 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).

(2) The report of essential service vendors is due one hundred twenty days from the end of each reporting period, whether a fiscal or calendar year.

(3) For each vendor the report must include:

(a) The parties to the contract;

(b) The type of contract;

(c) The essential obligations of each party to the contract;

(d) The length of the contract;

(e) The budgeted annual dollar value of the contract during the reporting period; and

(f) The actual payments for services rendered under the contract during the reporting period.

(4) Essential utility services are those services necessary to provide gas service such as:

(a) Operation or maintenance of gas system infrastructure;

(b) Operation or maintenance of computer systems;

(c) Purchase of gas for classes of customer service regulated by the commission; and

(d) Construction of gas system infrastructure.

(5) The requirements under this section may be satisfied in whole or in part by cross-reference to the applicable portions of other documents that the utility has on file with the commission.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-90-268, filed 2/28/05, effective 3/31/05.]

Subpart D: Quarterly Reporting Requirement

WAC 480-90-275 Actual results for Washington operations report. Within forty-five days of the end of each quarter, each gas utility must file a report of actual results for Washington operations. 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.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-90-275, filed 2/28/05, effective 3/31/05.]

PART IV—GAS METERING AND STANDARDS RULES

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.]

PART V—ADOPTION BY REFERENCE

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, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on April 1, 2008.

(b) The accounting and reporting for the types of transactions and events covered by the amendment should not be construed as indicative of their treatment by this commission for ratemaking purposes.

(c) This publication is referenced in WAC 480-90-203 (Accounting system requirements), WAC 480-90-244 (Transferring cash or assuming obligation), WAC 480-90-252 (Federal Energy Regulatory Commission (FERC) Form No. 2), and WAC 480-90-268 (Essential utilities services contracts report).

(d) Copies of Title 18 Code of Federal Regulations are available from the U.S. Government Online Bookstore, http://bookstore.gpo.gov/, and from various third-party vendors.

(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, 80.04.160, 81.04.160, and 34.05.353. 09-01-171 (Docket A-081419, General Order R-554), § 480-90-999, filed 12/23/08, effective 1/23/09; 06-17-087 (Docket A-060475, General Order No. R-537), § 480-90-999, filed 8/14/06, effective 9/14/06; 05-21-022 (Docket No. A-050271, General Order No. R-521), § 480-90-999, filed 10/10/05, effective 11/10/05; 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-90-999, filed 2/28/05, effective 3/31/05; 04-01-152 (General Order No. R-511, Docket No. A-030852), § 480-90-999, filed 12/22/03, effective 1/22/04; 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-90-999, filed 8/26/02, effective 9/26/02. 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 480-92 WAC
LOW-LEVEL RADIOACTIVE WASTE

WAC

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480-92-100	Tariffs.
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WAC 480-92-011 Application of this chapter. The rules in this chapter apply to any low-level radioactive waste site operating company, as defined in RCW 81.04.010, operating within the state of Washington, that is not exempt from commission regulation under RCW 81.108.100 and 81.108.-110.

[Statutory Authority: RCW 80.01.040. 99-05-016 (Order R-458, Docket No. UR-980080), § 480-92-011, filed 2/5/99, effective 3/8/99. Statutory Authority: RCW 80.01.040 and 1991 c 272. 92-03-050 (Order R-366, Docket No. T-910676), § 480-92-011, filed 1/10/92, effective 2/10/92.]

WAC 480-92-016 Exemptions from rules in chapter 480-92 WAC. The commission may grant an exemption from the provisions of any rule in this chapter in the same manner and consistent with the standards and according to the procedures set forth in WAC 480-07-110 (Exceptions from and modifications to the rules in this chapter; special rules).

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-92-016, filed 2/28/05, effective 3/31/05. Statutory Authority:

RCW 80.01.040. 99-05-016 (Order R-458, Docket No. UR-980080), § 480-92-016, filed 2/5/99, effective 3/8/99.]

WAC 480-92-021 Definitions. The definitions contained in chapter 81.108 RCW and RCW 81.04.010 are incorporated by reference in this section. To the extent that any of the definitions in this chapter differ from statutory definitions, the statutory definitions shall control.

"Affiliated interest" means a person or corporation as defined in RCW 81.16.010.

"Commission" means the Washington utilities and transportation commission.

"Control" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a company, whether through the ownership of voting shares, by contract, or otherwise.

"Effective rate" means the highest permissible rate, for the disposal of low-level radioactive waste, calculated as the lowest contract rate plus an administrative fee, if applicable, determined pursuant to RCW 81.108.040.

"Extraordinary volume" means volumes of low-level radioactive waste delivered to a site caused by nonrecurring events, outside normal operations of a generator, that are in excess of twenty thousand cubic feet or twenty percent of the preceding year's total volume at such site, whichever is less.

"Extraordinary volume adjustment" means a mechanism that allocates the potential rate reduction benefits of an extraordinary volume among all generators and the generator responsible for such extraordinary volume as described in RCW 81.108.070.

"Generator" means a person, partnership, association, corporation, or any other entity that, as a part of its activities, produces low-level radioactive waste.

"Inflation adjustment" means a mechanism that adjusts the maximum disposal rate by a percentage equal to the change in price levels in the preceding period, as measured by a common, verifiable price index as determined in RCW 81.108.040.

"Low-level radioactive waste" means waste material that contains radioactive nuclides emitting primarily beta or gamma radiation, or both, in concentrations or quantities that exceed applicable federal or state standards for unrestricted release. Low-level waste does not include waste containing more than ten nanocuries of transuranic contaminants per gram of material, nor spent reactor fuel, nor material classified as either high-level waste or waste which is unsuited for disposal by near-surface burial under any applicable federal regulations nor naturally occurring or accelerator produced radioactive material.

"Maximum disposal rate" the maximum disposal is the rate a site operator may charge generators as provided in RCW 81.108.050.

"Site" means a location, structure, or property used or to be used for the storage, treatment, or disposal of low-level radioactive waste for compensation within the state of Washington.

"Site operator" means a low-level radioactive waste site operating company, which includes every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers appointed by any court whatsoever, owning, operating, controlling, or managing a low-level radioactive waste disposal site or sites located within the state of Washington.

"Subsidiary" means any company in which the low-level waste company owns directly or indirectly five percent or more of the voting securities, unless the low-level waste company demonstrates it does not have control.

"Volume adjustment" means a mechanism that adjusts the maximum disposal rate in response to material changes in volumes of waste deposited at the site during the preceding period so as to provide a level of total revenues sufficient to recover the costs to operate and maintain the site.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-92-021, filed 2/28/05, effective 3/31/05. Statutory Authority: RCW 80.01.040. 99-05-016 (Order R-458, Docket No. UR-980080), § 480-92-021, filed 2/5/99, effective 3/8/99. Statutory Authority: RCW 80.01.040 and 1991 c 272. 92-03-050 (Order R-366, Docket No. T-910676), § 480-92-021, filed 1/10/92, effective 2/10/92.]

WAC 480-92-031 Customer records. A site operator must maintain, at a minimum, the following records, by generator, at the disposal site for at least three years:

- Customer name and address;
- Type of service provided;
- Current rates;
- Billed amount;
- Amount collected; and
- Balance due.

[Statutory Authority: RCW 80.01.040. 99-05-016 (Order R-458, Docket No. UR-980080), § 480-92-031, filed 2/5/99, effective 3/8/99. Statutory Authority: RCW 80.01.040 and 1991 c 272. 92-03-050 (Order R-366, Docket No. T-910676), § 480-92-031, filed 1/10/92, effective 2/10/92.]

WAC 480-92-041 Uniform system of accounts. Pursuant to RCW 81.108.030(4) commission staff may require a site operator to use a uniform system of accounts to ensure that the commission can effectively audit the company's operations.

[Statutory Authority: RCW 80.01.040. 99-05-016 (Order R-458, Docket No. UR-980080), § 480-92-041, filed 2/5/99, effective 3/8/99.]

WAC 480-92-050 Reporting requirements—Annual report. An annual report is an end-of-the-year summary of financial and operational activity that each site operator is required to file with the commission.

(1) Each year the commission provides an annual report form and instructions to each site operator 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 site operator that does not receive an annual report form must contact the commission to request a copy of the form.

(2) A site operator 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 site operator offices.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-92-050, filed 2/28/05, effective 3/31/05. Statutory Authority: RCW 80.01.040. 99-05-016 (Order R-458, Docket No. UR-980080), § 480-92-050, filed 2/5/99, effective 3/8/99. Statutory Authority: RCW 80.01.040 and 1991 c 272. 92-03-050 (Order R-366, Docket No. T-910676), § 480-92-050, filed 1/10/92, effective 2/10/92.]

WAC 480-92-055 Reporting requirements—Special reports. (1) **Affiliated interests—Contracts or arrangements.** Prior to the effective date of any contract or arrangement described in RCW 81.16.020, each site operator must file a verified copy or a verified summary, if unwritten, of contracts or arrangements, except transactions provided at tariff rates, with any affiliated interest. Prior to the effective date of any modification or amendment, the site operator must file verified copies of the modifications or amendments to the contracts or arrangements. If the contract or arrangement is unwritten, the site operator must file a verified summary of any modification or amendment. The commission may institute an investigation and disapprove the contract or arrangement if the commission finds the site operator has failed to prove that it is reasonable and consistent with the public interest.

(2) **Transferring cash or assuming obligations.**

(a) At least five business days, as defined in WAC 480-07-120 (Office hours), before a site operator, whose corporate credit/issuer rating is not in one of the four highest rating categories of either Standard & Poor's L.L.C. or Moody's Investors Service, Inc., or its subsidiary transfers cash to any of its affiliated interests or subsidiaries or assumes an obligation or liability of any of its affiliated interests or any of its subsidiaries, the company must report to the commission an estimate of the amount to be transferred and the terms of the transaction when the transaction will exceed thresholds as described in (a)(i) or (ii) of this subsection.

(i) The company must report if the cumulative transactions to a subsidiary or affiliated interest for the prior twelve months exceed a threshold of five percent, which is based on the prior calendar year gross operating revenue from Washington intrastate operations subject to commission jurisdiction.

(ii) When the threshold in (a)(i) of this subsection has been reached, the company must report each subsequent transaction exceeding a threshold of one percent for the prior twelve-month period, which is based on the prior calendar year gross operating revenue from Washington intrastate operations subject to commission jurisdiction.

(b) The reporting requirements in subsection (1) of this section do not include payments for:

(i) Federal and state taxes;

(ii) Goods, services, or commodities;

(iii) Transactions, attributed to the regulated entity, previously approved or ordered by the commission, other regulatory agencies, or the court;

(iv) Dividends to the extent the level of such dividends over a twelve-month period does not exceed the larger of:

(A) Net income during such period; or

(B) The average level of dividends over the preceding three years; or

(v) Sweep or cash management accounts used to transfer funds to or from a subsidiary or affiliate as part of the customary and routine cash management functions between or among the site operator and its subsidiary or affiliate.

(3) **Affiliated interest and subsidiary transactions report.**

(a) By June 1 of each year, each site operator must file a report summarizing all transactions, except transactions provided at tariff rates, that occurred between the site operator and its affiliated interests, and the site operator and its subsidiaries, during the period January 1 through December 31 of the preceding year. The information required in this subsection must be for total company and for total state of Washington. The report must include a corporate organization chart of the company and its affiliated interests and subsidiaries.

(b) When total transactions with an affiliated interest or a subsidiary are less than one hundred thousand dollars for the reporting period, the site operator must provide the name of the affiliated interest or subsidiary participating in the transactions and the total dollar amounts of the transactions. When total transactions with an affiliated interest or subsidiary equal or exceed one hundred thousand dollars for the reporting period, the site operator must provide:

(i) A balance sheet and income statement for such affiliated interest;

(ii) A description of the products or services provided to or from the company and each such affiliated interest or subsidiary;

(iii) A description of the pricing basis or costing method, and procedures for allocating costs for such products or services, and the amount and accounts charged during the year;

(iv) A description of the terms of any loans between the company and each such affiliated interest or subsidiary and a listing of the year-end loan amounts and maximum loan amounts outstanding during the year;

(v) A description of the terms and total amount of any obligation or liability assumed by the company for each such affiliated interest or subsidiary;

(vi) A description of the activities of each such affiliated interest or subsidiary with which the company has transactions; and

(vii) A list of all common officers and directors between the low-level waste company and each such affiliated interest or subsidiary, along with their titles in each organization.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-92-055, filed 2/28/05, effective 3/31/05.]

WAC 480-92-060 Minimum filing requirements. (1) When a site operator files for a general rate increase, it must follow the minimum filing requirements set forth in WAC 480-07-520.

(2) A site operator filing a request with the commission for a general rate increase must concurrently notify all generators who have disposed of low-level radioactive waste in the three years prior to the request for the proposed rate increases or service changes. The notice must include at minimum; a clear, brief explanation the generators can easily understand of the proposed rates, conditions and changes; the requested effective date; the commission's address, with a statement that generators may obtain more detailed information by writing to the commission; and a phone number for generators to call a company representative if they have questions.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-92-060, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040. 99-05-016 (Order R-458, Docket No. UR-980080), § 480-92-060, filed 2/5/99, effective 3/8/99. Statutory Authority: RCW 80.01.040 and 1991 c 272. 92-03-050 (Order R-366, Docket No. T-910676), § 480-92-060, filed 1/10/92, effective 2/10/92.]

WAC 480-92-070 Annual rate adjustment. (1) A site operator may file each year for rate adjustments, as set forth in RCW 81.108.050(3), to become effective January 1 of the following year. Rate adjustments will be effective thirty days after filing with the commission, unless suspended. Upon proper request the commission may allow filings to become effective in less than thirty days.

(2) A site operator may also file for rate adjustments at any time for reasons set forth in RCW 81.108.050(4).

[Statutory Authority: RCW 80.01.040. 99-05-016 (Order R-458, Docket No. UR-980080), § 480-92-070, filed 2/5/99, effective 3/8/99. Statutory Authority: RCW 80.01.040 and 1991 c 272. 92-03-050 (Order R-366, Docket No. T-910676), § 480-92-070, filed 1/10/92, effective 2/10/92.]

WAC 480-92-080 Contracts. (1) Contract rates - Generally. A site operator may contract with any person to provide a disposal rate lower than the current tariff rate. Once the commission approves a contract, the site operator may not collect a disposal fee greater than the lowest contract rate plus an administrative fee.

(2) Contract requirements. A contract between a site operator and a generator must be limited to a definite time period.

A contract between a site operator and a generator must contain a provision that the contract is entered into subject to the power and authority of the commission to set just, fair, reasonable and sufficient rates for the disposal of low-level radioactive waste. The contract must provide for recovery of all costs associated with providing the service.

(3) Approval by the commission.

(a) The commission may approve the terms and conditions of a contract, and the rate or rates to be applied during the time period, if it finds the rates to be fair, just, reasonable and sufficient. The commission may not include revenues and expenses generated and incurred under contract for subsequent ratemaking purposes.

(b) Each contract must be filed with the commission at least thirty days before the proposed effective date of the contract. Contracts will become effective on the thirty-first day after filing with the commission unless:

(i) The site operator request, and the commission allows, for the contract to become effective in less than thirty days;

(ii) The commission rejects the contract; or

(iii) The commission suspends the contract and sets the matter for hearing.

(4) Information to support approval of a contract. A site operator must submit the following information with each contract filed for commission approval:

(a) A statement explaining the use of a contract rather than a filed tariff for the specific service involved;

(b) All documents and calculations showing how the site operator derived the proposed rate;

(c) All documents showing that the contract does not discriminate, or result in discrimination, among customers receiving like and contemporaneous service under substantially similar circumstances; and

(d) Any other information requested by the commission.

[Statutory Authority: RCW 80.01.040. 99-05-016 (Order R-458, Docket No. UR-980080), § 480-92-080, filed 2/5/99, effective 3/8/99. Statutory Authority: RCW 80.01.040 and 1991 c 272. 92-03-050 (Order R-366, Docket No. T-910676), § 480-92-080, filed 1/10/92, effective 2/10/92.]

WAC 480-92-090 Site operator responsibility for complaints and disputes. (1) If a site operator receives complaints or disputes regarding its operations, it must:

(a) Acknowledge the complaint;

(b) Investigate promptly;

(c) Report the results of the investigation to the complainant;

(d) Take corrective action, if warranted, as soon as appropriate under the circumstances;

(e) Tell the complainant the decision may be appealed to a higher level representative of the company, if any;

(f) Tell the complainant, if still dissatisfied after speaking with the higher level representative, of the commission's availability to review the complaint; and

(g) Provide the complainant with the commission's address and toll-free telephone number.

(2) Complainants may file with the commission:

(a) An informal complaint against a site operator as set forth in WAC 480-07-910; and/or

(b) A formal complaint against a site operator as set forth in RCW 81.108.080 and chapter 480-07 WAC.

(3) When commission staff refers an informal complaint to a site operator, the operator must:

(a) Investigate and respond to commission staff within two working days. Commission staff may grant an extension of time for responding to the complaint, if requested, and warranted; and

(b) Report regularly to commission staff about progress toward the solution and the final result.

(4) A site operator must keep a record of all complaints concerning service or rates for at least one year and, on request, make them readily available for commission review. The record must contain:

(a) The complainant's name and address;

(b) The date and nature of the complaint;

(c) The action taken; and

(d) The final result.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-92-090, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040. 99-05-016 (Order R-458, Docket No. UR-980080), § 480-92-090, filed 2/5/99, effective 3/8/99. Statutory Authority: RCW 80.01.040 and 1991 c 272. 92-03-050 (Order R-366, Docket No. T-910676), § 480-92-090, filed 1/10/92, effective 2/10/92.]

WAC 480-92-100 Tariffs. (1) A site operator must file with the commission a tariff showing all rates for the disposal of low-level radioactive waste. The site operator must post the tariff at their office at the disposal site.

(2) The tariff must include the following:

(a) A title page with the company name, date of issue, effective date, and name and title of the officer.

(b) Pages containing all rates and the rules for assessing rates.

(c) A page listing the abbreviations and symbols used in the tariff, and an explanation of each abbreviation and symbol.

[Statutory Authority: RCW 80.01.040. 99-05-016 (Order R-458, Docket No. UR-980080), § 480-92-100, filed 2/5/99, effective 3/8/99. Statutory Authority: RCW 80.01.040 and 1991 c 272. 92-03-050 (Order R-366, Docket No. T-910676), § 480-92-100, filed 1/10/92, effective 2/10/92.]

WAC 480-92-110 Penalty assessments. Pursuant to RCW 81.108.030 (4)(d) and chapter 81.04 RCW, the commission may assess penalties of up to one thousand dollars for each violation per occurrence if a site operator violates any provisions of Title 81 RCW, commission rule, or decision.

[Statutory Authority: RCW 80.01.040. 99-05-016 (Order R-458, Docket No. UR-980080), § 480-92-110, filed 2/5/99, effective 3/8/99. Statutory Authority: RCW 80.01.040 and 1991 c 272. 92-03-050 (Order R-366, Docket No. T-910676), § 480-92-110, filed 1/10/92, effective 2/10/92.]

Chapter 480-93 WAC
GAS COMPANIES—SAFETY

WAC

480-93-005 Definitions.
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480-93-008 Additional requirements.
480-93-009 Severability.
480-93-012 Computation of time.
480-93-013 Covered tasks.
480-93-015 Odorization of gas.
480-93-017 Filing requirements for design, specification, and construction procedures.
480-93-018 Records.
480-93-020 Proximity considerations.
480-93-040 Location of gas compressor stations on gas pipelines.
480-93-080 Welder and plastic joiner identification and qualification.
480-93-100 Valves.
480-93-110 Corrosion control.
480-93-115 Casing of line pipes.
480-93-124 Pipeline markers.
480-93-130 Multistage pressure regulation.
480-93-140 Service regulators.
480-93-155 Increasing maximum allowable operating pressure.
480-93-160 Reporting requirements of proposed construction.
480-93-170 Tests and reports for gas pipelines.
480-93-175 Moving and lowering metallic gas pipelines.
480-93-178 Protection of plastic pipe.
480-93-180 Plans and procedures.
480-93-185 Gas leak investigation.
480-93-186 Leak evaluation.
480-93-18601 Leak classification and action criteria—Grade—Definition—Priority of leak repair.
480-93-187 Gas leak records.
480-93-188 Gas leak surveys.
480-93-200 Reporting requirements.
480-93-223 Civil penalty for violation of RCW 80.28.210 and commission gas safety rules.
480-93-230 Exemptions from rules in chapter 480-93 WAC.
480-93-240 Annual pipeline safety fee methodology.
480-93-250 Damage prevention.
480-93-999 Adoption by reference.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-93-001 Definitions. [Order R-28, § 480-93-001, filed 7/15/71.] Repealed by Order R-98, filed 5/18/77. Later promulgation, see WAC 480-93-005.

480-93-002 Application of rules. [Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-002, filed 8/5/92, effective 9/5/92; Order R-99, § 480-93-002, filed 5/18/77.] Repealed by 05-10-055 (Docket No. UG-011073, General Order No. R-520), filed 5/2/05, effective 6/2/05. Statutory Authority: RCW 80.04.160, 80.28.210, and 80.01.040.

480-93-010 Compliance with 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.] Repealed by 05-10-055 (Docket No. UG-011073, General Order No. R-520), filed 5/2/05, effective 6/2/05. Statutory Authority: RCW 80.04.160, 80.28.210, and 80.01.040.

480-93-030 Proscribed areas. [Statutory Authority: RCW 80.01.-040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-030, filed 8/5/92, effective 9/5/92; Order R-28, § 480-93-030, filed 7/15/71; Order R-5, § 480-93-030, filed 6/6/69, effective 10/9/69.] Repealed by 05-10-055 (Docket No. UG-011073, General Order No. R-520), filed 5/2/05, effective 6/2/05. Statutory Authority: RCW 80.04.160, 80.28.210, and 80.01.040.

480-93-050 Pipelines and mains under or along highways and railroads. [Order R-5, § 480-93-050, filed 6/6/69, effective 10/9/69.] Repealed by Order R-28, filed 7/15/71.

480-93-060 Minimum cover and clearances. [Order R-5, § 480-93-060, filed 6/6/69, effective 10/9/69.] Repealed by Order R-28, filed 7/15/71.

480-93-070 Welding inspection. [Order R-5, § 480-93-070, filed 6/6/69, effective 10/9/69.] Repealed by Order R-28, filed 7/15/71.

480-93-082 Qualification of employees. [Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-082, filed 8/5/92, effective 9/5/92.] Repealed by 05-10-055 (Docket No. UG-011073, General Order No. R-520), filed 5/2/05, effective 6/2/05. Statutory Authority: RCW 80.04.160, 80.28.210, and 80.01.040.

480-93-090 Bends. [Order R-5, § 480-93-090, filed 6/6/69, effective 10/9/69.] Repealed by Order R-28, filed 7/15/71.

480-93-111 Noncathodically protected gas facilities. [Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-111, filed 8/5/92, effective 9/5/92.] Repealed by 05-10-055 (Docket No. UG-011073, General Order No. R-520), filed 5/2/05, effective 6/2/05. Statutory Authority: RCW 80.04.160, 80.28.210, and 80.01.040.

480-93-112 Corrosive condition investigation. [Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-112, filed 8/5/92, effective 9/5/92.] Repealed by 05-10-055 (Docket No. UG-011073, General Order No. R-520), filed 5/2/05, effective 6/2/05. Statutory Authority: RCW 80.04.160, 80.28.210, and 80.01.040.

480-93-120 Exposed pipelines. [Statutory Authority: RCW 80.01.-040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-120, filed 8/5/92, effective 9/5/92; Order R-28, § 480-93-120, filed 7/15/71; Order R-5, § 480-93-120, filed 6/6/69, effective 10/9/69.] Repealed by 05-10-055 (Docket No. UG-011073, General Order No. R-520), filed 5/2/05, effective 6/2/05. Statutory Authority: RCW 80.04.160, 80.28.210, and 80.01.040.

480-93-150 Station maintenance. [Order R-28, § 480-93-150, filed 7/15/71; Order R-5, § 480-93-150, filed 6/6/69, effective 10/9/69.] Repealed by 05-10-055 (Docket No. UG-011073, General Order No. R-520), filed 5/2/05, effective 6/2/05. Statutory Authority: RCW 80.04.160, 80.28.210, and 80.01.040.

480-93-183 Pipeline and system pressure reporting. [Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-183, filed 8/5/92, effective 9/5/92.] Repealed by 05-10-055 (Docket No. UG-011073, General Order No. R-520), filed 5/2/05, effective 6/2/05. Statutory Authority: RCW 80.04.160, 80.28.210, and 80.01.040.

480-93-184 Gas leak responsibility. [Order R-101, § 480-93-184, filed 5/18/77.] Repealed by 05-10-055 (Docket No. UG-011073, General Order No. R-520), filed 5/2/05, effective 6/2/05. Statutory Authority: RCW 80.04.160, 80.28.210, and 80.01.040.

480-93-190 Being aware of construction work near gas company facilities. [Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-

190, filed 8/5/92, effective 9/5/92; Order R-28, § 480-93-190, filed 7/15/71; Order R-5, § 480-93-190, filed 6/6/69, effective 10/9/69.] Repealed by 05-10-055 (Docket No. UG-011073, General Order No. R-520), filed 5/2/05, effective 6/2/05. Statutory Authority: RCW 80.04.160, 80.28.210, and 80.01.040.

480-93-210 Interruptions to service. [Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-210, filed 8/5/92, effective 9/5/92; Order R-28, § 480-93-210, filed 7/15/71; Order R-5, § 480-93-210, filed 6/6/69, effective 10/9/69.] Repealed by 05-10-055 (Docket No. UG-011073, General Order No. R-520), filed 5/2/05, effective 6/2/05. Statutory Authority: RCW 80.04.160, 80.28.210, and 80.01.040.

480-93-220 Rule of precedence. [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.] Repealed by 05-10-055 (Docket No. UG-011073, General Order No. R-520), filed 5/2/05, effective 6/2/05. Statutory Authority: RCW 80.04.160, 80.28.210, and 80.01.040.

WAC 480-93-005 Definitions. (1) **"Bar hole"** means a hole made in the soil or paving for the specific purpose of testing the subsurface atmosphere with a combustible gas indicator.

(2) **"Building"** means any structure that is normally or occasionally entered by humans for business, residential, or other purposes and where gas could accumulate.

(3) **"Business district"** means an area where the public regularly congregates or where the majority of the buildings on either side of the street are regularly utilized, for financial, commercial, industrial, religious, educational, health, or recreational purposes.

(4) **"CFR"** means the Code of Federal Regulations.

(5) **"Combustible gas indicator" (CGI)** means a device capable of detecting and measuring gas concentrations in air.

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

(7) **"Enclosed space"** means any subsurface structure of sufficient size that could accommodate a person and within which gas could accumulate, e.g., vaults, catch basins, and manholes.

(8) **"Emergency notification line"** means 1-888-321-9146.

(9) **"Follow-up inspection"** means an inspection performed after a repair has been completed in order to determine the effectiveness of the repair.

(10) **"Gas"** means natural gas, flammable gas, or gas that is toxic or corrosive.

(11) **"Gas associated substructures"** means those devices or facilities utilized by a gas pipeline company which are not intended for storing, transporting, or distributing gas, such as valve boxes, vaults, test boxes, and vented casing pipe.

(12) **"Gas pipeline"** means all parts of a pipeline facility through which gas moves in transportation, including, but not limited to, line pipe, valves, and other appurtenances connected to line pipe, compressor units, metering stations, regulator stations, delivery stations, holders and fabricated assemblies. "Gas pipeline" does not include any pipeline facilities, other than a master meter system, owned by a consumer or consumers of the gas, located exclusively on the consumer or consumers' property, and none of the gas leaves that property through a pipeline.

(13) **"Gas pipeline company"** means a person or entity constructing, owning or operating a gas pipeline for transporting gas. "Gas pipeline company" includes a person or entity owning or operating a master meter system. "Gas pipeline company" does not include excavation contractors or other contractors that contract with a gas pipeline company.

(14) **"High occupancy structure or area"** means a building or an outside area (such as a playground, recreation area, outdoor theater, or other place of public assembly) that is occupied by twenty or more persons on at least five days a week for ten weeks in any twelve-month period. (The days and weeks need not be consecutive.)

(15) **"Indication"** means a response indicated by a gas detection instrument that has not been verified as a reading.

(16) **"LEL"** means the lower explosive limit of the gas being transported.

(17) **"Line pipe"** or **"pipe"** means a tube, usually cylindrical, through which a hazardous liquid or gas is transported from one point to another.

(18) **"MAOP"** means maximum allowable operating pressure.

(19) **"Master meters system"** means a pipeline system for distributing gas 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 resale through a gas distribution pipeline system. The gas distribution pipeline system supplies the ultimate consumer who either purchases the gas directly through a meter or by any other means, such as by rents.

(20) **"Prompt action"** means to dispatch qualified personnel without undue delay.

(21) **"Psig"** means pounds per square inch gauge.

(22) **"Reading"** means a repeatable representation on a combustible gas indicator or equivalent instrument expressed in percent LEL or gas-air ratio.

(23) **"Record(s)"** means any electronic or paper document, map, data base, report or drawing created by or kept by a gas pipeline company.

(24) **"Sniff test"** means a qualitative test utilizing both threshold and readily detectable methods for determining proper concentrations of odorant.

(25) **"Transmission line"** means a gas pipeline as defined in 49 CFR § 192.3 on the date specified in WAC 480-93-999.

(26) **"Weak link"** means a device or method used when pulling polyethylene pipe to ensure that damage will not occur to the pipeline by exceeding the maximum tensile stresses allowed.

(27) Other terms that correspond to those used in 49 CFR Parts 191, 192 and 199 (Minimum Federal Safety Standards for Gas Pipelines) must be construed as used therein on the date specified in WAC 480-93-999.

[Statutory Authority: RCW 80.01.040, 80.04.060 and 81.88.040. 08-12-046 (Docket PG-070975, General Order R-549), § 480-93-005, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040, 81.01.010, and 81.88.060. 07-18-010 (Docket PG-061027, General Order R-544), § 480-93-005, filed 8/23/07, effective 9/23/07. Statutory Authority: RCW 80.04.160, 80.28.210(1), and 80.01.040(1). 05-23-174 (Docket No. PG-050933, General Order No. R-524), § 480-93-005, filed 11/23/05, effective 12/24/05. Statutory Authority: RCW 80.04.160, 80.28.210, and 80.01.040. 05-10-055 (Docket No. UG-011073, General Order No. R-520), § 480-93-005, filed

5/2/05, effective 6/2/05. 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 480-93-007 Application of rules—Responsibility for contractors. (1) This chapter applies to the following activities of each gas pipeline company: The construction, operation, maintenance, and safety of gas facilities used in the gathering, storage, distribution, and transmission of gas in this state.

(2) This chapter, with the exception of WAC 480-93-240, does not apply to gas pipeline systems exclusively under federal jurisdiction for compliance with pipeline safety regulations.

(3) While the commission's gas pipeline safety statutes and rules impose obligations on each gas pipeline company, a gas pipeline company may contract with a person to do tasks that are subject to these rules, such as excavation, construction, and maintenance. If the gas pipeline company's contractor (or any of its subcontractors) engages in conduct that violates commission rules applicable to the gas pipeline company, the gas pipeline company is subject to penalties and all other applicable remedies, as if the gas pipeline company itself engaged in that conduct.

[Statutory Authority: RCW 80.01.040, 80.04.060 and 81.88.040. 08-12-046 (Docket PG-070975, General Order R-549), § 480-93-007, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.04.160, 80.28.210, and 80.01.040. 05-10-055 (Docket No. UG-011073, General Order No. R-520), § 480-93-007, filed 5/2/05, effective 6/2/05.]

WAC 480-93-008 Additional requirements. (1) These rules do not relieve any gas pipeline 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 gas pipeline company in appropriate circumstances, consistent with the requirements of law.

[Statutory Authority: RCW 80.01.040, 80.04.060 and 81.88.040. 08-12-046 (Docket PG-070975, General Order R-549), § 480-93-008, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.04.160, 80.28.210, and 80.01.040. 05-10-055 (Docket No. UG-011073, General Order No. R-520), § 480-93-008, filed 5/2/05, effective 6/2/05.]

WAC 480-93-009 Severability. If any provision of this chapter or its application to any entity 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, 80.28.210, and 80.01.040. 05-10-055 (Docket No. UG-011073, General Order No. R-520), § 480-93-009, filed 5/2/05, effective 6/2/05.]

WAC 480-93-012 Computation of time. The time frames identified in this chapter are calculated as follows:

(1) "Monthly" means any time within the calendar month.

(2) "Annually" means any time within the calendar year.

(3) "Six months" means the same calendar date of the sixth consecutive month (e.g., January 1, to July 1, would be six months).

(4) "Seven and one-half months" means the same calendar date of the seventh consecutive month plus an additional fifteen days.

(5) "Fifteen months" means the same calendar date of the fifteenth consecutive month.

(6) "Three years" means the same calendar date of the third consecutive year.

(7) "Thirty-nine months" means the same calendar date of the thirty-ninth consecutive month.

(8) "Five years" means the same calendar date of the fifth consecutive year.

(9) "Ten years" means the same calendar date of the tenth consecutive year.

(10) "Calendar year" means twelve consecutive months beginning January 1 and ending December 31.

(11) For calendar dates that end on a weekend or holiday, the next business day shall be considered the time frame end date.

[Statutory Authority: RCW 80.04.160, 80.28.210, and 80.01.040. 05-10-055 (Docket No. UG-011073, General Order No. R-520), § 480-93-012, filed 5/2/05, effective 6/2/05.]

WAC 480-93-013 Covered tasks. (1) Background. 49 CFR §§ 192.803 through 192.809 prescribe the requirements associated with qualifications for gas pipeline company personnel to perform "covered tasks." 49 CFR § 192.801 contains a definition of "covered task." In WAC 480-93-999, the commission adopts 49 CFR §§ 192.801 through 192.809. However, in this section, the commission includes "new construction" in the definition of "covered task."

(2) Accordingly, for the purpose of this chapter, the commission defines a covered task that will be subject to the requirements of 49 CFR §§ 192.803 through 192.809 as an activity, identified by the gas pipeline company, that:

(a) Is performed on a gas pipeline;

(b) Is an operations, maintenance, or new construction task;

(c) Is performed as a requirement of Part 192 CFR; and

(d) Affects the operation or integrity of the gas pipeline.

(3) In all other respects, the requirements of 49 CFR §§ 192.801 through 192.809 apply to this chapter.

(4) The equipment and facilities used by a gas pipeline company for training and qualification of employees must be similar to the equipment and facilities on which the employee will perform the covered task.

[Statutory Authority: RCW 80.01.040, 80.04.060 and 81.88.040. 08-12-046 (Docket PG-070975, General Order R-549), § 480-93-013, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040, 81.01.010, and 81.88.060. 07-18-010 (Docket PG-061027, General Order R-544), § 480-93-013, filed 8/23/07, effective 9/23/07. Statutory Authority: RCW 80.04.160, 80.28.210, and 80.01.040. 05-10-055 (Docket No. UG-011073, General Order No. R-520), § 480-93-013, filed 5/2/05, effective 6/2/05.]

WAC 480-93-015 Odorization of gas. (1) Each gas pipeline company must odorize the gas in its pipeline at a concentration in air of at least one-fifth of the lower explosive limit, so that the gas is readily detectable by a person with a normal sense of smell.

(2) Each gas pipeline company must use an odorant testing instrument when conducting sniff tests. Sniff tests must be performed at least once monthly. Master meter systems that comply with 49 CFR § 192.625(f) are exempt from this requirement.

(3) Each gas pipeline company must take prompt action to investigate and remediate odorant concentrations that do not meet the minimum requirements of subsection (1) of this section.

(4) Each gas pipeline company must follow the odorant testing instrument manufacturer's recommendations for maintaining, testing for accuracy, calibrating and operating such instruments. When the manufacturer does not provide a recommendation, each gas pipeline company must conduct accuracy checks and calibrate such instruments at least once annually, if the instrument is outside specified tolerances.

(5) Each gas pipeline company must keep all records of odorant usage, sniff tests performed, and odorant testing instrument calibration for five years.

(6) Exception. This rule does not apply to gas pipelines where the odorant would make the gas unfit for its intended purpose.

[Statutory Authority: RCW 80.01.040, 80.04.060 and 81.88.040. 08-12-046 (Docket PG-070975, General Order R-549), § 480-93-015, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040, 81.01.010, and 81.88.060. 07-18-010 (Docket PG-061027, General Order R-544), § 480-93-015, filed 8/23/07, effective 9/23/07. Statutory Authority: RCW 80.04.160, 80.28.210, and 80.01.040. 05-10-055 (Docket No. UG-011073, General Order No. R-520), § 480-93-015, filed 5/2/05, effective 6/2/05. 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 480-93-017 Filing requirements for design, specification, and construction procedures. (1) Any gas pipeline company intending to construct or operate a gas pipeline in this state must file all applicable construction procedures, designs, and specifications used for each gas pipeline with the commission at least forty-five days prior to the initiation of construction activity. All procedures must detail the acceptable types of materials, fittings, and components for the different types of facilities in the gas pipeline company's system.

(2) Except in an emergency, a gas pipeline company must submit to the commission for review, at least forty-five days prior to construction, any construction plans that do not conform with a gas pipeline company's existing and accepted construction procedures, designs, and specifications on file with the commission.

[Statutory Authority: RCW 80.01.040, 80.04.060 and 81.88.040. 08-12-046 (Docket PG-070975, General Order R-549), § 480-93-017, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040, 81.01.010, and 81.88.060. 07-18-010 (Docket PG-061027, General Order R-544), § 480-93-017, filed 8/23/07, effective 9/23/07. Statutory Authority: RCW 80.04.160, 80.28.210(1), and 80.01.040(1). 05-23-174 (Docket No. PG-050933, General Order No. R-524), § 480-93-017, filed 11/23/05, effective 12/24/05. Statutory Authority: RCW 80.04.160, 80.28.210, and 80.01.040. 05-10-055 (Docket No. UG-011073, General Order No. R-520), § 480-93-017, filed 5/2/05, effective 6/2/05. Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-017, filed 8/5/92, effective 9/5/92.]

WAC 480-93-018 Records. (1) Each gas pipeline company must maintain records sufficient to demonstrate compliance with all requirements of 49 CFR §§ 191, 192 and chapter 480-93 WAC.

(2) Each gas pipeline company must give the commission access to records for review during an inspection and must provide the commission copies of records upon request.

(3) Each gas pipeline company must maintain a list of forms and data bases, including examples where applicable, that specify what records the company maintains. Each gas pipeline company must make this list available to the commission upon request.

(4) Each gas pipeline company must record and maintain records of the actual value of any required reads, tests, surveys or inspections performed. The records must include the name of the person who performed the work and the date the work was performed. The records must also contain information sufficient to determine the location and facilities involved. Examples of the values to be recorded include, but are not limited to, pipe to soil potential reads, rectifier reads, pressure test levels, and combustible gas indicator reads. A gas pipeline company may not record a range of values unless the measuring device being used provides only a range of values.

(5) Each gas pipeline company must update its records within six months of when it completes any construction activity and make such records available to appropriate company operations personnel.

(6) If a gas pipeline company believes a record provided to the commission is confidential as that term is defined in WAC 480-07-160(2), the gas pipeline company must follow the procedures in WAC 480-07-160 for designating and treating that record as confidential.

[Statutory Authority: RCW 80.01.040, 80.04.060 and 81.88.040. 08-12-046 (Docket PG-070975, General Order R-549), § 480-93-018, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040, 81.01.010, and 81.88.060. 07-18-010 (Docket PG-061027, General Order R-544), § 480-93-018, filed 8/23/07, effective 9/23/07. Statutory Authority: RCW 80.04.160, 80.28.210, and 80.01.040. 05-10-055 (Docket No. UG-011073, General Order No. R-520), § 480-93-018, filed 5/2/05, effective 6/2/05. Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-018, filed 8/5/92, effective 9/5/92.]

WAC 480-93-020 Proximity considerations. (1) Each gas pipeline company must submit a written request and receive commission approval prior to:

(a) Operating any gas pipeline at greater than five hundred psig if the gas pipeline is within five hundred feet of any of the following places:

(i) A building that is in existence or under construction prior to the date authorization for construction is filed with the commission, if the building is not owned and used by the petitioning gas pipeline company in its gas operations; or

(ii) A high occupancy structure or area that is in existence or under construction prior to the date authorization for construction is filed with the commission; or

(iii) A public highway, as defined in RCW 81.80.010(3).

(b) Operating any gas pipeline at greater than two hundred fifty psig, up to and including five hundred psig, if the gas pipeline is within one hundred feet of either of the following places:

(i) A building that is in existence or under construction prior to the date authorization for construction is filed with the commission, if the building is not owned and used by the petitioning gas pipeline company in its gas operations; or

(ii) A high occupancy structure or area that is in existence or under construction prior to the date authorization for construction is filed with the commission.

(2) For proposed new construction of pipelines having the characteristics listed in subsection (1)(a) or (b) of this section, each gas pipeline company must demonstrate to the commission that it is not practical for the gas pipeline company to select an alternate route that will avoid such locations and that the gas pipeline company has considered the possibility of the future development of the area and has designed its gas pipeline accordingly.

(3) During the review process, each gas pipeline company must provide maps and records to the commission showing the exact location of the gas pipeline and the shortest direct distance to the places described in subsection (1)(a) and (b) of this section. Upon request of the commission, the gas pipeline company must provide the maintenance, construction, and operational history of the pipeline system and an aerial photograph showing the exact location of the gas pipeline in reference to places listed in subsection (1)(a) and (b) of this section.

[Statutory Authority: RCW 80.01.040, 80.04.060 and 81.88.040. 08-12-046 (Docket PG-070975, General Order R-549), § 480-93-020, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.04.160, 80.28.210, and 80.01.040. 05-10-055 (Docket No. UG-011073, General Order No. R-520), § 480-93-020, filed 5/2/05, effective 6/2/05. Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-020, filed 8/5/92, effective 9/5/92; Order R-28, § 480-93-020, filed 7/15/71; Order R-5, § 480-93-020, filed 6/6/69, effective 10/9/69.]

WAC 480-93-040 Location of gas compressor stations on gas pipelines. (1) Each gas pipeline company must locate gas compressor stations that are designed to operate at pressures in excess of two hundred fifty psig, and that have an installed capacity equal to or greater than one thousand horsepower, at least five hundred feet away from any existing buildings that are not under the gas pipeline company's control.

(2) Each gas pipeline company must locate gas compressor stations that are designed to operate at pressures in excess of two hundred fifty psig, and that have an installed capacity of less than one thousand horsepower at least two hundred fifty feet away from any existing buildings that are not under the gas pipeline company's control.

[Statutory Authority: RCW 80.01.040, 80.04.060 and 81.88.040. 08-12-046 (Docket PG-070975, General Order R-549), § 480-93-040, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.04.160, 80.28.210, and 80.01.040. 05-10-055 (Docket No. UG-011073, General Order No. R-520), § 480-93-040, filed 5/2/05, effective 6/2/05; Order R-28, § 480-93-040, filed 7/15/71; Order R-5, § 480-93-040, filed 6/6/69, effective 10/9/69.]

WAC 480-93-080 Welder and plastic joiner identification and qualification. (1) All welding procedures and welders, except welders listed in (a) of this subsection, must be qualified to API Standard 1104 or section IX of the ASME Boiler and Pressure Vessel Code.

(a) Oxyacetylene welders may qualify under 49 CFR § 192 Appendix C, but may only weld the following size pipe:

(i) Nominal two-inch or smaller branch connections to nominal six-inch or smaller main or service pipe.

(ii) Nominal two-inch or smaller below ground butt welds.

(iii) Nominal four-inch or smaller above ground manifold and meter piping operating at 10 psig or less.

(b) Appendix C welders must be requalified at least twice annually, but not to exceed seven and one-half months between qualification tests.

(c) When testing welders or qualifying procedures, each gas pipeline company must use the testing equipment necessary to measure the amperage, voltage, and speed of travel. All essential variables, as defined by the applicable procedure, must be recorded and documented as performed during the welder and procedure testing.

(d) For the purposes of (c) of this subsection, "essential variable" is defined as any variable in the welding procedure, which, according to the procedure being used, would require the requalification of the procedure if changed from or performed outside a specified range. "Speed of travel" is defined as the actual per pass welding time in minutes divided by the length of the weld in inches.

(e) Qualified written welding procedures must be located on-site where welding is being performed.

(2) Personnel qualified to join plastic pipe must be requalified at least once annually, but not to exceed fifteen months between qualifications.

(a) Qualified written plastic joining procedures must be located on-site where plastic joining is being performed.

(b) Plastic joiners must be requalified under an applicable procedure, if during any twelve-month period that person has not made any joints under that procedure.

(c) In order to ensure compliance with (b) of this subsection and Title 49 CFR Part 192.285(c), each gas pipeline company must either have a method of tracking production joints or requalify each person qualified to join plastic pipe at a frequency not to exceed twelve months. The method used to track production joints must be outlined in the gas pipeline company's procedures manual.

(3) Welders and plastic joiners must carry appropriate identification and qualification cards or certificates showing the name of the welder or joiner, their qualifications, the date of qualification and the gas pipeline company whose procedures were followed for the qualification. Welder and plastic joiner qualification cards are subject to commission inspection at all times when qualified personnel are working on facilities subject to commission jurisdiction.

[Statutory Authority: RCW 80.01.040, 80.04.060 and 81.88.040. 08-12-046 (Docket PG-070975, General Order R-549), § 480-93-080, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.04.160, 80.28.210, and 80.01.040. 05-10-055 (Docket No. UG-011073, General Order No. R-520), § 480-93-080, filed 5/2/05, effective 6/2/05; Order R-28, § 480-93-080, filed 7/15/71; Order R-5, § 480-93-080, filed 6/6/69, effective 10/9/69.]

WAC 480-93-100 Valves. (1) Each gas pipeline company must have a written valve maintenance program detailing the valve selection process, inspection, maintenance, and operating procedures. The written program must detail which valves will be maintained under 49 CFR § 192.745, 49 CFR § 192.747, and this subsection. The written program must also outline how the gas pipeline company will monitor and

maintain valves during construction projects to ensure accessibility. The following criteria and locations must be incorporated in the written program. The written program shall explain how each of the following are considered in selecting which valves require annual inspections and maintenance under 49 CFR § 192.747:

(a) Each pressure regulating station.

(b) Principal feeds into business districts.

(c) Geographical size of the area to be isolated.

(d) Number of potential customers affected.

(e) Line pipe size and operating pressures.

(f) Class locations.

(g) Potential threats including, but not limited to, earthquakes, floods, and landslides.

(h) Emergency response time.

(i) High occupancy structures or areas.

(j) Line pipe material: For example steel, polyethylene, or cast iron.

(2) Each gas pipeline company must have a written service valve installation and maintenance program detailing the valve selection process, inspection, maintenance, and operating procedures. The written program must detail which new services will be required to have valves installed and maintained under this section. Service valve installation requirements do not apply to existing services (they are not retroactive). Existing service valves that historically have not been maintained but are deemed necessary for maintenance by the written valve maintenance program must be maintained in accordance with subsection (3) of this section (service valve maintenance requirements are retroactive). The written program shall explain how each of the following criteria and/or locations are considered in selecting which services will have valves installed and/or maintained under this subsection:

(a) Services to churches, schools, hospitals.

(b) Service line length and size.

(c) Service line pressure.

(d) Services to buildings occupied by persons who are confined, are of impaired mobility, or would be difficult to evacuate.

(e) Services to commercial or industrial buildings or structures.

(f) Services to high occupancy structures or areas.

(3) All service valves selected for inspection in the program required in subsection (2) of this section must be operated and maintained at least once annually, but not to exceed fifteen months between operation and maintenance.

(4) Each gas pipeline company must select which valves to inspect based on the unique operating conditions of the company's pipeline system(s).

(5) Each gas pipeline company must install and maintain valves for the purpose of minimizing the hazards resulting from a gas pipeline emergency and to aid in the timely control of an uncontrolled release of gas. In determining the minimum number and spacing of valves, the gas pipeline company's primary objective shall be the protection of life and property. The gas pipeline company must consider this objective in conjunction with the criteria listed in subsections (1) and (2) of this section. Each gas pipeline company must also incorporate its valve programs established in subsections (1) and (2) of this section into their emergency plan and other plans and procedures designed to protect life and property in the event of an emergency.

(6) Each gas pipeline company must fully implement the requirements of this section within one year of the adoption date of this rule.

[Statutory Authority: RCW 80.01.040, 80.04.060 and 81.88.040. 08-12-046 (Docket PG-070975, General Order R-549), § 480-93-100, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040, 81.01.010, and 81.88.060. 07-18-010 (Docket PG-061027, General Order R-544), § 480-93-100, filed 8/23/07, effective 9/23/07. Statutory Authority: RCW 80.04.160, 80.28.210, and 80.01.040. 05-10-055 (Docket No. UG-011073, General Order No. R-520), § 480-93-100, filed 5/2/05, effective 6/2/05; Order R-28, § 480-93-100, filed 7/15/71; Order R-5, § 480-93-100, filed 6/6/69, effective 10/9/69.]

WAC 480-93-110 Corrosion control. (1) Each gas pipeline company must record and retain a record of each cathodic protection test, survey, or inspection required by 49 CFR Subpart I, and chapter 480-93 WAC. Each gas pipeline company must keep all records of each test, survey, or inspection for a minimum of five years, except those records specified in 49 CFR § 192.491(c) which the gas pipeline company must retain for the life of the gas pipeline facility.

(2) Each gas pipeline company must complete remedial action within ninety days to correct any cathodic protection deficiencies known and indicated by any test, survey, or inspection. An additional thirty days may be allowed for remedial action if due to circumstances beyond the gas pipeline company's control the company cannot complete remedial action within ninety days. Each gas pipeline company must be able to provide documentation to the commission indicating that remedial action was started in a timely manner and that all efforts were made to complete remedial action within ninety days. (Examples of circumstances allowing each gas pipeline company to exceed the ninety-day time frame include right of way permitting issues, availability of repair materials, or unusually long investigation or repair requirements.)

(3) Cathodic protection equipment and instrumentation must be maintained, tested for accuracy, calibrated, and operated in accordance with the manufacturer's recommendations. When there are no manufacturer's recommendations, then instruments must be tested for accuracy at an appropriate schedule determined by the gas pipeline company.

(4) Each gas pipeline company's procedures manual must have written procedures explaining how cathodic protection related surveys, reads, and tests will be conducted. Examples of such procedures include, but are not limited to, how to determine IR drop (as defined in 49 CFR § 192 Appendix D), how to conduct electrical surveys, how to test casings for electrical isolation, how to test casings for shorted conditions, and how to measure and interpret 49 CFR § 192 Appendix D criteria.

(5) Each gas pipeline company must conduct inspections or tests for electrical isolation between metallic pipeline casings and metallic pipelines at least once annually, but not to exceed fifteen months between inspections or tests. The test or inspection must also determine whether the pipeline has adequate levels of cathodic protection at the casing to pipeline interface. These requirements do not apply to unprotected copper inserted in ferrous pipe.

(a) For each casing installed prior to September 5, 1992, that does not have test leads, the gas pipeline company must be able to demonstrate that other test or inspection methods are acceptable and that test lead wires are not necessary to monitor for electrical isolation and adequate cathodic protection levels.

(b) Whenever electrical isolation tests or inspections indicate that a possible shorted condition exists between a casing and a pipeline, the gas pipeline company must conduct a follow-up test within ninety days to determine whether an actual short exists. The gas pipeline company's procedures manual must have a level or threshold that would indicate a potential shorted condition and must also detail the method of determining whether the casing is actually shorted to the pipeline.

(c) The gas pipeline company must clear the shorted condition where practical.

(d) Whenever a short exists between a line pipe and casing, the gas pipeline company must perform a leak survey within ninety days of discovery and at least twice annually thereafter, but not to exceed seven and one-half months between leak surveys until the shorted condition is eliminated.

(6) Each gas pipeline company must record the condition of all underground metallic facilities each time the facilities are exposed.

(7) Each gas pipeline company must have a written program to monitor for indications of internal corrosion. The program must also have remedial action requirements for areas where internal corrosion is detected.

(8) On all cathodically protected pipelines, the gas pipeline company must take a cathodic protection test reading each time an employee or representative of the gas pipeline company exposes the facility and the protective coating is removed.

(9) Each gas pipeline company must have a written atmospheric corrosion control monitoring program. The program must have time frames for completing remedial action.

[Statutory Authority: RCW 80.01.040, 80.04.060 and 81.88.040. 08-12-046 (Docket PG-070975, General Order R-549), § 480-93-110, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.04.160, 80.28.210, and 80.01.040. 05-10-055 (Docket No. UG-011073, General Order No. R-520), § 480-93-110, filed 5/2/05, effective 6/2/05. 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 480-93-115 Casing of line pipes. (1) Whenever a gas pipeline company installs a steel line pipe in a casing, the casing must be bare steel.

(2) For casings installed after September 5, 1992, each gas pipeline company must attach separate test lead wires to each casing without vents, and to the steel gas pipeline to verify that no electric short exists between the two, and that an adequate level of cathodic protection is applied to the steel line pipe.

(3) Whenever a gas pipeline company installs a main or transmission line in a casing or conduit of any type material, the gas pipeline company must seal the casing ends to prevent or slow the migration of gas in the event of a leak.

(4) Whenever a gas pipeline company installs a service line in a casing or conduit, the gas pipeline company must seal the casing at the end nearest the building wall to prevent or slow the migration of gas towards the building in the event of a leak.

[Statutory Authority: RCW 80.01.040, 80.04.060 and 81.88.040. 08-12-046 (Docket PG-070975, General Order R-549), § 480-93-115, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.04.160, 80.28.210, and 80.01.040. 05-10-055 (Docket No. UG-011073, General Order No. R-520), § 480-93-115, filed 5/2/05, effective 6/2/05. Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-115, filed 8/5/92, effective 9/5/92.]

WAC 480-93-124 Pipeline markers. (1) Each gas pipeline company must place pipeline markers at the following locations:

(a) Where practical, over pipelines operating above two hundred fifty psig;

(b) Over mains and transmission lines crossing navigable waterways (custom signage may be required to ensure visibility);

(c) Over mains and transmission lines at river, creek, drainage ditch, or irrigation canal crossings where hydraulic scouring, dredging, or other activity could pose a risk to the pipeline (custom signage may be required to ensure visibility);

(d) Over gas pipelines at railroad crossings;

(e) At above ground gas pipelines except service risers, meter set assemblies, and gas pipeline company owned piping downstream of the meter set assembly. The minimum lettering size requirements located in 49 CFR § 192.707 (d)(1) do not apply to services;

(f) Over mains located in Class 1 and 2 locations;

(g) Over transmission lines in Class 1 and 2 locations, and where practical, over transmission lines in Class 3 and 4 locations; and

(h) Over mains and transmission lines at interstate, U.S. and state route crossings where practical.

(2) If practical, the gas pipeline company must place markers on both sides of any crossing listed in subsection (1) of this section.

(3) Where markers are required on buried gas pipelines, they must be placed approximately five hundred yards apart and at points of horizontal deflection if practical.

(4) Where gas pipelines are attached to bridges or otherwise span an area, each gas pipeline company must place pipeline markers at both ends of the suspended pipeline. Each gas pipeline company must conduct surveys of pipeline markers required by this subsection at least annually, not to exceed fifteen months.

(5) Each gas pipeline company must replace markers that are reported damaged or missing within forty-five days.

(6) Surveys of pipeline markers not associated with subsection (4) of this section must be conducted at least every five calendar years but not to exceed sixty-three months, to ensure that markers are visible and legible.

(a) Each gas pipeline company must keep on file the last two surveys, or all surveys for the past five years, whichever number of surveys is greater.

(b) Survey records must include a description of the system and area surveyed.

(7) Each gas pipeline company must have records such as maps or drawings sufficient to indicate class locations and other areas where pipeline markers are required.

[Statutory Authority: RCW 80.01.040, 80.04.060 and 81.88.040. 08-12-046 (Docket PG-070975, General Order R-549), § 480-93-124, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040, 81.01.010, and 81.88.060. 07-18-010 (Docket PG-061027, General Order R-544), § 480-93-124, filed 8/23/07, effective 9/23/07. Statutory Authority: RCW 80.04.160, 80.28.210, and 80.01.040. 05-10-055 (Docket No. UG-011073, General Order No. R-520), § 480-93-124, filed 5/2/05, effective 6/2/05. 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 480-93-130 Multistage pressure regulation. Where gas pressures are reduced in two or more stages, each gas pipeline company must install the necessary regulators and equipment in such a manner as to provide protection between regulator stages. The purpose of this rule is to minimize the potential dangers of failures of one stage of regulator equipment resulting from fire, explosion, or damage of any kind, from adversely affecting the operation of the other stage or stages of regulation. Each gas pipeline company must ensure, when practical to do so, that there is a minimum of fifty feet of separation between regulator stages.

[Statutory Authority: RCW 80.01.040, 80.04.060 and 81.88.040. 08-12-046 (Docket PG-070975, General Order R-549), § 480-93-130, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.04.160, 80.28.210, and 80.01.040. 05-10-055 (Docket No. UG-011073, General Order No. R-520), § 480-93-130, filed 5/2/05, effective 6/2/05; Order R-28, § 480-93-130, filed 7/15/71; Order R-5, § 480-93-130, filed 6/6/69, effective 10/9/69.]

WAC 480-93-140 Service regulators. (1) To ensure proper operation of service regulators, each gas pipeline company must install, operate, and maintain service regulators in accordance with federal and state regulations, and in accordance with the manufacturer's recommended installation and maintenance practices.

(2) Each gas pipeline company must inspect and test service regulators and associated safety devices during the initial turn-on, and when a customer experiences a pressure problem. Testing must include determining the gas regulator's outlet set pressure at a specified flow rate. Each gas pipeline company must use pressure gauges downstream of the regulator during testing. Safety devices such as fracture discs are not required to be tested.

[Statutory Authority: RCW 80.01.040, 80.04.060 and 81.88.040. 08-12-046 (Docket PG-070975, General Order R-549), § 480-93-140, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.04.160, 80.28.210, and 80.01.040. 05-10-055 (Docket No. UG-011073, General Order No. R-520), § 480-93-140, filed 5/2/05, effective 6/2/05. Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-140, filed 8/5/92, effective 9/5/92; Order R-28, § 480-93-140, filed 7/15/71; Order R-5, § 480-93-140, filed 6/6/69, effective 10/9/69.]

WAC 480-93-155 Increasing maximum allowable operating pressure. (1) If a gas pipeline company wants to uprate to a MAOP greater than sixty psig, the company must submit to the commission for review, at least forty-five days before uprating, a written plan of procedures including all applicable specifications with drawings of the affected pipeline systems. At a minimum, the plan must include the following:

(a) A list of all affected gas pipeline facilities, including pipes, fittings, valves, and other affected equipment, with the manufacturer's specified maximum operating pressure limits, their specified minimum yield strength (SMYS) at the intended MAOP, and any other applicable specifications or limitations;

(b) Original design and construction standards;

(c) Original pressure test records;

(d) Previous operating pressures identifying the dates and lengths of time at that pressure;

(e) Records of all leaks, regardless of cause, and the dates and methods of repair;

(f) Where the pipeline is being uprated to a MAOP that produces a hoop stress of twenty percent or more of the SMYS, records of the original welding standards and welders;

(g) Maintenance records of all affected regulator stations and system relief valves for the past three years or three most recent inspections, whichever is longer;

(h) Where applicable, relief valve capacities at the proposed MAOP compared to regulator flow capacities, with calculations;

(i) Cathodic protection readings of the affected gas pipeline and facilities, including rectifier readings, for the past three years or three most recent inspections, whichever is longer; and

(j) Any additional information that the commission may deem necessary to evaluate the pressure increase.

(2) Uprates must be based on a previous or current pressure test that will substantiate the intended MAOP.

[Statutory Authority: RCW 80.01.040, 80.04.060 and 81.88.040. 08-12-046 (Docket PG-070975, General Order R-549), § 480-93-155, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.04.160, 80.28.210, and 80.01.040. 05-10-055 (Docket No. UG-011073, General Order No. R-520), § 480-93-155, filed 5/2/05, effective 6/2/05. 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 480-93-160 Reporting requirements of proposed construction. (1) Each gas pipeline company must file a proposed construction report with the commission at least forty-five days prior to construction or replacement of any segment of a gas transmission pipeline equal to or greater than one hundred feet in length. Emergency repairs are exempt from this section.

(2) The report must describe the proposed route and the specifications for the pipeline and must include, but is not limited to, the following items:

(a) Description and purpose of the proposed pipeline;

(b) Route map showing the type of construction to be used throughout the length of the line, and delineation of class location as defined in 49 CFR Part 192.5, and incorporated boundaries along the route. Aerial photographs must be submitted upon request;

(c) Location and specification of principal valves, regulators, and other auxiliary equipment to be installed as a part of the pipeline system to be constructed;

(d) MAOP for the gas pipeline being constructed;

(e) Location and construction details of all river crossings or other unusual construction requirements encountered en route, e.g., places where pipe will be exposed or it is impractical to provide required cover, bridge crossings, lines to be laid parallel to railroads or state highways, including encroachments, and any other areas requiring special or unusual design and construction considerations;

(f) Proposed corrosion control program to be followed including specifications for coating and wrapping, and the method to ensure the integrity of the coating using holiday detection equipment;

(g) Welding specifications; and

(h) Bending procedures to be followed if needed.

[Statutory Authority: RCW 80.01.040, 80.04.060 and 81.88.040. 08-12-046 (Docket PG-070975, General Order R-549), § 480-93-160, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.04.160, 80.28.210, and 80.01.040. 05-10-055 (Docket No. UG-011073, General Order No. R-520), § 480-93-160, filed 5/2/05, effective 6/2/05; Order R-28, § 480-93-160, filed 7/15/71; Order R-5, § 480-93-160, filed 6/6/69, effective 10/9/69.]

WAC 480-93-170 Tests and reports for gas pipelines. (1) Each gas pipeline company must notify the commission in writing at least three business days prior to the commencement of any pressure test of a gas pipeline that will have a MAOP that produces a hoop stress of twenty percent or more of the specified minimum yield strength of the pipe used. Pressure test procedures must be on file with the commission or submitted at the time of notification.

(a) The pressure tests of any such gas pipeline built in Class 3 or Class 4 locations, as defined in 49 CFR § 192.5, or within one hundred yards of a building, must be at least eight hours in duration.

(b) When the test medium is to be a gas or compressible fluid, each gas pipeline company must notify the appropriate public officials so that adequate public protection can be provided for during the test.

(c) In an emergency situation where it is necessary to maintain continuity of service, the requirements of subsection (1) of this section and subsection (1)(a) of this section may be waived by notifying the commission by calling the emergency notification line (see WAC 480-93-005(8)) prior to performing the test.

(2) The minimum test pressure for any steel service line or main, regardless of the intended operating pressure, must be determined by multiplying the intended MAOP by a factor determined in accordance with the table located in 49 CFR § 192.619 (a)(2)(ii).

(3) Each gas pipeline company must perform pressure tests for all new or replacement gas pipeline installations.

(4) All service lines that are broken, pulled, or damaged, resulting in the interruption of gas supply to the customer, must be pressure tested from the point of damage to the service termination valve (generally the meter set) prior to being placed back into service.

(5) Each gas pipeline company may only use pretested pipe when it is not feasible to conduct a pressure test.

(6) Each gas pipeline company must perform soap tests at the tie-in joints at not less than the current operating pressure of the gas pipeline.

(7) Each gas pipeline company must keep records of all pressure tests performed for the life of the pipeline and must document the following information:

(a) Gas pipeline company's name;

(b) Employee's name;

(c) Test medium used;

(d) Test pressure;

(e) Test duration;

(f) Line pipe size and length;

(g) Dates and times; and

(h) Test results.

(8) Where feasible, each gas pipeline company must install and backfill plastic pipe prior to pressure testing to expose any potential damage that could have occurred during the installation and backfill process.

(9) When a gas pipeline company performs multiple pressure tests on a single installation, the gas pipeline company must maintain a record of each test. An example of a single installation with multiple tests would be any continuous on-going job or installation such as a new plat or long main installation where more than one pressure test was conducted during construction.

(10) Pressure testing equipment must be maintained, tested for accuracy, or calibrated, in accordance with the manufacturer's recommendations. When there are no manufacturer's recommendations, then pressure testing equipment must be tested for accuracy at an appropriate schedule determined by the gas pipeline company. Test equipment must be tagged with the calibration or accuracy check expiration date. The requirements of this section also apply to equipment such as pressure charts, gauges, dead weights or other devices used to test, monitor or check system pressures or set-points.

[Statutory Authority: RCW 80.01.040, 80.04.060 and 81.88.040. 08-12-046 (Docket PG-070975, General Order R-549), § 480-93-170, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040, 81.01.010, and 81.88.060. 07-18-010 (Docket PG-061027, General Order R-544), § 480-93-170, filed 8/23/07, effective 9/23/07. Statutory Authority: RCW 80.04.160, 80.28.210, and 80.01.040. 05-10-055 (Docket No. UG-011073, General Order No. R-520), § 480-93-170, filed 5/2/05, effective 6/2/05; Order R-28, § 480-93-170, filed 7/15/71; Order R-5, § 480-93-170, filed 6/6/69, effective 10/9/69.]

WAC 480-93-175 Moving and lowering metallic gas pipelines. (1) A gas pipeline company may not move or lower cast iron pipe or metallic pipe with mechanical or threaded joints.

(2) Except for the pipe referenced in subsection (1) of this section, a gas pipeline company may move or lower metallic line pipe with an MAOP of sixty psig or less, which has a nominal diameter of two inches or less, if the gas pipeline company can certify that no undue stresses will be placed on the pipeline and that it can be moved or lowered in a safe manner. The gas pipeline company must consider factors such as the type of materials, proximity to fittings, joints, and welds, and any other factors that could place undue stress on the gas pipeline or create an unsafe condition.

(3) Before moving or lowering a gas pipeline other than the line pipe described in subsection (2) of this section, each gas pipeline company must prepare a study to determine whether moving or lowering will cause an unsafe condition. The gas pipeline company's engineering department must

review, approve, and retain the study for the life of the pipeline. The study must analyze the following factors:

(a) The required deflection of the pipe;

(b) The diameter, wall thickness, and grade of pipe;

(c) The characteristics of the pipeline;

(d) The terrain and class location;

(e) The present condition of the pipeline;

(f) The anticipated stresses of the pipeline including the safe allowable stress limits; and

(g) The toughness of the steel.

(4) The gas pipeline company must conduct a leak survey within thirty days from the date the company moves or lowers any gas pipeline under the provisions of subsection (2) of this section.

[Statutory Authority: RCW 80.01.040, 80.04.060 and 81.88.040. 08-12-046 (Docket PG-070975, General Order R-549), § 480-93-175, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.04.160, 80.28.210, and 80.01.040. 05-10-055 (Docket No. UG-011073, General Order No. R-520), § 480-93-175, filed 5/2/05, effective 6/2/05. Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-175, filed 8/5/92, effective 9/5/92.]

WAC 480-93-178 Protection of plastic pipe. (1) Each gas pipeline company must have detailed written procedures for the storage, handling, and installation of plastic pipelines. Except for joining procedures, and unless the gas pipeline company has more stringent procedures, the company must store, handle, and install plastic pipe in accordance with the latest applicable manufacturer's recommended practices.

(2) The gas pipeline company must follow the manufacturer's recommendation for maximum cumulative ultraviolet light exposure limit for plastic pipe. If there is no such recommendation, the gas pipeline company must not expose plastic pipe to ultraviolet light for more than two years. Each gas pipeline company must include the applicable ultraviolet exposure time limit in its procedures manual.

(3) Each gas pipeline company must install a weak link on each plastic pipe that is pulled through the ground by mechanical means, to ensure the pipe will not be damaged by excessive tensile forces.

(4) When a gas pipeline company installs plastic pipelines parallel to other underground utilities, it must ensure there is a minimum of twelve inches of separation from the other utilities. Where a minimum twelve inches of separation is not possible, a gas pipeline company must take adequate precautions, such as inserting the plastic pipeline in conduit, to minimize any potential hazards resulting from the close proximity to the other utilities.

(5) When a gas pipeline company installs plastic pipelines perpendicular to other underground utilities, it must ensure there is a minimum of six inches of separation from the other utilities. Where a minimum six inches of separation is not possible, a gas pipeline company must take adequate precautions, such as inserting the plastic pipeline in conduit, to minimize any potential hazards resulting from the close proximity to the other utilities.

(6) Except for approved steel encased plastic pipe, and except where allowed by (b) of this subsection, a gas pipeline company may temporarily install plastic pipe above ground for no longer than thirty days.

(a) During such temporary installations, the gas pipeline company must monitor and protect above ground plastic pipe from potential damage.

(b) A gas pipeline company may install above ground plastic pipe for periods longer than thirty days if it has a written monitoring program and if it notifies the commission by telephone using the emergency notification line (see WAC 480-93-005(8)) prior to exceeding the thirty-day time limit.

(7) Plastic pipe must be bedded in a suitable material as recommended by the pipe manufacturer. Unless otherwise permitted by the manufacturer, plastic pipe must be bedded in an essentially rock-free material.

(8) Plastic pipe may not be squeezed more than one time in the same location.

(9) Plastic pipe must not be squeezed within twelve inches or three pipe diameters, whichever is greater, from any joint or fitting.

[Statutory Authority: RCW 80.01.040, 80.04.060 and 81.88.040. 08-12-046 (Docket PG-070975, General Order R-549), § 480-93-178, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.04.160, 80.28.210(1), and 80.01.040(1). 05-23-174 (Docket No. PG-050933, General Order No. R-524), § 480-93-178, filed 11/23/05, effective 12/24/05. Statutory Authority: RCW 80.04.160, 80.28.210, and 80.01.040. 05-10-055 (Docket No. UG-011073, General Order No. R-520), § 480-93-178, filed 5/2/05, effective 6/2/05.]

WAC 480-93-180 Plans and procedures. (1) Each gas pipeline company must have and follow a gas pipeline plan and procedure manual (manual) for operation, maintenance, inspection, and emergency response activities that is specific to the gas pipeline company's system. The manual must include plans and procedures for meeting all applicable requirements of 49 CFR §§ 191, 192 and chapter 480-93 WAC, and any plans or procedures used by a gas pipeline company's associated contractors.

(2) The manual must be filed with the commission forty-five days prior to the operation of any gas pipeline. Each gas pipeline company must file revisions to the manual with the commission annually. The commission may, after notice and opportunity for hearing, require that a manual be revised or amended. Applicable portions of the manual related to a procedure being performed on the pipeline must be retained on-site where the activity is being performed.

(3) The manual must be written in detail sufficient for a person with adequate training to perform the tasks described. For example, a manual should contain specific, detailed, step-by-step instructions on how to maintain a regulator or rectifier, conduct a leak survey or conduct a pressure test.

[Statutory Authority: RCW 80.01.040, 80.04.060 and 81.88.040. 08-12-046 (Docket PG-070975, General Order R-549), § 480-93-180, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040, 81.01.010, and 81.88.060. 07-18-010 (Docket PG-061027, General Order R-544), § 480-93-180, filed 8/23/07, effective 9/23/07. Statutory Authority: RCW 80.04.160, 80.28.210, and 80.01.040. 05-10-055 (Docket No. UG-011073, General Order No. R-520), § 480-93-180, filed 5/2/05, effective 6/2/05. 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 480-93-185 Gas leak investigation. (1) Each gas pipeline company must investigate any odor, leak, explosion, or fire, which may involve its gas pipelines, promptly after receiving notification. Where the investigation reveals a leak, the gas pipeline company must grade the leak in accordance with WAC 480-93-186, and take appropriate action. The gas pipeline company must retain the leak investigation record for the life of the pipeline.

(2) In the event of an explosion, fire, death, or injury, the gas pipeline company must not remove any suspected gas facility until the commission or the lead investigative authority has designated the release of the gas facility. Once the situation is made safe, the gas pipeline company must keep the facility intact until directed by the lead investigative authority.

(3) When leak indications are found to originate from a foreign source (for example, a gasoline tank, a sewer, a marsh or customer-owned piping), and the situation is ongoing and potentially hazardous, the gas pipeline company must:

(a) Take appropriate action regarding its own facilities to protect life and property; and

(b) Report the leak promptly to the source facility owner or operator and, where appropriate, to the police department, fire department, or other appropriate governmental agency. If the property owner or an adult person occupying the premises is not available, the gas pipeline company must, within twenty-four hours of the leak investigation, send by first-class mail, addressed to the person occupying the premises, a letter explaining the results of the investigation. The gas pipeline company must keep a record of each letter sent for five years.

[Statutory Authority: RCW 80.01.040, 80.04.060 and 81.88.040. 08-12-046 (Docket PG-070975, General Order R-549), § 480-93-185, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.04.160, 80.28.210, and 80.01.040. 05-10-055 (Docket No. UG-011073, General Order No. R-520), § 480-93-185, filed 5/2/05, effective 6/2/05. Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-185, filed 8/5/92, effective 9/5/92; Order R-102, § 480-93-185, filed 5/18/77.]

WAC 480-93-186 Leak evaluation. (1) Based on an evaluation of the location and/or magnitude of a leak, the gas pipeline company must assign one of the leak grades defined in WAC 480-93-18601 to establish the leak repair priority. A gas pipeline company may use an alphabetical grade classification, i.e., Grade A for Grade 1, Grade B for Grade 2, and Grade C for Grade 3 if it has historically used such a grading designation. Each gas pipeline company must apply the same criteria used for initial leak grading when reevaluating leaks.

(2) Each gas pipeline company must establish a procedure for evaluating the concentration and extent of gas leakage. When evaluating any leak, the gas pipeline company must determine and document the perimeter of the leak area. If the perimeter of the leak extends to a building wall, the gas pipeline company must extend the investigation inside the building. Where the reading is in an unvented, enclosed space, the gas pipeline company must consider the rate of dissipation when the space is ventilated and the rate of accumulation when the space is resealed.

(3) The gas pipeline company must check the perimeter of the leak area with a combustible gas indicator. The gas pipeline company must perform a follow-up inspection on all leak repairs with residual gas remaining in the ground as soon as practical, but not later than thirty days following the repair.

(4) Grade 1 and 2 leaks can only be downgraded once to a Grade 3 leak without a physical repair. After a leak has been downgraded once, the maximum repair time for that leak is twenty-one months.

[Statutory Authority: RCW 80.01.040, 80.04.060 and 81.88.040. 08-12-046 (Docket PG-070975, General Order R-549), § 480-93-186, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.04.160, 80.28.210, and 80.01.040. 05-10-055 (Docket No. UG-011073, General Order No. R-520), § 480-93-186, filed 5/2/05, effective 6/2/05; Order R-103, § 480-93-186, filed 5/18/77.]

WAC 480-93-18601 Leak classification and action criteria—Grade—Definition—Priority of leak repair. (1) A "Grade 1 leak" is a leak that represents an existing or probable hazard to persons or property and requiring prompt action, immediate repair, or continuous action until the conditions are no longer hazardous.

(a) Prompt action in response to a Grade 1 leak may require one or more of the following:

(i) Implementation of the gas pipeline company's emergency plan pursuant 49 CFR § 192.615;

(ii) Evacuating the premises;

(iii) Blocking off an area;

(iv) Rerouting traffic;

(v) Eliminating sources of ignition;

(vi) Venting the area;

(vii) Stopping the flow of gas by closing valves or other means; or

(viii) Notifying police and fire departments.

(b) Examples. Grade 1 leaks requiring prompt action include, but are not limited to:

(i) Any leak, which in the judgment of gas pipeline company personnel at the scene, is regarded as an immediate hazard;

(ii) Escaping gas that has ignited unintentionally;

(iii) Any indication of gas that has migrated into or under a building or tunnel;

(iv) Any reading at the outside wall of a building or where the gas could potentially migrate to the outside wall of a building;

(v) Any reading of eighty percent LEL or greater in an enclosed space;

(vi) Any reading of eighty percent LEL, or greater in small substructures not associated with gas facilities where the gas could potentially migrate to the outside wall of a building; or

(vii) Any leak that can be seen, heard, or felt and which is in a location that may endanger the general public or property.

(2) A "Grade 2 leak" is a leak that is recognized as being not hazardous at the time of detection but justifies scheduled repair based on the potential for creating a future hazard.

(a) Each gas pipeline company must repair or clear Grade 2 leaks within fifteen months from the date the leak is reported. If a Grade 2 leak occurs in a segment of pipeline that is under consideration for replacement, an additional six months may be added to the fifteen months maximum time for repair provided above. In determining the repair priority,

each gas pipeline company should consider the following criteria:

(i) Amount and migration of gas;

(ii) Proximity of gas to buildings and subsurface structures;

(iii) Extent of pavement; and

(iv) Soil type and conditions, such as frost cap, moisture and natural venting.

(b) Each gas pipeline company must reevaluate Grade 2 leaks at least once every six months until cleared. The frequency of reevaluation should be determined by the location and magnitude of the leakage condition.

(c) Grade 2 leaks vary greatly in degree of potential hazard. Some Grade 2 leaks, when evaluated by the criteria, will require prompt scheduled repair within the next five working days. Other Grade 2 leaks may require repair within thirty days. The gas pipeline company must bring these situations to the attention of the individual responsible for scheduling leakage repair at the end of the working day. Many Grade 2 leaks, because of their location and magnitude, can be scheduled for repair on a normal routine basis with periodic reevaluation as necessary.

(d) When evaluating Grade 2 leaks, each gas pipeline company should consider leaks requiring action ahead of ground freezing or other adverse changes in venting conditions, and any leak that could potentially migrate to the outside wall of a building, under frozen or other adverse soil conditions.

(e) Examples. Grade 2 leaks requiring action within six months include, but are not limited to:

(i) Any reading of forty percent LEL or greater under a sidewalk in a wall-to-wall paved area that does not qualify as a Grade 1 leak and where gas could potentially migrate to the outside wall of a building;

(ii) Any reading of one hundred percent LEL or greater under a street in a wall-to-wall paved area that does not qualify as a Grade 1 leak and where gas could potentially migrate to the outside wall of a building;

(iii) Any reading less than eighty percent LEL in small substructures not associated with gas facilities and where gas could potentially migrate creating a probable future hazard;

(iv) Any reading between twenty percent LEL and eighty percent LEL in an enclosed space;

(v) Any reading on a pipeline operating at thirty percent of the specified minimum yield strength or greater in Class 3 or 4 locations that does not qualify as a Grade 1 leak; or

(vi) Any leak that in the judgment of gas pipeline company personnel at the scene is of sufficient magnitude to justify scheduled repair.

(3) A "Grade 3 leak" is a leak that is not hazardous at the time of detection and can reasonably be expected to remain not hazardous.

(a) Each gas pipeline company should reevaluate Grade 3 leaks during the next scheduled survey, or within fifteen months of the reporting date, whichever occurs first, until the leak is regraded or no longer results in a reading.

(b) Examples. Grade 3 leaks requiring reevaluation at periodic intervals include, but are not limited to:

(i) Any reading of less than eighty percent LEL in small gas associated substructures, such as small meter boxes or gas valve boxes; or

(ii) Any reading under a street in areas without wall-to-wall paving where it is unlikely the gas could migrate to the outside wall of a building.

[Statutory Authority: RCW 80.01.040, 80.04.060 and 81.88.040. 08-12-046 (Docket PG-070975, General Order R-549), § 480-93-18601, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.04.160, 80.28.210, and 80.01.040. 05-10-055 (Docket No. UG-011073, General Order No. R-520), § 480-93-18601, filed 5/2/05, effective 6/2/05. Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-18601, filed 8/5/92, effective 9/5/92; Order R-103, Table 1 (codified as WAC 480-93-18601), filed 5/18/77.]

WAC 480-93-187 Gas leak records. Each gas pipeline company must prepare and maintain permanent gas leak records. The leak records must contain sufficient data and information to permit the commission to assess the adequacy of the gas pipeline company's leakage program. Gas leak records must contain, at a minimum, the following information:

(1) Date and time the leak was detected, investigated, reported, and repaired, and the name of the person conducting the investigation;

(2) Location of the leak (sufficiently described to allow ready location by other qualified personnel);

(3) Leak grade;

(4) Pipeline classification (e.g., distribution, transmission, service);

(5) If reported by an outside party, the name and address of the reporting party;

(6) Component that leaked (e.g., pipe, tee, flange, valve);

(7) Size and material that leaked (e.g., steel, plastic, cast iron);

(8) Pipe condition;

(9) Type of repair;

(10) Leak cause;

(11) Date pipe installed (if known);

(12) Magnitude and location of CGI readings left; and

(13) Unique identification numbers (such as serial numbers) of leak detection equipment.

[Statutory Authority: RCW 80.01.040, 80.04.060 and 81.88.040. 08-12-046 (Docket PG-070975, General Order R-549), § 480-93-187, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.04.160, 80.28.210, and 80.01.040. 05-10-055 (Docket No. UG-011073, General Order No. R-520), § 480-93-187, filed 5/2/05, effective 6/2/05. Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-187, filed 8/5/92, effective 9/5/92; Order R-104, § 480-93-187, filed 5/18/77.]

WAC 480-93-188 Gas leak surveys. (1) Each gas pipeline company must perform gas leak surveys using a gas detection instrument covering the following areas and circumstances:

(a) Over all mains, services, and transmission lines including the testing of the atmosphere near other utility (gas, electric, telephone, sewer, or water) boxes or manholes, and other underground structures;

(b) Through cracks in paving and sidewalks;

(c) On all above ground piping (may be checked with either a gas detection instrument or with a soap solution);

(d) Where a gas service line exists, the gas pipeline company must conduct a leak survey at the building wall at the point of entrance, using a bar hole if necessary; and

(e) Within all buildings where gas leakage has been detected at the outside wall, at locations where escaping gas could potentially migrate into and accumulate inside the building.

(2) Each gas pipeline company must maintain, test for accuracy, calibrate and operate gas detection instruments in accordance with the manufacturer's recommendations. If there are no written manufacturer's recommendations or schedules, then the gas pipeline company must test such instruments for accuracy at least monthly, but not to exceed forty-five days between testing, and at least twelve times per year. The gas pipeline company must recalibrate or remove from service any such instrument that does not meet applicable tolerances. Records of accuracy checks, calibration and other maintenance performed must be maintained for five years.

(3) Each gas pipeline company must conduct gas leak surveys according to the following minimum frequencies:

(a) Business districts - at least once annually, but not to exceed fifteen months between surveys. All mains in the right of way adjoining a business district must be included in the survey;

(b) High occupancy structures or areas - at least once annually, but not to exceed fifteen months between surveys;

(c) Gas pipelines operating at or above two hundred fifty psig - at least once annually, but not to exceed fifteen months between surveys;

(d) Where the gas system has cast iron, wrought iron, copper, or noncathodically protected steel - at least twice annually, but not to exceed seven and one-half months between surveys; and

(e) Unodorized gas pipelines - at least monthly.

(4) Each gas pipeline company must conduct special leak surveys under the following circumstances:

(a) Prior to paving or resurfacing, following street alterations or repairs where gas pipelines are under the area to be paved, and where damage could have occurred to gas pipelines;

(b) In areas where substructure construction occurs adjacent to underground gas pipelines, and damage could have occurred to the gas pipeline, each gas pipeline company must perform a gas leak survey following the completion of construction, but prior to paving;

(c) Unstable soil areas where active gas pipelines could be affected;

(d) In areas and at times of unusual activity, such as earthquake, floods, and explosions; and

(e) After third-party excavation damage to services, each gas pipeline company must perform a gas leak survey from the point of damage to the service tie-in.

(5) Each gas pipeline company must keep leak survey records for a minimum of five years. At a minimum, survey records must contain the following information:

(a) Description of the system and area surveyed (including maps and leak survey logs);

(b) Survey results;

(c) Survey method;

(d) Name of the person who performed the survey;

(e) Survey dates; and

(f) Instrument tracking or identification number.

(6) Each gas pipeline company must perform self audits of the effectiveness of its leak detection and recordkeeping programs. Each gas pipeline company must maintain records of the self audits for five years. Self audits must be performed as frequently as necessary, but not to exceed three years between audits. At a minimum, self audits should ensure that:

(a) Leak survey schedules meet the minimum federal and state safety requirements for gas pipelines;

(b) Consistent evaluations of leaks are being made throughout the system;

(c) Repairs are made within the time frame allowed;

(d) Repairs are effective; and

(e) Records are accurate and complete.

[Statutory Authority: RCW 80.01.040, 80.04.060 and 81.88.040. 08-12-046 (Docket PG-070975, General Order R-549), § 480-93-188, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040, 81.01.010, and 81.88.060. 07-18-010 (Docket PG-061027, General Order R-544), § 480-93-188, filed 8/23/07, effective 9/23/07. Statutory Authority: RCW 80.04.160, 80.28.210, and 80.01.040. 05-10-055 (Docket No. UG-011073, General Order No. R-520), § 480-93-188, filed 5/2/05, effective 6/2/05. Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-188, filed 8/5/92, effective 9/5/92; Order R-105, § 480-93-188, filed 5/18/77.]

WAC 480-93-200 Reporting requirements. (1) Each gas pipeline company must give notice to the commission by telephone using the emergency notification line (see WAC 480-93-005(8)) within two hours of discovering an incident or hazardous condition arising out of its operations that results in:

(a) A fatality or personal injury requiring hospitalization;

(b) Property damage valued at more than fifty thousand dollars;

(c) The evacuation of a building, or a high occupancy structure or area;

(d) The unintentional ignition of gas;

(e) The unscheduled interruption of service furnished by any gas pipeline company to twenty-five or more distribution customers;

(f) A pipeline or system pressure exceeding the MAOP plus ten percent or the maximum pressure allowed by proximity considerations outlined in WAC 480-93-020; or

(g) A significant occurrence, in the judgment of the gas pipeline company, even though it does not meet the criteria of (a) through (g) of this subsection.

(2) Each gas pipeline company must give notice to the commission by telephone using the emergency notification line (see WAC 480-93-005(8)) within twenty-four hours of each incident or hazardous condition arising out of its operations that results in:

(a) The uncontrolled release of gas for more than two hours;

(b) The taking of a high pressure supply or transmission pipeline or a major distribution supply gas pipeline out of service;

(c) A gas pipeline operating at low pressure dropping below the safe operating conditions of attached appliances and gas equipment; or

(d) A gas pipeline pressure exceeding the MAOP.

(3) Routine or planned maintenance and operational activities of the gas pipeline company that result in operator-controlled plant and equipment shut downs, reduction in sys-

tem pressures, flaring or venting of gas, and normal leak repairs are not reportable items under this section.

(4) Each gas pipeline company must provide to the commission a written report within thirty days of the initial telephonic report required under subsections (1) and (2) of this section. At a minimum, the written reports must include the following:

(a) Name(s) and address(es) of any person or persons injured or killed, or whose property was damaged;

(b) The extent of such injuries and damage;

(c) A description of the incident or hazardous condition including the date, time, and place, and reason why the incident occurred. If more than one reportable condition arises from a single incident, each must be included in the report;

(d) A description of the gas pipeline involved in the incident or hazardous condition, the system operating pressure at that time, and the MAOP of the facilities involved;

(e) The date and time the gas pipeline company was first notified of the incident;

(f) The date and time the gas pipeline company's first responders arrived on-site;

(g) The date and time the gas pipeline was made safe;

(h) The date, time, and type of any temporary or permanent repair that was made;

(i) The cost of the incident to the gas pipeline company;

(j) Line type;

(k) City and county of incident; and

(l) Any other information deemed necessary by the commission.

(5) Each gas pipeline company must submit a supplemental report if required information becomes available after the thirty-day report is submitted.

(6) Each gas pipeline company must provide to the commission a copy of each failure analysis report completed or received by the gas pipeline company, concerning any incident or hazardous condition due to construction defects or material failure within five days of completion or receipt of such report.

(7) Each gas pipeline company must file with the commission the following annual reports no later than March 15 for the preceding calendar year:

(a) A copy of every Pipeline and Hazardous Materials Safety Administration (PHMSA) F-7100.1-1 and F-7100.2-1 annual report required by U.S. Department of Transportation, Office of Pipeline Safety.

(b) A report titled, "Damage Prevention Statistics." The Damage Prevention Statistics report must include in detail the following information:

(i) Number of gas-related one-call locate requests completed in the field;

(ii) Number of third-party damages incurred; and

(iii) Cause of damage, where cause of damage is classified as one of the following:

(A) Inaccurate locate;

(B) Failure to use reasonable care;

(C) Excavated prior to a locate being conducted; or

(D) Excavator failed to call for a locate.

(c) A report detailing all construction defects and material failures resulting in leakage. Each gas pipeline company must categorize the different types of construction defects and material failures anticipated for their system. The report must include the following:

(i) Types and numbers of construction defects; and

(ii) Types and numbers of material failures.

(8) Each gas pipeline company must file with the commission, and with appropriate officials of all municipalities where gas pipeline companies have facilities, the names, addresses, and telephone numbers of the responsible officials of the gas pipeline company who may be contacted in the event of an emergency. In the event of any changes in such personnel, the gas pipeline company must immediately notify the commission and municipalities.

(9) Each gas pipeline company must send to the commission, by e-mail, daily reports of construction and repair activities. Reports may be faxed only if the gas pipeline company does not have e-mail capability. Reports must be received no later than 10:00 a.m. each day of the scheduled work, and must include both gas pipeline company and contractor construction and repair activities. Report information must be broken down by individual crews and the scheduled work must be listed by address, as much as practical. To the extent possible the reports will only contain construction and repair activity scheduled for that day, but they may include a reasonable allowance for scheduling conflicts or disruptions.

(10) When a gas pipeline company is required to file a copy of a DOT Drug and Alcohol Testing Management Information System (MIS) Data Collection Form with the U.S. Department of Transportation, Office of Pipeline Safety, the gas pipeline company must simultaneously submit a copy of the form to the commission.

[Statutory Authority: RCW 80.01.040, 80.04.060 and 81.88.040. 08-12-046 (Docket PG-070975, General Order R-549), § 480-93-200, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040, 81.01.010, and 81.88.060. 07-18-010 (Docket PG-061027, General Order R-544), § 480-93-200, filed 8/23/07, effective 9/23/07. Statutory Authority: RCW 80.04.160, 80.28.210(1), and 80.01.040(1). 05-23-174 (Docket No. PG-050933, General Order No. R-524), § 480-93-200, filed 11/23/05, effective 12/24/05. Statutory Authority: RCW 80.04.160, 80.28.210, and 80.01.040. 05-10-055 (Docket No. UG-011073, General Order No. R-520), § 480-93-200, filed 5/2/05, effective 6/2/05. Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-200, filed 8/5/92, effective 9/5/92; Order R-28, § 480-93-200, filed 7/15/71; Order R-5, § 480-93-200, filed 6/6/69, effective 10/9/69.]

WAC 480-93-223 Civil penalty for violation of RCW 80.28.210 and commission gas safety rules. Any gas pipeline company that violates any pipeline safety provision of any commission order or any rule in this chapter including those rules adopted by reference, or chapter 81.88 RCW is subject to a civil penalty not to exceed one hundred thousand dollars for each violation for each day that the violation persists. The maximum civil penalty under this subsection for a related series of violations is one million dollars.

[Statutory Authority: RCW 80.01.040, 80.04.060 and 81.88.040. 08-12-046 (Docket PG-070975, General Order R-549), § 480-93-223, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.04.160, 80.28.210, and 80.01.040. 05-10-055 (Docket No. UG-011073, General Order No. R-520), § 480-93-223, filed 5/2/05, effective 6/2/05. Statutory Authority: RCW 80.01.040 and 80.28.210. 95-19-057 (Order R-433, Docket No. UG-950625), § 480-93-223, filed 9/15/95, effective 10/16/95.]

WAC 480-93-230 Exemptions from rules in chapter 480-93 WAC. The commission may grant an exemption from the provisions of any rule in this chapter. The standards

and procedures for seeking an exemption are set forth in WAC 480-07-110 (Exceptions from and modifications to the rules in this chapter; special rules.)

[Statutory Authority: RCW 80.01.040, 80.04.060 and 81.88.040. 08-12-046 (Docket PG-070975, General Order R-549), § 480-93-230, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.04.160, 80.28.210, and 80.01.040. 05-10-055 (Docket No. UG-011073, General Order No. R-520), § 480-93-230, filed 5/2/05, effective 6/2/05. Statutory Authority: RCW 80.01.040. 92-16-100 (Order R-375, Docket No. UG-911261), § 480-93-230, filed 8/5/92, effective 9/5/92; Order R-28, § 480-93-230, filed 7/15/71; Order R-5, § 480-93-230, filed 6/6/69, effective 10/9/69.]

WAC 480-93-240 Annual pipeline safety fee methodology. (1) This rule sets forth the commission's fee methodology for the annual regulatory fee paid by a gas pipeline company as that term is defined in RCW 81.88.010. For the purposes of this section, a gas pipeline company is called "company" or "companies" and the "commission's pipeline safety program" means the pipeline safety program that includes each company.

(2) Each company will pay an annual pipeline safety fee as established in the methodology set forth in subsection (3) of this section.

(3) The fee will be set by general order of the commission entered before September 1 of each year and will be collected in four equal installments payable on the first day of each quarter as listed below:

1st quarter fee installment due September 1;

2nd quarter fee installment due December 1;

3rd quarter fee installment due March 1;

4th quarter fee installment due June 1.

(a) The total of pipeline safety fees will be calculated to recover no more than the costs of the legislatively authorized workload represented by current appropriations for the commission's pipeline safety program, less the amount received in total base grants through the Federal Department of Transportation and less any amount received from penalties collected under RCW 19.122.050. Federal grants, other than the federal base grant, received by the commission for additional activities not included or anticipated in the legislatively directed workload will not be credited against company pipeline safety fees, nor will the work supported by grants be considered a cost for purposes of calculating such fees. To the extent that the actual base grant proceeds are different than the amount credited, the difference will be applied in the following year.

(b) Total pipeline safety fees as determined in (a) of this subsection will be calculated in two parts:

(i) The commission's annual overhead charge to the pipeline safety program will be allocated among companies according to each gas pipeline company's share of the total of all pipeline miles within Washington as reported by companies in their annual reports to the commission.

(ii) After deducting the commission's annual overhead charge, the remainder of the total pipeline safety fee commission's annual pipeline safety program allotment will be allocated among companies in proportion to each company's share of the program staff hours that are directly attributable to particular companies. The commission will determine each company's share by dividing the total hours directly attributable to the company during the two preceding calendar years (as reflected in the program's timekeeping system) by the total of directly attributable hours for all companies over the same period.

(iii) For fee setting purposes, any program hours related to a commission investigation of an incident attributed to third-party damage that results in penalties collected under RCW 19.122.055 will not be directly attributed to the owner of the damaged gas pipeline.

(c) The commission general order setting fees pursuant to this rule will detail the specific calculation of each company's pipeline safety fee including the allocations set forth in (b) of this subsection.

(4) By August 1 of each year the commission staff will mail an invoice to each company .

(5) All funds received by the commission for the pipeline safety program will be deposited to the pipeline safety account. For each gas pipeline company subject to RCW 80.24.010, their portion of the company's total regulatory fee applicable to pipeline safety will be transferred from the public service revolving fund to the pipeline safety account.

(6) Any company wishing to contest the amount of the fee imposed under this section must pay the fee when due and, within 6 months after the due date of the fee, file a petition in writing with the commission requesting a refund. The petition must state the name of the petitioner; the date and the amount paid, including a copy of any receipt, if available; the amount of the fee that is contested; all reasons why the commission may not impose the fee in that amount; and a calculation and explanation of the fee amount the petitioner contends is appropriate, if any. The commission may grant the petition administratively or may set the petition for adjudication or for brief adjudication.

[Statutory Authority: RCW 80.01.040, 80.04.060 and 81.88.040. 08-12-046 (Docket PG-070975, General Order R-549), § 480-93-240, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.-160, 80.24.060, and 81.24.090. 05-17-017 (Docket No. P-041344, General Order No. R-523), § 480-93-240, filed 8/4/05, effective 7/1/06. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 2001 c 238 § 2. 02-03-016 (Docket No. UG-010522, General Order No. R-497), § 480-93-240, filed 1/4/02,effective 2/4/02.]

WAC 480-93-250 Damage prevention. Each gas pipeline company must comply with chapter 19.122 RCW, including:

(1) Subscribe to the appropriate one-number locator service;

(2) Provide, upon receipt of locate notice, reasonably accurate information as to its locatable underground facilities by surface-marking the location of the facilities;

(3) Respond with locate markings within two business days after receipt of the notice or within a time mutually agreed upon between the operator and the excavator requesting the utility locate information.

[Statutory Authority: RCW 80.01.040, 80.04.060 and 81.88.040. 08-12-046 (Docket PG-070975, General Order R-549), § 480-93-250, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040, 81.01.010, and 81.88.060. 07-18-010 (Docket PG-061027, General Order R-544), § 480-93-250, filed 8/23/07, effective 9/23/07.]

WAC 480-93-999 Adoption by reference. In this chapter, the commission adopts by reference each of the regulations and/or standards identified below. Each regulation or standard is listed by publication, publisher, scope of what the

commission is adopting, effective date of the regulation or standard, the place within the commission's rules the regulation or standard is referenced, and where to obtain the regulation or standard.

(1) Parts 191, 192, 193, and 199 of Title 49 Code of Federal Regulations, including all appendices and amendments thereto as published by the United States Government Printing Office.

(a) The commission adopts the version of the above regulations that were in effect on September 2, 2008, except the following sections are not adopted by reference: 191.1, 192.1(a), 193.2001(a), 199.1. In addition, please note that in WAC 480-93-013, the commission includes "new construction" in the definition of "covered task," as defined in 49 CFR § 192.801 (b)(2).

(b) This publication is referenced in WAC 480-93-005, 480-93-080, 480-93-100, 480-93-110, 480-93-124, 480-93-155, 480-93-170, 480-93-180, and 480-93-18601.

(c) The Code of Federal Regulations is published by the federal government. Copies of Title 49 Code of Federal Regulations are available from most Government Printing Offices, including the Seattle office of the Government Printing Office, as well as from various third-party vendors and various libraries, including the branch of the state library located at the commission. It is also available for inspection at the commission.

(2) Section IX of the ASME Boiler and Pressure Vessel Code.

(a) The commission adopts the 2001 edition of Section IX of the ASME Boiler and Pressure Vessel Code.

(b) This publication is referenced in WAC 480-93-080.

(c) Copies of Section IX of the ASME Boiler and Pressure Vessel Code (2001 edition) are available from The American Society of Mechanical Engineers, Park Avenue, New York, New York, and various libraries, including the branch of the state library located at the commission. It is also available for inspection at the commission.

(3) The American Petroleum Institute (API) standard 1104 (19th edition).

(a) The commission adopts the 19th edition of this standard.

(b) This standard is referenced in WAC 480-93-080.

(c) Copies of API standard 1104 (19th edition) are available from the Office of API Publishing Services in Washington DC, and various libraries, including the branch of the state library located at the commission. It is also available for inspection at the commission.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. 09-01-171 (Docket A-081419, General Order R-554), § 480-93-999, filed 12/23/08, effective 1/23/09. Statutory Authority: RCW 80.01.040, 80.04.060 and 81.88.040. 08-12-046 (Docket PG-070975, General Order R-549), § 480-93-999, filed 5/30/08, effective 6/30/08. Statutory Authority: RCW 80.01.040, 80.04.160, 80.28.210, 81.04.160, 81.88.020, and 34.05.353. 06-14-052 (Docket A-060464, General Order No. R-535), § 480-93-999, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 80.04.-160, 80.28.210, and 80.01.040. 05-10-055 (Docket No. UG-011073, General Order No. R-520), § 480-93-999, filed 5/2/05, effective 6/2/05. 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

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480-100-010 Application of rules. [Order R-5, § 480-100-010, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-011.

480-100-011 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.

480-100-020 Saving clause. [Order R-5, § 480-100-020, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-016.

480-100-021 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.

480-100-030 Definitions of terms as used in these rules. [Order R-5, § 480-100-030, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-021.

480-100-031 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.

480-100-040 Tariffs. [Order R-5, § 480-100-040, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-026.

480-100-041 Information to consumers. [Statutory Authority: RCW 80.04.160. 81-03-060 (Order R-158, Cause No. U-80-106), § 480-100-041, filed 1/20/81; Order R-84, § 480-100-041, filed 6/30/76; Order R-29, § 480-100-041, filed 7/15/71.] 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 80.04.160. 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. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-100-050 Classification of accounts. [Order R-5, § 480-100-050, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71.

480-100-051 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.

480-100-060 Annual reports. [Order R-5, § 480-100-060, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71.

480-100-061 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.

480-100-070 Information for customers. [Order R-5, § 480-100-070, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-041.

480-100-071 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.

480-100-080 Record of complaints. [Order R-5, § 480-100-080, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-096.

480-100-081 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.

480-100-090 Filing of records and reports. [Order R-5, § 480-100-090, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-211.

480-100-091 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.

480-100-100 Application for service. [Order R-5, § 480-100-100, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-046.

480-100-101 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.

480-100-106 Dispute as to billing. [Order R-29, § 480-100-106, filed 7/15/71.] Repealed by Order R-84, filed 6/30/76.

480-100-110 Contract for service. [Order R-5, § 480-100-110, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-061.

480-100-111 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.

480-100-120 Deposits. [Order R-5, § 480-100-120, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-051.

480-100-121 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.

480-100-130 Discontinuance of service by customer. [Order R-5, § 480-100-130, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-071.

480-100-131 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.

480-100-140 Discontinuance of service by utility. [Order R-5, § 480-100-140, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-071.

480-100-141 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.

480-100-150 Fraudulent use of service. [Order R-5, § 480-100-150, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-071.

480-100-151 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.

480-100-160 Responsibility for delinquent accounts. [Order R-5, § 480-100-160, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-116.

480-100-161 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.

480-100-170 Refusal of service. [Order R-5, § 480-100-170, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-056.

480-100-171 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.

480-100-180 Special metering, record of output, etc. [Order R-5, § 480-100-180, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-076.

480-100-181 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.

480-100-190 Change in character of service. [Order R-5, § 480-100-190, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-076.

480-100-191 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.

480-100-196 Voltage tests. [Order R-29, § 480-100-196, filed 7/15/71.] Repealed by 81-15-094 (Order R-165, Cause No. 4-81-30), filed 7/22/81. Statutory Authority: RCW 81.01.040 (1) and (4) [80.01.040 (1) and (4)].

480-100-200 Changes in use. [Order R-5, § 480-100-200, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-076.

480-100-201 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.

480-100-208 Financial reporting requirements. [Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 2003 c 296. 04-05-031 (Docket No. A-031232, General Order No. R-512), § 480-100-208, filed 2/11/04, effective 3/13/04. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-100-208, filed 8/26/02, effective 9/26/02. 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.] Repealed by 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), filed 2/28/05, effective 3/31/05. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353.

480-100-210 Adequacy and continuity of service. [Order R-5, § 480-100-210, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-076.

480-100-211 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.

480-100-218 Securities, affiliated interests, and transfers of property. [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.] Repealed by 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), filed 2/28/05, effective 3/31/05. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353.

480-100-220 Distribution extensions. [Order R-5, § 480-100-220, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-066.

480-100-230 Service entrance facilities. [Order R-5, § 480-100-230, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-081.

480-100-240 Standard frequency. [Order R-5, § 480-100-240, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-186.

480-100-250 Standard voltage and permissible variation. [Order R-5, § 480-100-250, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-191.

480-100-251 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.

480-100-260 Voltage tests. [Order R-5, § 480-100-260, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-196.

480-100-270 Form of bills. [Order R-5, § 480-100-270, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-101.

480-100-280 Record of billings. [Order R-5, § 480-100-280, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-106.

480-100-290 Dispute as to bills. [Order R-5, § 480-100-290, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-086.

480-100-300 Meter location. [Order R-5, § 480-100-300, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-086.

480-100-310 Access to premises. [Order R-5, § 480-100-310, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-091.

480-100-311 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.

480-100-320 Identification of employees. [Order R-5, § 480-100-320, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-091.

480-100-330 Meter charges. [Order R-5, § 480-100-330, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-121.

480-100-340 Meter readings. [Order R-5, § 480-100-340, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-126.

480-100-350 Initial accuracy of meters. [Order R-5, § 480-100-350, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-136.

480-100-360 Meter seals. [Order R-5, § 480-100-360, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-136.

480-100-370 Meter history record. [Order R-5, § 480-100-370, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-181.

480-100-380 Multipliers and test constants. [Order R-5, § 480-100-380, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-156.

480-100-390 Accuracy of watthour meters. [Order R-5, § 480-100-390, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-141.

480-100-400 Accuracy of demand meters. [Order R-5, § 480-100-400, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-146.

480-100-410 Instrument transformers. [Order R-5, § 480-100-410, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-151.

480-100-420 Portable indicating instruments. [Order R-5, § 480-100-420, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-161.

480-100-430 Meter testing. [Order R-5, § 480-100-430, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-176.

480-100-440 Record of meter tests. [Order R-5, § 480-100-440, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-181.

480-100-450 Dispute as to accuracy of meters. [Order R-5, § 480-100-450, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-166.

480-100-460 Free complaint meter test. [Order R-5, § 480-100-460, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-171.

480-100-470 Fee for extra-complaint meter tests. [Order R-5, § 480-100-470, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-171.

480-100-480 Complaint reports. [Order R-5, § 480-100-480, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-171.

480-100-490 Refund for inaccurate metering. [Order R-5, § 480-100-490, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-111.

480-100-500 Identification of meters. [Order R-5, § 480-100-500, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-131.

480-100-510 Testing facilities. [Order R-5, § 480-100-510, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71.

480-100-520	Accuracy of test standards. [Order R-5, § 480-100-520, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-201.
480-100-530	Report of accidents. [Order R-5, § 480-100-530, filed 6/6/69, effective 10/9/69.] Repealed by Order R-29, filed 7/15/71. See WAC 480-100-206.

PART I—GENERAL PROVISIONS

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 conflicts with these rules, the acceptance does not constitute a waiver of these rules unless the commission specifically approves the variation consistent with WAC 480-100-008, 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 480-07-910, Informal complaints, or by filing a formal complaint under WAC 480-07-370, 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. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-100-003, filed 11/24/03, effective 1/1/04; 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. The commission may grant an exemption from the provisions of any rule in this chapter in the same manner and consistent with the standards and according to the procedures set forth in WAC 480-07-110 (Exceptions from and modifications to the rules in this chapter; special rules).

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-100-008, filed 2/28/05, effective 3/31/05. Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-100-008, filed 11/24/03, effective 1/1/04; 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-008, filed 5/3/01, effective 6/3/01.]

WAC 480-100-013 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 480-100-018 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 480-100-023 Definitions. "Affiliated interest" means a person or corporation as defined in RCW 80.16.010.

"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.

"Control" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a company, whether through the ownership of voting shares, by contract, or otherwise.

"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.

"Subsidiary" means any company in which the electric utility owns directly or indirectly five percent or more of the voting securities, unless the utility demonstrates it does not have control.

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, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-

518), § 480-100-023, filed 2/28/05, effective 3/31/05. 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 480-100-028 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 480-100-033 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.]

PART II—CONSUMER RULES

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 480-100-113 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.** Deposits required for a customer or location must not exceed:

(a) Two-twelfths of the estimated annual billings for utilities billing monthly; or

(b) Three-twelfths of estimated annual billings for utilities billing bimonthly.

(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 quickly and easily be 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, less any outstanding balance owing from the old address, must be transferred to the new address 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.** Utilities that collect customer deposits must pay interest on those deposits calculated:

(a) For each calendar year, at the rate for the one-year Treasury Constant Maturity calculated by the U.S. Treasury, as published in the Federal Reserve's Statistical Release H.15 on January 15 of that year. If January 15 falls on a nonbusiness day, the utility will use the rate posted on the next following business day; and

(b) From the date of deposit to the date of refund or when applied directly to the customer's account.

(10) **When refund of deposits is required.** A utility must apply deposits plus accrued interest to the customer's account, or refund deposits plus accrued interest when there has been satisfactory payment, as defined in (a) of this subsection, or when 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:

(i) The utility has not started a disconnection process against the customer; and

(ii) The utility has sent no more than two delinquency notices to the customer.

(b) Termination of service. When service is terminated, 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.** A utility must refund any deposit plus accrued interest as indicated by the customer

at the time of deposit, or as modified by the customer on a later date, using 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.

[Statutory Authority: RCW 80.01.040, 80.04.160, and 81.04.160. 02-21-066 (Docket No. A-020405, General Order No. R-504), § 480-100-113, filed 10/16/02, effective 1/1/03. 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 480-100-118 Nonresidential service deposit requirements. (1) **Deposit criteria for nonresidential customers.** A utility may require an applicant for nonresidential service to demonstrate that the applicant is a satisfactory credit risk by reasonable means appropriate under the circumstances.

(2) **Deposit amount.** Deposits required for a customer or location must not exceed:

(a) Two-twelfths of the estimated annual billings for utilities billing monthly; or

(b) Three-twelfths of estimated annual billings for utilities billing bimonthly.

(3) **Transfer of deposit.** When a customer moves to a new address within the utility's service territory, the deposit plus accrued interest, less any outstanding balance owing from the old address, must be transferred to the new address or refunded.

(4) **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.

(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.** Utilities that collect customer deposits must pay interest on those deposits calculated:

(a) For each calendar year, at the rate for the one-year Treasury Constant Maturity calculated by the U.S. Treasury, as published in the Federal Reserve's Statistical Release H.15 on January 15 of that year. If January 15 falls on a nonbusiness day, the utility will use the rate posted on the next following business day; and

(b) From the date of deposit to the date of refund or when applied directly to the customer's account.

(7) **When refund of deposits is required.** A utility must apply deposits plus accrued interest to the customer's account, or refund deposits plus accrued interest when there has been satisfactory payment, as defined in (a) of this subsection, or when 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:

(i) The utility has not started a disconnection process against the customer; and

(ii) The utility has sent no more than two delinquency notices to the customer.

(b) Termination of service. When service is terminated, 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, 80.04.160, and 81.04.160. 02-21-066 (Docket No. A-020405, General Order No. R-504), § 480-100-118, filed 10/16/02, effective 1/1/03. 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 480-100-123 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 discon-

nected 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.

(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 480-07-910, Informal complaints; or a formal complaint under WAC 480-07-370, Pleadings—General.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-100-123, filed 11/24/03, effective 1/1/04; 01-24-076 (General Order No. R-495, Docket No. UE-990473), § 480-100-123, filed 12/3/01, effective 1/3/02.]

WAC 480-100-128 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 480-100-133 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, 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 480-100-113, 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 480-100-138 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 480-100-143 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 480-100-148 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, 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, 80.04.160, and 81.04.160. 02-21-066 (Docket No. A-020405, General Order No. R-504), § 480-100-148, filed 10/16/02, effective 11/16/02. 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 480-100-153 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 480-80-143 (Special contracts for gas, electric, and water companies).

(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, 80.04.160, 81.04.160, and 34.05.-353. 03-22-046 (Docket No. A-030832, General Order No. R-509), § 480-100-153, filed 10/29/03, effective 11/29/03. 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 480-100-163 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 Electrical Code. Information about the National Electrical 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, 80.04.160, 81.04.160 and 34.05.353. 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-100-163, filed 8/26/02, effective 9/26/02. 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 480-100-168 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, main-

tenance, 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 480-100-173 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;

(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 480-07-910, Informal complaints; or

(b) A formal complaint against the utility as described in WAC 480-07-370, Pleadings—General.

(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. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-100-173, filed 11/24/03, effective 1/1/04; 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-173, filed 5/3/01, effective 6/3/01.]

WAC 480-100-178 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 480-100-183 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 480-100-188 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 480-100-193 Posting of tariffs for public inspection and review. Each electric utility offering service under tariff must make available for public inspection and review all tariffs governing its provision of service, as required by RCW 80.28.050. To comply with this requirement, a utility must fulfill the provisions of either subsection (1) or (2) of this section.

(1) **Web, telephone, and mail access.** The utility must:

(a) Maintain a complete copy of its tariff or tariffs and all proposed tariff changes on an Internet web site accessible to the public using generally available browser software;

(b) Provide a toll-free telephone number by which customers and applicants can obtain assistance during normal business hours from a company agent qualified to assist the customer in locating, interpreting, and applying tariff provisions;

(c) Upon written or oral request by any customer or applicant, deliver at no charge a copy of any current, proposed or most recently canceled tariff page that relates to the customer's or applicant's service; and

(d) Include on each customer bill and notice the address of the tariff web site and the toll-free telephone number.

(2) **Physical access.** The utility must make available for public inspection and copying a complete copy of its tariff or tariffs, all most recently canceled tariff sheets, and all proposed tariff changes at one or more offices in each county where it offers service, except that: A single office may serve more than one county if the office is within twenty miles of all customers in the county where no tariff is posted. The utility must provide at each office either an agent qualified to assist the customer in locating, interpreting, and applying tariff provisions or access to such an agent by a toll-free telephone number.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-100-193, filed 5/14/02, effective 6/17/02. 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 480-100-194 Publication of proposed tariff changes to increase charges or restrict access to services. Each electric utility offering service under tariff must publish all proposed changes to its tariff for at least thirty days, as required by RCW 80.28.060. For any proposed tariff change that would increase recurring or per-occurrence charges or restrict access to services (e.g., discontinue a service, or limit access to service by imposing a new usage level on existing services), a utility must fulfill the requirements of subsection (1), (2), or (3) of this section. For any other proposed tariffs, the utility must fulfill the requirements of WAC 480-100-195. The utility will not be required to accomplish publication under this section if it has agreed to suspend its tariff filing and to provide notice as provided under WAC 480-100-197.

(1) **Thirty-day notice to individual customers.** To comply under this method, the utility must, at least thirty days before the stated effective date of the proposed change, mail the posting to each customer that would be affected by the proposed change. The posting must include the information listed in subsection (4) of this section.

(2) **Published notice.** To comply under this method, the utility must, at least thirty days before the stated effective date of the proposed change, publish notice of the proposed change within the geographical areas where it offers service. To meet minimum publication requirements, a utility must:

(a) Distribute copies of the published notice to community agencies and organizations in the geographic area where it offers service for posting and publication by the agency or organization. The utility must include in its distribution list any agency or organization that requests these notices;

(b) Cause to be printed in large print, as a paid advertisement, a complete copy of the published notice in the daily newspaper of general circulation with the greatest number of subscribers in each geographic area or each of the areas affected by the proposed tariff;

(c) Provide to the news editor of every newspaper, television station, and radio station in the geographic area within which it offers service a news release or public service announcement summarizing the published notice. The release or announcement must include a toll-free number that customers can use to obtain more information from the electric utility. The commission will maintain a list of area newspapers, television, and radio stations and will provide it on request to any utility; and

(d) Post a complete copy of the published notice on an Internet web site accessible to the public using generally available browser software.

(3) **Reduced publication with shortened notice to individual customers.** To comply under this method, the utility must:

(a) Mail the posting to each customer that would be affected by the proposed change at least fifteen days before the stated effective date of the proposed change;

(b) At the time of the utility's filing with the commission, distribute copies of the published notice in the same manner as provided in subsection (2)(a) of this section;

(c) At the time of the utility's filing with the commission, provide news media notice in the same manner as provided in subsection (2)(c) of this section; and

(d) At the time of the utility's filing with the commission, post a complete copy of the published notice in the same manner as provided in subsection (2)(d) of this section.

(4) **Content of postings.** The published notice required by this rule must include, when applicable:

(a) The date the notice is issued;

(b) The utility's name and address;

(c) A brief explanation of the reason(s) the utility has requested the rate change (e.g., increase in labor costs, recovery of new plant investment, and increased office expenses, such as postage and customer billing);

(d) A comparison of current and proposed rates by service;

(e) An example showing the monthly increase of the average customer's bill based on the proposed rates (e.g., "based on the proposed rates, a typical electric customer using an average of 1,500 kwhs per month would see an average monthly increase of $10.38.");

(f) When the rates will be billed (i.e., monthly or bimonthly);

(g) The requested effective date and, if different, the implementation date;

(h) A statement that the commission has the authority to set final rates that may vary from the utility's request, which may be either higher or lower depending on the results of the investigation;

(i) A description of how customers may contact the utility if they have specific questions or need additional information about the proposal; and

(j) Public involvement language. A utility may choose from:

(i) Commission-suggested language that is available from the commission's designated public affairs officer; or

(ii) Utility-developed language that must include the commission's mailing address, toll-free number, and docket number, if known, and a brief explanation of:

(A) How to participate in the commission's process by mailing or faxing a letter, or submitting an e-mail; and

(B) How to contact the commission for process questions or to be notified of the scheduled open meeting at which the proposal will be considered by the commission.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-100-194, filed 5/14/02, effective 6/17/02.]

WAC 480-100-195 Notice of tariff changes other than increases in recurring charges and restrictions in access to services. (1) This section applies to tariff changes for other than those that are subject to WAC 480-100-194.

(2) A utility that files a tariff change to increase any charge that a customer may incur without being quoted a rate or price (e.g., late payment fees, insufficient fund charges, or a one-time charge) must provide notice to each affected customer on or with the first bill after the change becomes effective.

(a) At a minimum, the notice must include the effective date, a clear description of changes to rates or services and a utility contact number where customers may seek additional information.

(b) Methods of notice permitted include a bill insert, bill message, printing on the billing envelope, a separate mailing to all affected customers or, if the utility has the capability and the customer has authorized, by e-mail.

(3) A utility that files a tariff change that decreases rates, including promotions that temporarily waive recurring or nonrecurring charges, or that changes terms or conditions without restricting access to the service, must publish the change in the manner it posts tariffs under WAC 480-100-193.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-100-195, filed 5/14/02, effective 6/17/02.]

WAC 480-100-197 Adjudicative proceedings where public testimony will be taken. (1) For adjudicated proceedings, when scheduling a hearing to take testimony from the public, the timing, location, and amount of notice to the public or to customers will be addressed in the prehearing conference order.

(2) The notice must include all information contained in WAC 480-100-194(4), except the public involvement information in WAC 480-100-194 (4)(j). A utility must include either of the following public involvement language:

(a) Commission-suggested language that is available from the commission's designated public affairs officer; or

(b) Utility-developed language that must include the commission's mailing address, toll-free number, docket number, and a brief explanation:

(i) How to participate in the commission's process by mailing or faxing a letter, or submitting an e-mail;

(ii) How to contact the commission for process questions; and

(iii) The date, time and location of the public hearing.

(3) Methods of notice permitted include a bill insert, bill message, printing on the billing envelope, a separate mailing to all affected customers or, if the utility has the capability and the customer has authorized, by e-mail.

(4) In addition to each affected customer, a utility must notify at least one newspaper of general circulation, and at least one radio station and at least one television station in the area or each of the areas affected.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-100-197, filed 5/14/02, effective 6/17/02.]

WAC 480-100-198 Notice verification and assistance. (1) Within ten days of making a filing requiring posting, publication, or customer notice under WAC 480-100-194, 480-100-195, or 480-100-197, but no sooner than when the tariff is filed with the commission, a utility must file a statement with the commission's records center that the required notice has been posted, published, and/or mailed. The declaration must include:

(a) The methods used to post, publish, and/or give notice to customers;

(b) When and how the notice was posted, published, and/or issued to customers;

(c) How many customers are affected; and

(d) A copy of the notice.

(2) A utility may request assistance from the commission's designated public affairs officer with efforts to comply with WAC 480-100-193 through 480-100-197.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-100-198, filed 5/14/02, effective 6/17/02.]

WAC 480-100-199 Other customer notice. The commission may require notice to customers of tariff changes other than those described in these rules when the commission determines that additional customer education is needed.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-100-199, filed 5/14/02, effective 6/17/02.]

PART III—FINANCIAL RECORDS AND REPORTING RULES

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 Title 18 of the Code of Federal Regulations, Part 101. 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.

(4) This rule does not supersede any commission order regarding accounting treatments.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-100-203, filed 8/26/02, effective 9/26/02. 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.]

Subpart A: General Rules

WAC 480-100-207 Filing information. (1) **Filing.** The commission records center will accept any filing under WAC 480-100-242 (Issuing securities) delivered in person, by mail, telefacsimile, or electronic mail message. The commission records center will accept all other reports required in Part III in person, by mail, or when procedures are in place, electronic mail message.

(2) **Commission may require additional information.** The commission may require pertinent information in addition to that specified by statute or in this chapter.

(3) **Information by reference.** When any information required to support a filing is on file with the commission, it is sufficient to make specific reference to the information indicating the proceeding, report, or other filing that contains the referenced information.

(4) **When information is unavailable.** If any required information is unavailable at the time of the filing, the filing must include the reason why the information is not available and state when it will be available.

[Statutory Authority: RCW 80.01.040, 80.04.160, and 81.04.160. 05-17-026 (Docket No. A-021178 and TO-030288, General Order No. R-522), § 480-100-207, filed 8/5/05, effective 9/5/05. Statutory Authority: RCW 80.01.-040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-100-207, filed 2/28/05, effective 3/31/05.]

WAC 480-100-209 Additional reports. Part III 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, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-100-209, filed 2/28/05, effective 3/31/05.]

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 480-100-223 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 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 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 Integrated resource planning. (1) Purpose. Each electric utility regulated by the commission has the responsibility to meet its system demand with a least cost mix of energy supply resources and conservation. In furtherance of that responsibility, each electric utility must develop an "integrated resource plan."

(2) Definitions.

(a) "Integrated resource plan" or "plan" means a plan describing the mix of energy supply resources and conservation that will meet current and future needs at the lowest reasonable cost to the utility and its ratepayers.

(b) "Lowest reasonable cost" means the lowest cost mix of resources determined through a detailed and consistent analysis of a wide range of commercially available sources. At a minimum, this analysis must consider resource cost, market-volatility risks, demand-side resource uncertainties, resource dispatchability, resource effect on system operation, the risks imposed on ratepayers, public policies regarding resource preference adopted by Washington state or the federal government and the cost of risks associated with environmental effects including emissions of carbon dioxide.

(c) "Conservation" means any reduction in electric power consumption that results from increases in the efficiency of energy use, production, or distribution.

(3) Content. At a minimum, integrated resource plans must include:

(a) A range of forecasts of future demand using methods that examine the effect 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 commercially available conservation, including load management, as well as an assessment of currently employed and new policies and programs needed to obtain the conservation improvements.

(c) An assessment of a wide range of conventional and commercially available nonconventional generating technologies.

(d) An assessment of transmission system capability and reliability, to the extent such information can be provided consistent with applicable laws.

(e) A comparative evaluation of energy supply resources (including transmission and distribution) and improvements in conservation using the criteria specified in WAC 480-100-238 (2)(b), Lowest reasonable cost.

(f) Integration of the demand forecasts and resource evaluations into a long-range (e.g., at least ten years; longer if appropriate to the life of the resources considered) integrated resource plan describing the mix of resources that is designated to meet current and projected future needs at the lowest reasonable cost to the utility and its ratepayers.

(g) A short-term plan outlining the specific actions to be taken by the utility in implementing the long-range integrated resource plan during the two years following submission.

(h) A report on the utility's progress towards implementing the recommendations contained in its previously filed plan.

(4) Timing. Unless otherwise ordered by the commission, each electric utility must submit a plan within two years after the date on which the previous plan was filed with the commission. Not later than twelve months prior to the due date of a plan, the utility must provide a work plan for informal commission review. The work plan must outline the content of the integrated resource plan to be developed by the utility and the method for assessing potential resources.

(5) Public participation. Consultations with commission staff and public participation are essential to the development of an effective plan. The work plan must outline the timing and extent of public participation. In addition, the commission will hear comment on the plan at a public hearing scheduled after the utility submits its plan for commission review.

(6) The commission will consider the information reported in the integrated resource plan when it evaluates the performance of the utility in rate and other proceedings.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-03-001 (Docket Nos. UE-030311 and UG-030312, General Order No. R-526), § 480-100-238, filed 1/4/06, effective 2/4/06; 01-11-004 (Docket No. UE-990473, General Order No. R-482), § 480-100-238, filed 5/3/01, effective 6/3/01.]

Subpart B: Financial Transaction Reporting Requirements

WAC 480-100-242 Issuing securities. For the purpose of this section:

"Securities" means stocks, stock certificates, other evidence of interest or ownership, bonds, notes other than those notes exempted from reporting under RCW 80.08.043, or other evidence of indebtedness, or any obligation or liability as guarantor subject to reporting under RCW 80.08.130.

(1) Before an electric utility issues a security, it must file with the commission:

(a) A description of the purposes for which the issuance will be made, including a certification by an officer authorized to do so, that the proceeds from any such financing is for one or more of the purposes allowed by RCW 80.08.030;

(b) A description of the proposed issuance, including the terms of financing; and

(c) A statement as to why the transaction is in the public interest.

(2) A commission order is not required for such a filing. The utility may request a written order affirming that the utility has complied with the requirements of RCW 80.08.040. The utility must submit the request for a commission order, along with the information required in subsection (1) of this section, at least fifteen business days before the requested effective date for the order. Requests for supplemental orders may be exempt from the fifteen business day requirement.

(3) Filing a Registration Statement with the Securities and Exchange Commission using a shelf registration process does not constitute issuance of a security, and therefore a filing with the commission is not required under the provisions of RCW 80.08.040. A shelf registration filing is defined under the General Rules and Regulations promulgated under the Securities Act of 1933, Rule 415 - Delayed or Continuous Offering and Sale of Securities.

(4) An authorized representative must sign and date the filing and include a certification or declaration that the information is true and correct under penalty of perjury as set forth

in chapter 9A.72 RCW. The certificate or declaration must be in substantially the following form:

"I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct."

(5) Filings under this section may be submitted with portions designated confidential pursuant to WAC 480-07-160 (Confidential information).

(6) Within sixty days after the issuance of any securities, except for dividend reinvestment and employee benefit plans, a utility must file with the commission a verified statement:

(a) Outlining the final terms and conditions of the transaction; and

(b) Setting forth actual proceeds from the issuance and, to the extent known, the disposition of proceeds stating the final amount to be used for each purpose allowed by RCW 80.08.030.

[Statutory Authority: RCW 80.01.040, 80.04.160, and 81.04.160. 05-17-026 (Docket No. A-021178 and TO-030288, General Order No. R-522), § 480-100-242, filed 8/5/05, effective 9/5/05.]

WAC 480-100-244 Transferring cash or assuming obligations. (1) At least five business days before an electric utility whose corporate/issuer rating is not in one of the four highest rating categories of either Standard & Poor's L.L.C. or Moody's Investors Service, Inc., or its subsidiary transfers cash to any of its affiliated interests or subsidiaries or assumes an obligation or liability of any of its affiliated interests or any of its subsidiaries, the utility must report to the commission an estimate of the amount to be transferred and the terms of the transaction when the transaction will exceed thresholds described in (a) or (b) of this subsection.

(a) The utility must report if the cumulative transactions to a subsidiary or affiliated interest for the prior twelve months exceed a threshold of two percent, which is based on the utility's common shareholders equity.

(b) When the threshold in (a) of this subsection has been reached, the utility must report each subsequent transaction exceeding a threshold of one percent for the prior twelve-month period, which is based on the utility's common shareholders equity.

A utility's common shareholder equity is determined according to the latest annual report filed pursuant to WAC 480-100-252 (Federal Energy Regulatory Commission (FERC) Form No. 1). 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).

(2) The reporting requirements in subsection (1) in this section do not include payments for:

(a) Federal and state taxes;

(b) Goods, services, or commodities, including fuel supplies (e.g., gas, coal, or oil);

(c) Transactions, attributed to the regulated entity, previously approved or ordered by the commission, other regulatory agencies, or the court;

(d) Dividends to the extent the level of such dividends over a twelve-month period does not exceed the larger of:

(i) Net income during such period; or

(ii) The average level of dividends over the preceding three years; or

(e) Sweep or cash management accounts used to transfer funds to or from a subsidiary or affiliate as part of the customary and routine cash management functions between or among the utility and its subsidiary or affiliate.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-100-244, filed 2/28/05, effective 3/31/05.]

WAC 480-100-245 Affiliated interests—Contracts or arrangements. Prior to the effective date of any contract or arrangement described in RCW 80.16.020, each electric utility must file a verified copy or a verified summary, if unwritten, of contracts or arrangements, except transactions provided at tariff rates, with any affiliated interest. Prior to the effective date of any modification or amendment, the utility must file verified copies of the modifications or amendments to the contracts or arrangements. If the contract or arrangement is unwritten, the utility must file a verified summary of any modification or amendment. The commission may institute an investigation and disapprove the contract or arrangement if the commission finds the utility has failed to prove that it is reasonable and consistent with the public interest.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-100-245, filed 2/28/05, effective 3/31/05.]

WAC 480-100-248 Transfers of property. Before selling, leasing, or assigning any of its property or facilities which are necessary or useful in the performance of its duties to the public, or before acquiring property or facilities of another public utility, an electric utility must obtain from the commission an order authorizing such transaction in accordance with chapters 80.12 RCW (Transfers of property) and 480-143 WAC (Commission general—Transfers of property).

[Statutory Authority: RCW 80.01.040, 80.04.160, and 81.04.160. 05-17-026 (Docket No. A-021178 and TO-030288, General Order No. R-522), § 480-100-248, filed 8/5/05, effective 9/5/05. Statutory Authority: RCW 80.01.-040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-100-248, filed 2/28/05, effective 3/31/05.]

Subpart C: Annual Reporting Requirements

WAC 480-100-252 Federal Energy Regulatory Commission (FERC) Form No. 1. (1) Each electric utility must use the annual report form (FERC Form No. 1) promulgated by the Federal Energy Regulatory Commission in Title 18 of the Code of Federal Regulations, Part 141, for purposes of this report to the 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. The utility 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 No. 1, 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).

(2) Each utility 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.

(3) 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 methods for rate-making purposes is accomplished only by commission order.

(4) 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.

(5) **Regulatory fees.** The electric utility annual regulatory fee is set by statute at one-tenth of one percent of the first fifty thousand dollars of gross intrastate operating revenue plus two-tenths of one percent of any gross intrastate operating revenue in excess of fifty thousand dollars.

(a) The maximum regulatory fee is assessed each year, unless the commission issues an order establishing the regulatory fee at an amount less than the statutory maximum.

(b) The minimum regulatory fee that an electric utility must pay is twenty dollars.

(c) The twenty-dollar minimum regulatory fee is waived for any electric utility with less than twenty thousand dollars in gross intrastate operating revenue.

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

(e) If a company does not pay its regulatory fee by May 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.

[Statutory Authority: RCW 80.01.040(4), 81.04.160, and 34.05.353. 06-08-057 (Docket A-060085, General Order No. R-531), § 480-100-252, filed 3/31/06, effective 5/1/06. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-100-252, filed 2/28/05, effective 3/31/05.]

WAC 480-100-257 Commission basis report. (1) Commission basis reports are due within four months of the end of a utility's fiscal year.

(2) The intent of the commission basis report is to depict the electric operations of an electric utility under normal temperature and power supply conditions during the reporting period. The commission basis report must include:

(a) 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;

(b) Results of operations adjusted for any material out-of-period, nonoperating, nonrecurring, and extraordinary items or any other item that materially distorts reporting period earnings and rate base; and

(c) Booked revenues and power supply expenses adjusted to reflect operations under normal temperature and power supply conditions before the achieved return on rate base is calculated.

(3) 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.

(4) Each utility 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.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-100-257, filed 2/28/05, effective 3/31/05.]

WAC 480-100-262 Securities report. Each electric utility that has issued securities must file with the commission an annual securities transaction report. The report is due five months from the end of the utility's reporting period, whether a fiscal or calendar year. At a minimum, the report must contain:

(1) A schedule of the securities issued during the reporting period including a detailed description of the final agreements;

(2) A description of the use of proceeds stating the amounts used for each purpose allowed by RCW 80.08.030;

(3) The level of expenses for each of the securities transactions for the reporting period;

(4) A schedule of securities retired, refunded, repurchased, or otherwise removed from the utility's capitalization; and

(5) A schedule of securities scheduled to mature in the fiscal or calendar year following the reporting period.

[Statutory Authority: RCW 80.01.040, 80.04.160, and 81.04.160. 05-17-026 (Docket No. A-021178 and TO-030288, General Order No. R-522), § 480-100-262, filed 8/5/05, effective 9/5/05.]

WAC 480-100-264 Affiliated interest and subsidiary transactions report. (1) Each electric utility must file an annual report summarizing all transactions, except transactions provided at tariff rates, that occurred between the utility and its affiliated interests, and the utility and its subsidiaries. The report is due one hundred fifty days from the end of each reporting period, whether a fiscal or calendar year. The report must include a corporate organization chart of the utility and its affiliated interests and subsidiaries.

(2) When total transactions with an affiliated interest or a subsidiary are less than one hundred thousand dollars for the reporting period, the utility must provide the name of the affiliated interest or subsidiary participating in the transactions and the total dollar amounts of the transactions. When total transactions with an affiliated interest or subsidiary equal or exceed one hundred thousand dollars for the reporting period, the utility must provide:

(a) A balance sheet and income statement for such affiliated interest;

(b) A description of the products or services provided to or from the utility and each such affiliated interest or subsidiary;

(c) A description of the pricing basis or costing method, and procedures for allocating costs for such products or services, and the amount and accounts charged during the year;

(d) A description of the terms of any loans between the utility and each such affiliated interest or subsidiary and a listing of the year-end loan amounts and maximum loan amounts outstanding during the year;

(e) A description of the terms and total amount of any obligation or liability assumed by the utility for each such affiliated interest or subsidiary;

(f) A description of the activities of each such affiliated interest or subsidiary with which the utility has transactions; and

(g) A list of all common officers and directors between the electric utility and each such affiliated interest or subsidiary, along with their titles in each organization.

(3) The report required in this section supersedes the reporting requirements contained in previous commission orders authorizing affiliated interest transactions pursuant to chapter 80.16 RCW.

(4) The utility is obligated to file verified copies of affiliated interest contracts and arrangements as stated in WAC 480-100-245 (Affiliated interest—Contracts and arrangements).

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-100-264, filed 2/28/05, effective 3/31/05.]

WAC 480-100-268 Essential utilities services contracts report. (1) When the annual transactions with a vendor exceed one and one-half percent of total company sales to ultimate customers as reported in the utility's most recent Federal Energy Regulatory Commission (FERC) Form No. 1 (or combined Forms No. 1 and No. 2 for combined utilities), each electric utility must report the total contracts with that vendor for essential utility services specifying the relevant terms of the contract or contracts, along with anticipated associated charges. 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).

(2) The report of essential service vendors is due one hundred twenty days from the end of each reporting period, whether a fiscal or calendar year.

(3) For each vendor the report must include:

(a) The parties to the contract;

(b) The type of contract;

(c) The essential obligations of each party to the contract;

(d) The length of the contract;

(e) The budgeted annual dollar value of the contract during the reporting period; and

(f) The actual payments for services rendered under the contract during the reporting period.

(4) Essential utility services are those services necessary to provide electric service such as:

(a) Operation or maintenance of electric system infrastructure;

(b) Operation or maintenance of computer systems;

(c) Purchase of electricity for classes of customer service regulated by the commission; and

(d) Construction of electric system infrastructure.

(5) The requirements under this section may be satisfied in whole or in part by cross-reference to the applicable portions of other documents that the utility has on file with the commission.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-100-268, filed 2/28/05, effective 3/31/05.]

Subpart D: Quarterly Reporting Requirement

WAC 480-100-275 Actual results for Washington operations report. Within sixty days of the end of each quarter, each electric utility must file a report of actual results for Washington operations. 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.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-100-275, filed 2/28/05, effective 3/31/05.]

PART IV—LEASE OF UTILITY FACILITIES

WAC 480-100-282 Application for approval of lease of utility facilities. Under the provisions of RCW 80.04.520, the applicant must certify that the requested approval of lease of utility facilities is necessary to exempt any owner of the facilities from being a public utility company under the Public Utility Holding Company Act of 1935.

[Statutory Authority: RCW 80.01.040, 80.04.160, and 81.04.160. 05-17-026 (Docket No. A-021178 and TO-030288, General Order No. R-522), § 480-100-282, filed 8/5/05, effective 9/5/05.]

WAC 480-100-287 Form of lease application. A filing for approval of lease of utility facilities must be submitted in the following form:

Before The Washington Utilities And Transportation Commission

In the Matter of the Application of (insert name) for an Order Approving the Lease of Utility Facilities.	No. . . . (Number to be inserted by Commission)

. . . . . .

Application is hereby made to the Washington Utilities and Transportation Commission for an order authorizing the lease of utility facilities. The following general information and exhibits are furnished in support:

GENERAL INFORMATION

1. Name of applicant.
2. Address of principal office of applicant.
3. Name and address of attorney or agent.
4. State or states under which applicant is organized and form of organization.

5. A general description of the property owned by applicant and the field of its operations.

EXHIBIT "A"

A statement by applicant certifying that the requested approval is necessary or appropriate to exempt any owner of the facilities from being a public utility company under the federal Public Utility Holding Company Act of 1935.

EXHIBIT "B"

Detailed unconsolidated balance sheet as of three months before the date the application is filed, and a pro forma balance sheet as of the same date showing the effect of the proposed lease. Indicate separately the amount of intangibles and the amount reflected in plant acquisition adjustment account if such items are included in the fixed capital or utility plant accounts of the balance sheet.

EXHIBIT "B-1"

(A) Detailed income and profit-and-loss statement for the twelve months ended as of the date of the balance sheet submitted as Exhibit "B."

(B) Reconcilement of the retained earnings account for the period covered by the income and profit-and-loss statement. Retained earnings should be segregated from other surplus accounts.

EXHIBIT "C"

1. A description of the property to be leased.
2. The historical or original cost of the property to be leased and the related accrued depreciation. (Estimated in both cases if actual amounts are not known.)
3. The amount of contributions in aid of construction.
4. Terms of the lease.

EXHIBIT "D"

Economic and financial justification for entering into the proposed lease including a lease versus purchase analysis.

EXHIBIT "E"

Show such other facts that may be pertinent to the application.

The undersigned applicant requests that the Washington Utilities and Transportation Commission enter an order granting this application.
Dated this _____ day of
_____, 20__.

By_____
(Applicant/Title)

[Statutory Authority: RCW 80.01.040, 80.04.160, and 81.04.160. 05-17-026 (Docket No. A-021178 and TO-030288, General Order No. R-522), § 480-100-287, filed 8/5/05, effective 9/5/05.]

PART V—METERING RULES

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 480-100-313 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.

[Stautory 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.

(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.]

PART VI—SAFETY AND STANDARDS RULES

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.]

PART VII—GREENHOUSE GAS EMISSIONS

WAC 480-100-405 Electrical company generation resource compliance with the greenhouse gases emissions performance standard. (1) No electrical company may enter into a long-term financial commitment after June 30, 2008, for the supply of baseload generation unless such generation complies with the greenhouse gases emissions performance standard. Electrical companies bear the burden to prove compliance with the greenhouse gases emissions performance standard under the requirements of WAC 480-100-415 or as part of a general rate case. For electrical companies that fail to carry their burden of proof, the commission may disallow recovery of some or all costs in rates, impose penalties, or take such other action as is consistent with law. Electrical companies seeking to prove compliance with the greenhouse gases emissions standard as part of a general rate case must submit all of the information specified in WAC 480-100-415.

(2) The following definitions apply for purposes of this section, WAC 480-100-415, 480-100-425, and 480-100-435:

(a) "Baseload electric generation" means electric generation from a power plant that is designed and intended to provide electricity at an annualized plant capacity factor of at least sixty percent.

(b) "Electricity from unspecified sources" means electricity that is to be delivered in Washington pursuant to a long-term financial commitment entered into by an electrical company and whose sources or origins of generation and expected average annual deliveries cannot be ascertained with reasonable certainty.

(c) "Greenhouse gases emissions performance standard" means the standard established in RCW 80.80.040, WAC 173-407-120 and 173-407-130, and the verification and measurement procedures contained in WAC 173-407-140, 173-407-230, and 173-407-300.

(d) "Long-term financial commitment" means either a new ownership interest in baseload electric generation or an upgrade to a baseload electric generation facility; or a new or renewed contract for baseload electric generation with a term of five or more years for provision of retail power or wholesale power to end-use customers in this state.

(e) "New ownership interest" means a change in the ownership structure of a baseload power plant or a cogeneration facility or the electrical generation portion of a cogeneration facility affecting at least:

(i) Five percent of the market value of the power plant or cogeneration facility; or

(ii) Five percent of the electrical output of the power plant or cogeneration facility.

The above thresholds apply to each unit within a multi-unit generation facility. A direct or indirect change in ownership of an electrical company does not constitute a new ownership interest in baseload electric generation.

(f) "Plant capacity factor" means the ratio of the electricity produced during a given time period, measured in kilowatt hours, to the electricity the unit could have produced if it had been operated at its rated capacity during that period, expressed in kilowatt hours.

(g) "Power plant" means a facility for the generation of electricity that is permitted as a single plant by the energy facility site evaluation council or a local jurisdiction.

(h) "Upgrade" means any modification made for the primary purpose of increasing the electric generation capacity of a baseload electric generation facility or unit. Upgrade does not include:

(i) Routine or necessary maintenance;

(ii) Installation of emission control equipment;

(iii) Installation, replacement, or modification of equipment that improves the heat rate of the facility; or

(iv) Installation, replacement, or modification of equipment for the primary purpose of maintaining reliable generation output capability that does not increase the heat input or fuel usage as specified in existing generation air quality permits as of July 22, 2007, but may result in incidental increases in generation capacity.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 80.80.060. 08-23-047 (Docket UE-080111, General Order R-553), § 480-100-405, filed 11/14/08, effective 12/15/08.]

WAC 480-100-415 Electrical company applications for commission determination outside of a general rate case of electric generation resource compliance with greenhouse gases emissions performance standard. (1) An electrical company may apply for determination by the commission outside of a general rate case of whether an electric generation resource it proposes to acquire as a long-term financial commitment complies with the greenhouse gases

emissions performance standard, including whether the resource is baseload electric generation, whether the company has a need for the resource, and whether the proposed resource is appropriate to meet that need. Such an application must include the following information:

(a) The electrical company's most recent integrated resource plan filed under WAC 480-100-238 and a description of how the proposed electric generation resource meets the resource need, resource investment strategies and other factors identified in the integrated resource plan.

(b) If the proposed electric generation resource is a specific power plant:

(i) The plant technology, design, fuel and fuel consumption;

(ii) Any site certificate or other permits necessary for operation of the power plant, including, for power plants located in Washington, any determination made by the department of ecology or the energy facility site evaluation council regarding compliance with the greenhouse gases emissions performance standard;

(iii) Such other information as is available concerning the exhaust emissions characteristics of the plant; and

(iv) The expected cost of the power generation to be acquired from the plant.

(c) If the proposed electric generation resource is a power purchase contract including contracts for delivery of electricity from unspecified sources:

(i) The proposed contract;

(ii) The technology, location, design, fuel and fuel consumption of any power plant, or plants, identified in the contract as the source of the contracted power deliveries, including such information as is knowable regarding the proportionate share each power source, or type of plant, will contribute to deliveries on an annual basis over the life of the contract;

(iii) Such other information as is available concerning the exhaust emissions characteristics of the plant(s) supporting contracted power deliveries; and

(iv) The contract term and expected cost of the power to be acquired through the power purchase agreement.

(2) The commission will consider the application pursuant to chapter 34.05 RCW (Part IV) following the procedures established in chapter 480-07 WAC. The schedule for a proceeding under this subsection will take into account both:

(a) The needs of the parties to the proposed resource acquisition or power purchase agreement for timely decisions that allow transactions to be completed; and

(b) The procedural rights to be provided to parties in chapter 34.05 RCW (Part IV), including intervention, discovery, briefing, and hearing.

(3) The commission will not decide in a proceeding under this section, issues involving the actual costs to construct and operate the selected resource, cost recovery, or other issues reserved by the commission for decision in a general rate case or other proceeding authorized by the commission for recovery of the resource or contract costs.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 80.80.060. 08-23-047 (Docket UE-080111, General Order R-553), § 480-100-415, filed 11/14/08, effective 12/15/08.]

WAC 480-100-425 Electrical company applications for exemption from the greenhouse gas emissions performance standard. (1) An electrical company may apply to the commission for a case-by-case exemption from the greenhouse gases emissions performance standard to address:

(a) Unanticipated electric system reliability needs; or

(b) Catastrophic events or threat of significant financial harm that may arise from unforeseen circumstances.

(2) An electrical company's application under subsection (1)(a) of this section must include:

(a) A description of the electric system reliability needs including an explanation of why these needs were not anticipated, and why they cannot be addressed with other baseload electric generation that complies with the greenhouse gases performance standard.

(b) The estimated duration of the exemption necessary to address the reliability need.

(c) A description of any long-term financial commitment the company proposes to enter into to address the reliability need including all of the information specified in WAC 480-100-415.

(3) An electrical company's application under subsection (1)(b) of this section must include:

(a) A description of the catastrophic event or threat of significant financial harm and an explanation of why the circumstances from which the event or harm arose were not foreseen including:

(i) An explanation of why the circumstances cannot be addressed with baseload generation that complies with the greenhouse gases performance standard;

(ii) What the anticipated negative financial impact would be to the company if such exemption were denied;

(b) The estimated duration of the exemption necessary to address the catastrophic event or threat of significant financial harm.

(c) A description of any long-term financial commitment the company proposes to enter into to address the catastrophic event or threat of significant financial harm including all of the information specified in WAC 480-100-415.

(4) An electrical company may propose recovery of costs associated with an application under this rule as part of a general rate case.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 80.80.060. 08-23-047 (Docket UE-080111, General Order R-553), § 480-100-425, filed 11/14/08, effective 12/15/08.]

WAC 480-100-435 Electrical company deferral of costs associated with long-term financial commitments—Notice and reporting. (1) An electrical company may account for and defer for later consideration by the commission costs incurred in connection with a long-term financial commitment for baseload electric generation, including operating and maintenance costs, depreciation, taxes, and cost of invested capital.

(2) An electrical company deferring costs under subsection (1) of this section must:

(a) Notify the commission within ten business days of its intent to defer such costs; and

(b) File quarterly with the commission a report documenting the balances of costs deferred in a form specified by the commission.

(3) The deferral begins with the date on which the power plant begins commercial operation or the effective date of the power purchase agreement and continues for a period not to exceed twenty-four months; provided that if during such period the company files a general rate case or other proceeding for the recovery of such costs, deferral ends on the effective date of the final decision by the commission in such proceeding. Creation of such a deferral account does not by itself determine the actual costs of the long-term financial commitment, whether recovery of any or all of these costs is appropriate, or other issues to be decided by the commission in a general rate case or other proceeding authorized by the commission for recovery of these costs.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 80.80.060. 08-23-047 (Docket UE-080111, General Order R-553), § 480-100-435, filed 11/14/08, effective 12/15/08.]

PART VIII—ADOPTION BY REFERENCE

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, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on April 1, 2008.

(b) The accounting and reporting for the types of transactions and events covered by the amendment should not be construed as indicative of their treatment by this commission for ratemaking purposes.

(c) This publication is referenced in WAC 480-100-203 (Accounting system requirements), WAC 480-100-244 (Transferring cash or assuming obligation), WAC 480-100-252 (Federal Energy Regulatory Commission (FERC) Form No. 1), and WAC 480-100-268 (Essential utilities services contracts report).

(d) Copies of Title 18 Code of Federal Regulations are available from the U.S. Government Online Bookstore, http://bookstore.gpo.gov/, and from various third-party vendors.

(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 Electrical Code** is published by the National Fire Protection Association (NFPA).

(a) The commission adopts the version published in 2005.

(b) This publication is referenced in WAC 480-100-163 (Service entrance facilities).

(c) The National Electrical 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 2001.

(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, 80.04.160, 81.04.160, and 34.05.353. 09-01-171 (Docket A-081419, General Order R-554), § 480-100-999, filed 12/23/08, effective 1/23/09; 06-17-087 (Docket A-060475, General Order No. R-537), § 480-100-999, filed 8/14/06, effective 9/14/06; 05-21-022 (Docket No. A-050271, General Order No. R-521), § 480-100-999, filed 10/10/05, effective 11/10/05; 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-100-999, filed 2/28/05, effective 3/31/05; 04-01-152 (General Order No. R-511, Docket No. A-030852), § 480-100-999, filed 12/22/03, effective 1/22/04; 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-100-999, filed 8/26/02, effective 9/26/02. 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 480-107 WAC

ELECTRIC COMPANIES—PURCHASES OF ELECTRICITY FROM QUALIFYING FACILITIES AND INDEPENDENT POWER PRODUCERS AND PURCHASES OF ELECTRICAL SAVINGS FROM CONSERVATION SUPPLIERS

WAC

480-107-001	Purpose and scope.
480-107-002	Application of rules.
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480-107-015	The solicitation process.
480-107-025	Contents of the solicitation.
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480-107-105	Rates for sales to qualifying facilities.
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480-107-135	Conditions for purchase of electrical power or savings from a utility, a utility's subsidiary or affiliate.
480-107-145	Filings—Investigations.
480-107-999	Adoption by reference.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-107-005 Definitions. [Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. 03-22-046 (Docket No. A-030832, General Order No. R-509), § 480-107-005, filed 10/29/03, effective 11/29/03. Statutory Authority: RCW 80.01.040 and 80.04.160. 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-005, filed 7/18/89.] Repealed by 06-08-025 (Docket No. UE-030423, General Order No. R-530),

filed 3/28/06, effective 4/28/06. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-107-010 Filing requirements for prototype contracts. [Statutory Authority: RCW 80.01.040 and 80.04.160. 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-010, filed 7/18/89.] Repealed by 06-08-025 (Docket No. UE-030423, General Order No. R-530), filed 3/28/06, effective 4/28/06. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-107-020 Eligibility for long-run generating facility purchase rates. [Statutory Authority: RCW 80.01.040. 94-07-045 (Order R-409, Docket No. UE-931302), § 480-107-020, filed 3/10/94, effective 4/10/94. Statutory Authority: RCW 80.01.040 and 80.04.160. 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-020, filed 7/18/89.] Repealed by 06-08-025 (Docket No. UE-030423, General Order No. R-530), filed 3/28/06, effective 4/28/06. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-107-030 Eligibility for long-run conservation purchase rates. [Statutory Authority: RCW 80.01.040 and 80.04.160. 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-030, filed 7/18/89.] Repealed by 06-08-025 (Docket No. UE-030423, General Order No. R-530), filed 3/28/06, effective 4/28/06. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-107-040 Size of resource block. [Statutory Authority: RCW 80.01.040 and 80.04.160. 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-040, filed 7/18/89.] Repealed by 06-08-025 (Docket No. UE-030423, General Order No. R-530), filed 3/28/06, effective 4/28/06. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-107-050 Avoided cost schedules. [Statutory Authority: RCW 80.01.040. 94-07-045 (Order R-409, Docket No. UE-931302), § 480-107-050, filed 3/10/94, effective 4/10/94. Statutory Authority: RCW 80.01.040 and 80.04.160. 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-050, filed 7/18/89.] Repealed by 06-08-025 (Docket No. UE-030423, General Order No. R-530), filed 3/28/06, effective 4/28/06. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-107-060 The solicitation process. [Statutory Authority: RCW 80.01.040. 94-07-045 (Order R-409, Docket No. UE-931302), § 480-107-060, filed 3/10/94, effective 4/10/94. Statutory Authority: RCW 80.01.040 and 80.04.160. 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-060, filed 7/18/89.] Repealed by 06-08-025 (Docket No. UE-030423, General Order No. R-530), filed 3/28/06, effective 4/28/06. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-107-070 Project ranking procedure. [Statutory Authority: RCW 80.01.040. 94-07-045 (Order R-409, Docket No. UE-931302), § 480-107-070, filed 3/10/94, effective 4/10/94. Statutory Authority: RCW 80.01.040 and 80.04.160. 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-070, filed 7/18/89.] Repealed by 06-08-025 (Docket No. UE-030423, General Order No. R-530), filed 3/28/06, effective 4/28/06. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-107-080 Pricing and contracting procedures. [Statutory Authority: RCW 80.01.040. 94-07-045 (Order R-409, Docket No. UE-931302), § 480-107-080, filed 3/10/94, effective 4/10/94. Statutory Authority: RCW 80.01.040 and 80.04.160. 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-080, filed 7/18/89.] Repealed by 06-08-025 (Docket No. UE-030423, General Order No. R-530), filed 3/28/06, effective 4/28/06. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-107-090 Security considerations. [Statutory Authority: RCW 80.01.040 and 80.04.160. 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-090, filed 7/18/89.] Repealed by 06-08-025 (Docket No. UE-030423, General Order No. R-530), filed 3/28/06, effective 4/28/06. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-107-100 Contract finalization. [Statutory Authority: RCW 80.01.040. 94-07-045 (Order R-409, Docket No. UE-931302), § 480-107-100, filed 3/10/94, effective 4/10/94. Statutory Authority: RCW 80.01.040 and 80.04.160. 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-100, filed 7/18/89.] Repealed by 06-08-025 (Docket No. UE-030423, General Order No. R-530), filed 3/28/06, effective 4/28/06. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-107-110 Obligations of generating facilities to electric utility. [Statutory Authority: RCW 80.01.040 and 80.04.160. 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-110, filed 7/18/89.] Repealed by 06-08-025 (Docket No. UE-030423, General Order No. R-530), filed 3/28/06, effective 4/28/06. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-107-120 Obligations of electric utility to qualifying facilities. [Statutory Authority: RCW 80.01.040. 94-07-045 (Order R-409, Docket No. UE-931302), § 480-107-120, filed 3/10/94, effective 4/10/94. Statutory Authority: RCW 80.01.040 and 80.04.160. 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-120, filed 7/18/89.] Repealed by 06-08-025 (Docket No. UE-030423, General Order No. R-530), filed 3/28/06, effective 4/28/06. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-107-130 Rates for sales to qualifying facilities. [Statutory Authority: RCW 80.01.040 and 80.04.160. 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-130, filed 7/18/89.] Repealed by 06-08-025 (Docket No. UE-030423, General Order No. R-530), filed 3/28/06, effective 4/28/06. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-107-140 System emergencies. [Statutory Authority: RCW 80.01.040 and 80.04.160. 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-140, filed 7/18/89.] Repealed by 06-08-025 (Docket No. UE-030423, General Order No. R-530), filed 3/28/06, effective 4/28/06. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-107-150 Interconnection costs. [Statutory Authority: RCW 80.01.040 and 80.04.160. 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-150, filed 7/18/89.] Repealed by 06-08-025 (Docket No. UE-030423, General Order No. R-530), filed 3/28/06, effective 4/28/06. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-107-160 Special conditions for purchase of electrical power or savings from a utility subsidiary. [Statutory Authority: RCW 80.01.040 and 80.04.160. 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-160, filed 7/18/89.] Repealed by 06-08-025 (Docket No. UE-030423, General Order No. R-530), filed 3/28/06, effective 4/28/06. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-107-170 Filings—Investigations—Exceptions. [Statutory Authority: RCW 80.01.040 and 80.04.160. 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-170, filed 7/18/89.] Repealed by 06-08-025 (Docket No. UE-030423, General Order No. R-530), filed 3/28/06, effective 4/28/06. Statutory Authority: RCW 80.01.040 and 80.04.160.

WAC 480-107-001 Purpose and scope. (1) The rules in this chapter require utilities to solicit bids, rank project proposals, and identify any bidders that meet the minimum selection criteria. The rules in this chapter do not establish the sole procedures utilities must use to acquire new resources. Utilities may construct electric resources, operate conservation programs, purchase power through negotiated contracts, or take other action to satisfy their public service obligations.

(2) The commission will consider the information obtained through these bidding procedures when it evaluates the performance of the utility in rate and other proceedings.

(3) The rules in this chapter are consistent with the provisions of the Public Utility Regulatory Policies Act of 1978 (PURPA), Title II, sections 201 and 210, and related regulations promulgated by the Federal Energy Regulatory Commission (FERC) in 18 C.F.R. Part 292. To the extent of any conflict between these rules and PURPA, or the related rules promulgated by FERC in 18 C.F.R. Part 292, PURPA and those related rules control. Purchase of electric power under

these rules satisfies a utility's obligation to purchase power from qualifying facilities under section 210 of PURPA.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-08-025 (Docket No. UE-030423, General Order No. R-530), § 480-107-001, filed 3/28/06, effective 4/28/06. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.-160, and 34.05.353. 03-22-046 (Docket No. A-030832, General Order No. R-509), § 480-107-001, filed 10/29/03, effective 11/29/03. Statutory Authority: RCW 80.01.040 and 80.04.160. 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-001, filed 7/18/89.]

WAC 480-107-002 Application of rules. (1) The rules in this chapter apply to any utility that is subject to the commission's jurisdiction under RCW 80.04.010 and chapter 80.28 RCW.

(2) Any affected person may ask the commission to review the interpretation or application of these rules by a utility or customer by making an informal complaint under WAC 480-07-910, Informal complaints, or by filing a formal complaint under WAC 480-07-370, Pleading—General.

(3) No exception from the provisions of any rule in this chapter is permitted without prior written authorization by the commission. Such exceptions may be granted only if consistent with the public interest, the purposes underlying regulation, and applicable statutes. Any deviation from the provisions of any rule in this chapter without prior commission authorization will be subject to penalties as provided by law.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-08-025 (Docket No. UE-030423, General Order No. R-530), § 480-107-002, filed 3/28/06, effective 4/28/06.]

WAC 480-107-004 Additional requirements. (1) These rules do not relieve any utility from any of its duties and obligations under the laws of the state of Washington.

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

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-08-025 (Docket No. UE-030423, General Order No. R-530), § 480-107-004, filed 3/28/06, effective 4/28/06.]

WAC 480-107-006 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. 06-08-025 (Docket No. UE-030423, General Order No. R-530), § 480-107-006, filed 3/28/06, effective 4/28/06.]

WAC 480-107-007 Definitions. **"Affiliate"** means a person or corporation that meets the definition of an "affiliated interest" in RCW 80.16.010.

"Avoided costs" means the incremental costs to a utility of electric energy, electric capacity, or both, that the utility would generate itself or purchase from another source, but for purchases to be made under these rules. A utility's avoided costs are the prices, terms and conditions, including the period of time and the power supply attributes, of the least cost final contract entered into as a result of the competitive bidding process described in these rules. If no final contract is entered into in response to a request for proposal (RFP) issued by a utility under these rules, the utility's avoided costs are the lesser of:

(1) The price, terms and conditions set forth in the least cost project proposal that meets the criteria specified in the RFP; or

(2) Current projected market prices for power with comparable terms and conditions.

"Back-up power" means electric energy or capacity supplied by a utility to replace energy ordinarily supplied by utility-owned generation or purchased through contracts that is unavailable due to an unscheduled outage.

"Commission" means the Washington utilities and transportation commission.

"Conservation" means any reduction in electric power consumption that results from increases in the efficiency of energy use, production or distribution, or from demand response, load management or efficiency measures that reduce peak capacity demand.

"Conservation supplier" means a third party supplier or utility affiliate that provides equipment or services that save capacity or energy.

"Economic dispatch" means modifying the scheduling of power purchases from a generating facility within contractually specified limits to minimize the costs of delivering electricity.

"Generating facilities" means plant and other equipment used to generate electricity purchased through contracts entered into under these rules.

"Independent power producers" means an entity that owns generating facilities or portions thereof that are not included in a utility's rate base and that are not qualifying facilities as defined in this section.

"Integrated resource plan" or **"IRP"** means the filing made every two years by a utility in accordance with WAC 480-100-238 Integrated resource planning.

"Interruptible power" means electric energy or capacity supplied to a utility by a generating facility, the availability of which may be interrupted under certain conditions.

"Maintenance power" means electric energy or capacity supplied by a utility during scheduled outages of a generating facility.

"Project developer" means an individual, association, corporation, or other legal entity that can enter into a power or conservation contract with the utility.

"Project proposal" means a project developer's document containing a description of a project and other information responsive to the requirements set forth in a request for proposal, also known as a bid.

"Qualifying facilities" means generating facilities that meet the criteria specified by the FERC in 18 C.F.R. Part 292 Subpart B.

"Request for proposals" or **"RFPs"** means the documents describing a utility's solicitation of bids for delivering electric capacity, energy, or capacity and energy, or conservation.

"Resource block" means the deficit of capacity and associated energy that the IRP shows for the near term.

"Subsidiary" means any company in which the utility owns directly or indirectly five percent or more of the voting securities, and that may enter a power or conservation contract with that electric utility. A company is not a subsidiary

if the utility can demonstrate that it does not control that company.

"Supplementary power" means electric energy or capacity supplied by a utility that is regularly used by a generating facility in addition to that which the facility generates itself.

"Utility" means an electrical company as defined by RCW 80.04.010.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-08-025 (Docket No. UE-030423, General Order No. R-530), § 480-107-007, filed 3/28/06, effective 4/28/06.]

WAC 480-107-015 The solicitation process. (1) Any owner of a generating facility, developer of a potential generating facility, marketing entity, or provider of energy savings may participate in the RFP process. Bidders may propose a variety of energy resources including: Electrical savings associated with conservation; electricity from qualifying facilities; electricity from independent power producers; and, at the utility's election, electricity from utility subsidiaries, and other electric utilities, whether or not such electricity includes ownership of property. Qualifying facility producers with a generation capacity of one megawatt or less may choose to participate in the utilities' standard tariffs without filing a bid.

(2) A utility may participate in the bidding process as a power supplier, or may allow a subsidiary or affiliate to participate in the bidding process as a power supplier, on conditions described in WAC 480-107-135 Conditions for purchase of electrical power or savings from a utility's subsidiary or affiliate. The utility's RFP submittal must declare the utility's or affiliate's participation and must demonstrate how the utility will satisfy the requirements of WAC 480-107-135.

(3) Timing of the solicitation process.

(a) The rules in this section do not apply when a utility's integrated resource plan, prepared pursuant to WAC 480-100-238, demonstrates that the utility does not need additional capacity within three years.

(b) A utility must submit to the commission a proposed request for proposals and accompanying documentation no later than one hundred thirty-five days after the utility's integrated resource plan is due to be filed with the commission. Interested persons will have sixty days from the RFP's filing date with the commission to submit written comments to the commission on the RFP. The commission will approve or suspend the RFP within thirty days after the close of the comment period.

(c) A utility must solicit bids for electric power and electrical savings within thirty days of a commission order approving the RFP.

(d) All bids will remain sealed until expiration of the solicitation period specified in the RFP.

(4) In addition to the solicitation process required by these rules, a utility may, at its own discretion, issue an RFP that limits project proposals to resources with specific characteristics. In addition, a utility, at its own discretion, may issue RFPs more frequently than required by this rule.

(5) Persons interested in receiving commission notice of a specific utility's RFP filings can request the commission to place their names on a mailing list for notification of future RFP filings by that utility.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-08-025 (Docket No. UE-030423, General Order No. R-530), § 480-107-015, filed 3/28/06, effective 4/28/06.]

WAC 480-107-025 Contents of the solicitation. (1) The RFP must identify the resource block, consisting of the overall amount and duration of power the utility is soliciting, the initial estimate of avoided cost schedule as calculated in WAC 480-107-055 Avoided cost schedule, and any additional information necessary for potential bidders to make a complete bid.

(2) The RFP must document that the size of the resource block is consistent with the range of estimated new resource needs identified in the utility's integrated resource plan.

(3) The RFP must explain general evaluation and ranking procedures the utility will use in accordance with WAC 480-107-035 Project ranking procedure. The RFP must also specify any minimum criteria that bidders must satisfy to be eligible for consideration in the ranking procedure.

(4) The RFP must specify the timing of process including the solicitation period, the ranking period, and the expected selection period.

(5) The RFP must identify all security requirements and the rationale for them.

(6) Utilities are encouraged to consult with commission staff during the development of the RFP. Utilities, at their own discretion, may submit draft RFPs for staff review prior to formally submitting an RFP to the commission.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-08-025 (Docket No. UE-030423, General Order No. R-530), § 480-107-025, filed 3/28/06, effective 4/28/06.]

WAC 480-107-035 Project ranking procedure. (1) The procedures and criteria the utility will use in its RFP to evaluate and rank project proposals are subject to commission approval.

(2) At a minimum, the ranking criteria must recognize resource cost, market-volatility risks, demand-side resource uncertainties, resource dispatchability, resource effect on system operation, credit and financial risks to the utility, the risks imposed on ratepayers, public policies regarding resource preference adopted by Washington state or the federal government and environmental effects including those associated with resources that emit carbon dioxide. The ranking criteria must recognize differences in relative amounts of risk inherent among different technologies, fuel sources, financing arrangements, and contract provisions. The ranking process must complement power acquisition goals identified in the utility's integrated resource plan.

(3) After the project proposals have been opened for ranking, the utility must make available for public inspection at the utility's designated place of business a summary of each project proposal and a final ranking of all proposed projects.

(4) The utility may reject any project proposal that does not specify, as part of the price bid, the costs of complying with environmental laws, rules, and regulations in effect at the time of the bid.

(5) The utility may reject all project proposals if it finds that no proposal adequately serves ratepayers' interests. The commission will review, as appropriate, such a finding together with evidence filed in support of any acquisition in

the utility's next general rate case or other cost recovery proceeding.

(6) When the utility, the utility's subsidiary or an affiliate submits a bid in response to an RFP, one or more competing bidders may request the commission to appoint an independent third party to assist commission staff in its review of the bid. Should the commission grant such a request, the fees charged by the independent third party will be paid by the party or parties requesting the independent review.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-08-025 (Docket No. UE-030423, General Order No. R-530), § 480-107-035, filed 3/28/06, effective 4/28/06.]

WAC 480-107-045 Pricing and contracting procedures. (1) Once project proposals have been ranked in accordance with WAC 480-107-035 Project ranking procedure, the utility must identify the bidders that best meet the selection criteria and that are expected to produce the energy, capacity, and electrical savings as defined by that portion of the resource block to which the project proposal is directed.

(2) The project proposal's price, pricing structure, and terms are subject to negotiation.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-08-025 (Docket No. UE-030423, General Order No. R-530), § 480-107-045, filed 3/28/06, effective 4/28/06.]

WAC 480-107-055 Schedules of estimated avoided cost. (1) A utility must file annually a schedule of estimated avoided cost for the energy and capacity associated with the resource block the utility solicited in its most recent RFP filed pursuant to WAC 480-07-025 Contents of the solicitation.

(2) Schedules of estimated avoided cost are to be based upon:

(a) The most recent project proposals received pursuant to an RFP issued under these rules;

(b) Estimates included in the utility's current integrated resource plan filed pursuant to WAC 480-100-238;

(c) The results of the utility's most recent bidding process; and

(d) Current projected market prices for power.

The utility must file documentation supporting its schedule of estimated avoided cost.

(3) Utilities may revise a schedule of estimated avoided cost at any time. Such revisions must be filed with the commission along with documentation supporting the revision.

(4) The schedule of estimated avoided cost provides only general information to potential bidders about the costs of new power supplies; it does not provide a guaranteed contract price for electricity. For discussion of such guarantee, see WAC 480-107-095.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-08-025 (Docket No. UE-030423, General Order No. R-530), § 480-107-055, filed 3/28/06, effective 4/28/06.]

WAC 480-107-065 Eligibility for long-run conservation purchase rates. (1) Any conservation supplier may participate in the bidding process. A utility may allow a utility subsidiary to participate as a conservation supplier, on conditions described in WAC 480-107-135 Conditions for purchase of electrical power or savings from a utility's subsidiary or affiliate. A decision to allow a utility subsidiary to participate must be explained in the utility's RFP submittal.

(2) All conservation measures included in a project proposal must:

(a) Produce electrical savings over a time period greater than five years, or a longer period if specified in the utility's RFP. A measure with an expected life that is shorter than the contract term must include replacements through the contract term;

(b) Be consistent with the utility's integrated resource plan; and

(c) Produce savings that can be reliably measured or estimated with accepted engineering methods.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-08-025 (Docket No. UE-030423, General Order No. R-530), § 480-107-065, filed 3/28/06, effective 4/28/06.]

WAC 480-107-075 Contract finalization. (1) Unless otherwise prohibited by law, a utility has discretion to decide whether to enter into a final contract with any project bidder that meets the selection criteria of the RFP. Any such bidder may petition the commission to review a utility's decision not to enter into a final contract.

(2) Any project bidder and utility may negotiate changes to the selected project proposal for the purpose of finalizing a particular contract consistent with the provisions of this chapter.

(3) The utility may sign contracts for any appropriate time period specified in a selected project proposal for up to a twenty-year term. The utility may sign longer-term contracts if such provisions are specified in the utility's RFP.

(4) If material changes are made to the project proposal after project ranking, including material price changes, the utility must suspend contract finalization with that party and rerank projects according to the revised project proposal. If the material changes cause the revised project proposal to rank lower than projects not originally selected, the utility must instead pursue contract finalization with the next ranked project.

(5) A project developer must provide evidence that the developer has obtained or will obtain a generation site (e.g., letter of intent) before signing a contract with the purchasing utility.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-08-025 (Docket No. UE-030423, General Order No. R-530), § 480-107-075, filed 3/28/06, effective 4/28/06.]

WAC 480-107-085 Obligations of generating facilities to the utility. (1) The owner or operator of a generating facility purchasing or selling electricity under this chapter must execute a written agreement with the utility stating at a minimum that:

(a) The owner or operator will construct and operate all interconnected generating facilities and interconnection facilities within its control in accordance with all applicable federal, state, and local laws and regulations to ensure system safety and reliability of interconnected operations;

(b) The generating facility will furnish, install, operate, and maintain in good order and repair, and without cost to the utility, such relays, locks and seals, breakers, automatic synchronizers, and other control and protective apparatus deter-

mined by the utility to be necessary for the safe and reliable operation of the generating facility in parallel with the utility's system; and

(c) The utility will be able to gain access at all times to all switching equipment capable of isolating the generating facility from the utility's system.

(2) The utility may choose to operate the switching equipment described in subsection (1)(c) of this section if, in the sole opinion of the utility, continued operation of the customer's generating facility in connection with the utility's system may create or contribute to a system emergency. Such a decision by the utility is subject to commission verification in accordance with WAC 480-107-115 System emergencies. The utility must endeavor to minimize any adverse effects of such operation on the customer.

(3) Any agreement between a generating facility and a utility must state the extent to which the generating facility will assume responsibility for the safe operation of the interconnection facilities. The generating facility may not be required to assume responsibility for negligent acts of the utility.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-08-025 (Docket No. UE-030423, General Order No. R-530), § 480-107-085, filed 3/28/06, effective 4/28/06.]

WAC 480-107-095 Obligations of the utility to qualifying facilities. (1) A utility must purchase electric energy, electric capacity, or both from a qualifying facility on terms that do not exceed the utility's avoided costs for such electric energy, electric capacity, or both.

(2) All utilities must file a standard tariff for purchases from qualifying facilities rated at one megawatt or less. Such standard tariff may be based upon market prices and include incremental costs associated with purchasing small quantities of power. Qualifying facility developers proposing projects with a design capacity of one megawatt or less may choose to receive a purchase price for power that is set forth in such standard tariff.

(3) A utility must sell to any qualifying facilities, in accordance with WAC 480-107-105 Rates for sales to qualifying facilities, any energy and capacity requested by the qualifying facilities on the same basis as available to other customers of the utility in the same class.

(4) Any utility must make all the necessary interconnections with any qualifying facilities to accomplish purchases or sales under this section. The obligation to pay for any interconnection costs will be determined in accordance with WAC 480-107-125 Interconnection costs.

(5) At the request of a qualifying facility, a utility that would otherwise be obligated to purchase energy or capacity from such qualifying facility may transmit energy or capacity to any other utility at the option of the utilities involved. Nothing in this section obligates the utility connected with the qualifying facility to transmit to other utilities. Nothing in this section obligates other utilities to purchase from the qualifying facility.

(6) Each utility may offer to operate in parallel with a qualifying facility if the qualifying facility complies with all applicable standards established in WAC 480-107-095 Obligations of generating facilities to electric utilities.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-08-025 (Docket No. UE-030423, General Order No. R-530), § 480-107-095, filed 3/28/06, effective 4/28/06.]

WAC 480-107-105 Rates for sales to qualifying facilities. (1) General rules:

(a) Rates must be just and reasonable, and in the public interest; and

(b) Rates must not discriminate between qualifying facilities and other customers served by the utility.

(2) Rates for sales that are based on accurate data and consistent system-wide costing principles will not be considered to discriminate against any qualifying facilities if those rates apply to the utility's other customers with similar load or other cost-related characteristics.

(3) Additional services to be provided to qualifying facilities:

(a) Upon request by a qualifying facility, each utility will provide:

(i) Supplementary power;

(ii) Back-up power;

(iii) Maintenance power; and

(iv) Interruptible power.

(b) The commission may waive any requirement of (a) of this subsection if, after notice in the area served by the utility and after opportunity for public comment, the utility demonstrates and the commission finds that compliance with such requirement will:

(i) Impair the utility's ability to render adequate service to its customers; or

(ii) Place an undue burden on the utility.

(4) The rate for sale of back-up power or maintenance power:

(a) May not be based on an assumption that forced outages or other reductions in electric output by all qualifying facilities on a utility's system will occur simultaneously, or during the system peak, or both unless such an assumption is supported by factual data; and

(b) Must take into account the extent to which scheduled outages of the qualifying facilities can be coordinated with scheduled outages of the utility's facilities.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-08-025 (Docket No. UE-030423, General Order No. R-530), § 480-107-105, filed 3/28/06, effective 4/28/06.]

WAC 480-107-115 System emergencies. (1) A generating facility entering into a power contract under these rules is required to provide energy or capacity to a utility during a system emergency only to the extent:

(a) Provided by agreement between such generating facility and utility; or

(b) Ordered under section 202(c) of the Federal Power Act.

(2) During any system emergency, a utility may discontinue or curtail:

(a) Purchases from a generating facility if such purchases would contribute to such emergency; and

(b) Sales to a generating facility, if such discontinuance or curtailment:

(i) Does not discriminate against a generating facility; and (ii) Takes into account the degree to which purchases

from the generating facility would offset the need to discontinue or curtail sales to the generating facility.

(3) System emergencies resulting in utility action under this chapter are subject to verification by the commission upon request by either party to the power contract.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-08-025 (Docket No. UE-030423, General Order No. R-530), § 480-107-115, filed 3/28/06, effective 4/28/06.]

WAC 480-107-125 Interconnection costs. (1) Any costs of interconnection are the responsibility of the owner or operator of the generating facility entering into a power contract under this chapter. The utility must assess all reasonable interconnection and necessary system or network upgrade costs the utility incurs against a generating facility on a nondiscriminatory basis.

(2) The owner or operator of the generating facility must reimburse the utility for any reasonable interconnection costs the utility may incur. Such reimbursement shall be made, at the utility's election:

(a) At the time the utility invoices the owner or operator of the generating facility for interconnection costs incurred by the utility; or

(b) Over an agreed period of time not greater than the length of any contract between the utility and the generating facility.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-08-025 (Docket No. UE-030423, General Order No. R-530), § 480-107-125, filed 3/28/06, effective 4/28/06.]

WAC 480-107-135 Conditions for purchase of electrical power or savings from a utility, a utility's subsidiary or affiliate. (1) The utility, its subsidiary or affiliate may participate in the utility's bidding process. In these circumstances, the solicitation and bidding process will be subject to additional scrutiny by the commission to ensure that no unfair advantage is given to the utility's subsidiary or affiliate. Commission scrutiny will ensure that ratepayer interests are protected.

(2) As part of its RFP, a utility must include specific notice if it intends to submit a bid or intends to allow its subsidiaries and affiliates to participate in its bidding process. The utility must indicate in its RFP how it will ensure that its subsidiary or affiliate, through association with the utility, will not gain an unfair advantage over potential nonaffiliated competitors. A utility's disclosure of the contents of an RFP or competing project proposals to its own personnel involved in developing the utility's bid, or to its subsidiary or affiliate prior to such information being made public will be construed to constitute an unfair advantage.

(3) The commission may not allow a utility to recover in its rates all or part of the costs associated with the utility's project, or a subsidiary's or affiliate's project(s), if any unfair advantage was given to any bidder.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-08-025 (Docket No. UE-030423, General Order No. R-530), § 480-107-135, filed 3/28/06, effective 4/28/06.]

WAC 480-107-145 Filings—Investigations. (1) The commission retains the right to examine project proposals as originally submitted by potential developers. The utility must keep all documents supplied by project bidders or on their behalf, and all documents created by the utility relating to each bid, for at least seven years from the close of the bidding process, or the conclusion of the utility's next general rate case, whichever is later.

(2) The utility must file with the commission and maintain on file for inspection at its place of business, the current rates, prices, and charges established in accordance with this chapter.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-08-025 (Docket No. UE-030423, General Order No. R-530), § 480-107-145, filed 3/28/06, effective 4/28/06.]

WAC 480-107-999 Adoption by reference. In WAC 480-107-001, Purpose and scope, the commission refers to the provisions of the Public Utilities Regulatory Policies Act of 1978 (PURPA), Title II, sections 201 and 210, and related regulations promulgated by the Federal Energy Regulatory Commission (FERC) in 18 C.F.R. Part 292. The versions referenced are those current on the day the commission adopted the rule that includes the reference, consistent with the requirements of WAC 480-07-180.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-08-025 (Docket No. UE-030423, General Order No. R-530), § 480-107-999, filed 3/28/06, effective 4/28/06.]

Chapter 480-108 WAC

ELECTRIC COMPANIES—INTERCONNECTION WITH ELECTRIC GENERATORS

WAC

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WAC 480-108-001 Purpose and scope. (1) The purpose of this chapter is two-fold:

(a) Part 1 of this chapter establishes rules for determining the charges, terms and conditions governing the interconnection of customer-owned electric generating facilities with a nameplate generating capacity of no more than 300 kilowatts

(kW) to the electric system of an electrical company over which the commission has jurisdiction.

(b) Part 2 of this chapter establishes rules requiring each electrical company to file interconnection service tariffs for interconnection of electric generating facilities with a nameplate generating capacity greater than 300 kW but no more than 20 megawatts (MW) to the electric system of an electrical company over which the commission has jurisdiction. The terms and conditions in such interconnection service tariffs must be either equivalent in all procedural and technical respects with the electrical company's interconnection service offered under its open access transmission tariff approved by the Federal Energy Regulatory Commission, or they must comply with a specified set of requirements set out in WAC 480-108-090.

(2) These rules are intended:

(a) To be consistent with the requirements of chapter 80.60 RCW, Net metering of electricity;

(b) To comply with Section 1254 of the Energy Policy Act of 2005, Pub. L. No. 109-58 (2005) that amended section 111(d) of the Public Utility Regulatory Policy Act (PURPA) relating to Net Metering (subsection 11) and Interconnection (subsection 15); and

(c) To promote the purposes of RCW 82.16.120 (effective July 1, 2005).

(3) This chapter governs the terms and conditions under which an interconnection customer's generating facility, including without limitation net-metered facilities, will interconnect with, and operate in parallel with, the electrical company's electric system. This chapter does not govern the settlement, purchase or delivery of any power generated by an interconnection customer's net-metered or production-metered generating facility.

(4) This chapter does not govern interconnection of, or electrical company services to, PURPA qualifying facilities pursuant to chapter 480-107 WAC.

(5) This chapter does not govern standby generators designed and used only to provide power to the customer when the local electric distribution company service is interrupted and that operate in parallel with the electric distribution company for less than 0.5 seconds both to and from emergency service.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 07-20-059 (Docket UE-060649, General Order 545), § 480-108-001, filed 9/27/07, effective 10/28/07; 06-07-017 (Docket No. UE-051106, General Order No. R-528), § 480-108-001, filed 3/6/06, effective 4/6/06.]

WAC 480-108-005 Application of rules. (1) The rules in this chapter apply to any electrical company that is subject to commission jurisdiction under RCW 80.04.010 and chapter 80.28 RCW. These rules also include various eligibility and other requirements applicable to existing or potential interconnection customers.

(2) This chapter governs interconnections subject to the jurisdiction of the commission and does not govern interconnections subject to the jurisdiction of the Federal Energy Regulatory Commission.

(3) The tariff provisions filed by electrical companies must conform to 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 480-100-008.

(4) Electrical companies shall modify existing tariffs, if necessary, to conform to these rules. This includes, but is not limited to, tariffs implementing chapter 80.60 RCW, Net metering of electricity.

(5) Disputes that arise under this chapter will be addressed in accordance with chapter 480-07 WAC. Any existing or potential interconnection customer may ask the commission to review the interpretation or application of these rules by an electrical company by making an informal complaint under WAC 480-07-910, Informal complaints, or by filing a formal complaint under WAC 480-07-370, Pleadings—General.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 07-20-059 (Docket UE-060649, General Order 545), § 480-108-005, filed 9/27/07, effective 10/28/07; 06-07-017 (Docket No. UE-051106, General Order No. R-528), § 480-108-005, filed 3/6/06, effective 4/6/06.]

WAC 480-108-010 Definitions. "Application" means the written notice as defined in WAC 480-108-030 that the interconnection customer provides to the electrical company to initiate the interconnection process.

"Business day" means Monday through Friday excluding official federal and state holidays.

"Certificate of completion" means the form described in WAC 480-108-050 that must be completed by the interconnection customer and the electrical inspector having jurisdiction over the installation of the facilities indicating completion of installation and inspection of the interconnection. As provided in WAC 480-108-050, the certificate of completion must be reviewed and approved, in writing, by the electrical company before the interconnection customer's generation facility may be connected and operated in parallel with the electrical company's electrical system.

"Commission" means the Washington utilities and transportation commission.

"Electric system" means all electrical wires, equipment, and other facilities owned by the electrical company that are used to transmit electricity to customers.

"Electrical company" means any public service company, as defined by RCW 80.04.010, engaged in the generation, distribution, sale or furnishing of electricity and subject to the jurisdiction of the commission.

"Generating facility" means a source of electricity owned by the interconnection customer that is located on the interconnection customer's side of the point of common coupling, and all ancillary and appurtenant facilities, including interconnection facilities, which the interconnection customer requests to interconnect to the electrical company's electric system.

["]Grid network distribution system" means electrical service from a distribution system consisting of two or more primary circuits from one or more substations or transmission supply points arranged such that they collectively feed secondary circuits serving more than one location and more than one electrical company customer.

"Interconnection customer" means the person, corporation, partnership, government agency, or other entity that owns and operates a generating facility interconnected or requested to be interconnected to the electrical company's

electric system. The interconnection customer may assign to another party responsibility for compliance with the requirements of this rule only with the express written permission of the electrical company.

"Initial operation" means the first time the generating facility is in parallel operation with the electric system.

"In-service date" means the date on which the generating facility and any related facilities are complete and ready for service, even if the generating facility is not placed in service on or by that date.

"Interconnection" means the physical connection of a generating facility to the electric system so that parallel operation may occur.

"Interconnection facilities" means the electrical wires, switches and other equipment owned by the electrical company or the interconnection customer and used to interconnect a generating facility to the electric system. Interconnection facilities are located between the generating facility and the point of common coupling. Interconnection facilities do not include system upgrades.

"Model interconnection agreement" means a written agreement including standardized terms and conditions that govern the interconnection of generating facilities pursuant to this chapter. The model interconnection agreement may be modified to accommodate terms and conditions specific to individual interconnections, subject to the conditions set forth in these rules.

"Net metering" means measuring the difference between the electricity supplied by an electrical company and the electricity generated by a generating facility that is fed back to the electrical company over the applicable billing period.

"Network protectors" means devices installed on a spot network distribution system designed to detect and interrupt reverse current-flow (flow out of the network) as quickly as possible, typically within three to six cycles.

"Parallel operation" or **"operate in parallel"** means the synchronous operation of a generating facility while interconnected with an electrical company's electric system.

"Point of common coupling" or **"PCC"** means the point where the generating facility's local electric power system connects to the electrical company's electric system, such as the electric power revenue meter or at the location of the equipment designated to interrupt, separate or disconnect the connection between the generating facility and electrical company. The point of common coupling is the point of measurement for the application of IEEE 1547, clause 4.

"PURPA qualifying facility" means a generating facility that meets the criteria specified by the Federal Energy Regulatory Commission (FERC) in 18 CFR Part 292 Subpart B and that sells power to an electrical company under chapter 480-107 WAC.

"Spot network distribution system" means electrical service from a distribution system consisting of two or more primary circuits from one or more substations or transmission supply points arranged such that they collectively feed a secondary circuit serving a single location (e.g., a large facility or campus) containing one or more electrical company customers.

"System upgrades" means the additions, modifications and upgrades to the electrical company's electrical system at or beyond the point of common coupling necessary to facilitate the interconnection of the generating facility. System upgrades do not include interconnection facilities.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 07-20-059 (Docket UE-060649, General Order 545), § 480-108-010, filed 9/27/07, effective 10/28/07; 06-07-017 (Docket No. UE-051106, General Order No. R-528), § 480-108-010, filed 3/6/06, effective 4/6/06.]

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

PART 1: INTERCONNECTION OF GENERATION FACILITIES WITH NAMEPLATE CAPACITY RATING OF 300 KW OR LESS

WAC 480-108-015 Scope of Part 1. The provisions in Part 1 of this chapter apply to interconnections, and to applications to interconnect, customer-owned generating facilities with a nameplate capacity rating of 300 kW or less to an electrical company's electrical system under this chapter.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 07-20-059 (Docket UE-060649, General Order 545), § 480-108-015, filed 9/27/07, effective 10/28/07.]

WAC 480-108-020 Technical standards for interconnection. (1) General interconnection requirements.

(a) The interconnection of a generating facility with the electrical company's electric system, the modification of a generating facility that is currently interconnected to the electrical company's electric system, or the modification of an existing interconnection must meet all minimum technical specifications applicable, in their most current approved version, as set forth in WAC 480-108-999.

(b) Interconnection of a generation facility with a nameplate capacity rating of 300 kW or less must comply with all applicable requirements in Table 1.

Table 1. 300 kW Capacity or Less.

	Single-Phase		Three-Phase	
Feature	**< 50 kW Inverter based**	**< 50 kW Noninverter based**	**< 300 kW Inverter based**	**< 300 kW Noninverter based**
IEEE 1547 compliant	X	X	X	X
UL 1741 listed	X		X	
Interrupting devices (capable of interrupting maximum available fault current)	X (8)	X	X (8)	X

Table 1. 300 kW Capacity or Less.

	Single-Phase		Three-Phase	
Feature	**< 50 kW Inverter based**	**< 50 kW Noninverter based**	**< 300 kW Inverter based**	**< 300 kW Noninverter based**
Interconnection disconnect device (manual, lockable, visible, accessible)	X (1)	X	X	X
System protection		X (3)(4)(6)		X (3)(4)(5)(6)
Over-voltage trip	X (8)	X	X (8)	X
Under-voltage trip	X (8)	X	X (8)	X
Over/under frequency trip	X (8)	X	X (8)	X
Automatic synchronizing check		X		X
Ground over-voltage or over-current trip for utility system faults				X (2)
Power factor		X (7)		X (7)

Notes:
X - Required feature (blank = not required).
(1) - Electrical company may choose to waive this requirement.
(2) - May be required by electrical company; selection based on grounding system.
(3) - No single point of failure shall lead to loss of protection.
(4) - All protective devices shall fully meet the requirements of American National Standards Institute C37.90.
(5) - Electrical company will specify the transformer connection.
(6) - It is the customer's responsibility to ensure that its system is effectively grounded as defined by IEEE Std. 142 at the point of common coupling.
(7) - Variance may be allowed based upon specific requirements per electrical company review. Charges may be incurred for losses.
(8) - UL 1741 listed equipment provides required protection.

(c) Any single or aggregated generating facility with a capacity greater than 50 kW requires a three-phase interconnection.

(d) The specification and requirements in this section are intended to mitigate possible adverse impacts caused by the generating facility on electrical company equipment and personnel and on other customers of the electrical company. The specifications and requirements in this section are not intended to address protection of the generating facility or its internal load, or generating facility personnel. The interconnection customer is responsible for complying with the requirements of all appropriate standards, codes, statutes, and authorities to protect its own facilities, personnel, and loads.

(e) The specifications and requirements in this section apply generally to the interconnection to an electrical company's electric system of customer-owned and operated electric equipment and any other facilities or equipment not owned by the electrical company to which interconnection agreement(s) apply throughout the period encompassing the interconnection customer's installation, testing and commissioning, operation, maintenance, decommissioning and removal of equipment. The electrical company may verify compliance at any time, with reasonable notice.

(f) The electrical company may refuse to establish or maintain interconnection with any interconnection customer that fails to comply with the requirements in (f)(i), (ii) and (iii) of this subsection. However, at its sole discretion, the electrical company may approve alternatives that satisfy the intent of, and/or may excuse compliance with, any specific elements of these requirements except local, state and federal building codes.

(i) Code and standards. All interconnections must conform to all applicable codes and standards for safe and reliable operation. Among these are the National Electric Code (NEC); National Electric Safety Code (NESC); the standards of the Institute of Electrical and Electronics Engineers (IEEE); the standards of the North American Electric Reliability Corporation (NERC); the standards of the Western Electricity Coordinating Council (WECC); American National Standards Institute (ANSI); Underwriters Laboratories (UL) standards; local, state and federal building codes, and any electrical company's written electric service requirement approved by the commission. Electrical companies may require verification that an interconnection customer has obtained all applicable permit(s) for the equipment installations on its property.

(ii) Safety. All safety and operating procedures for interconnection facilities must comply with the Occupational Safety and Health Administration (OSHA) Standard at 29 CFR 1910.269, the NEC, Washington Administrative Code (WAC) rules, the Washington Industrial Safety and Health Administration (WISHA) Standard, and equipment manufacturer's safety and operating manuals.

(iii) Power quality. Installations must be in compliance with all applicable standards including, without limitation, IEEE Standard 519 Harmonic Limits, and IEEE Standard 141 Flicker as measured at the PCC.

(2) Specific interconnection requirements.

(a) The electrical company must verify that the interconnection customer has furnished and installed on its side of the meter, a UL-approved safety disconnect switch that can fully disconnect the interconnection customer's generating facility from the electrical company's electric system. The disconnect switch must be located adjacent to electrical company meters and shall be of the visible break type in a metal enclosure that

can be secured by a padlock. The disconnect switch must be accessible to electrical company personnel at all times.

(b) The requirement in (a) of this subsection may be waived by the electrical company if the interconnection customer:

(i) Provides interconnection facilities that the interconnection customer can demonstrate, to the satisfaction of electrical company, perform physical disconnection of the generating equipment supply internally; and

(ii) Agrees that its service may be disconnected entirely if generating equipment must be physically disconnected for any reason.

Such waiver granted by the electrical company to the interconnection customer must be explicit and in writing.

(c) The electrical company has the right to disconnect the generating facility at the disconnect switch:

(i) When necessary to maintain safe electrical operating conditions;

(ii) If the generating facility does not meet required standards; or

(iii) If the generating facility at any time adversely affects or endangers any person, the property of any person, the electrical company's operation of its electric system or the quality of electrical company's service to other customers.

(d) Nominal voltage and phase configuration of interconnection customer's generating facility must be compatible with the electrical company's system within generally accepted engineering standards including without limitation IEEE Standards 141 and 519 at the point of common coupling.

(e) The electrical company must verify on the basis of evidence provided by the interconnection customer that a generating facility interconnected to a grid network distribution system or a spot network distribution system will not impair public safety or quality of service to the electrical company's other customers as a result of reverse current flow through the electrical company's network protectors.

(f) All instances of interconnection to spot network distribution systems require review, studies as necessary, and written approval by the electrical company.

(g) All instances of interconnection to grid network distribution systems require review, studies as necessary, and written approval by the electrical company.

(h) Closed transition transfer switches are not allowed in network distribution systems.

(3) Specifications applicable to all inverter-based interconnections. In addition to the requirements contained in subsections (1) and (2) of this section, the interconnection of any inverter-based generating facility with the electrical company's electric system, or the modification of an existing interconnection with an inverter-based generating facility must meet the following additional technical specifications, in their most current approved version:

(a) IEEE Standard 1547, Standard for Interconnecting Distributed Resources with Electric Power Systems;

(b) UL Standard 1741, Inverters, Converters, and Controllers for Use in Independent Power Systems. Equipment must be UL listed; and

(c) IEEE Standard 929, IEEE Recommended Practice for Utility Interface of Photovoltaic (PV) Systems.

(4) In addition to the requirements in subsections (2) and (3) of this section, all noninverter-based interconnections and all inverter-based interconnections failing to meet the requirements of subsection (3) of this section may require more detailed electrical company review. The electrical company must demonstrate the need for additional testing and approval of equipment if the same equipment has been tested and approved previously for any of the electrical company's interconnection customers. Electrical companies may require interconnection customers to pay for needed testing and approval of the equipment proposed to be installed to ensure compliance with applicable technical specifications, in their most current approved version, including:

(a) IEEE Standard 1547, Standard for Interconnecting Distributed Resources with Electric Power Systems, for systems 10 MVA or less; and

(b) ANSI Standard C37.90, IEEE Standard for Relays and Relay Systems Associated with Electric Power Apparatus.

(5) The electric company may require interconnection customers proposing noninverter-based interconnection to submit a power factor mitigation plan for electrical company review and approval.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 07-20-059 (Docket UE-060649, General Order 545), § 480-108-020, filed 9/27/07, effective 10/28/07; 06-07-017 (Docket No. UE-051106, General Order No. R-528), § 480-108-020, filed 3/6/06, effective 4/6/06.]

WAC 480-108-030 Application for interconnection. (1) The electrical company must file a standard form of application with the commission, which the interconnection customer seeking to interconnect a generating facility under Part 1 of this chapter must fill out and submit to the electrical company along with the application fee established according to subsection (4) of this section.

(2) The electrical company will designate a point of contact and publish a telephone number and/or web site address for the unique purpose of assisting potential interconnection customers. The electrical company must comply with reasonable requests for information including relevant system studies, interconnection studies, and other materials useful for an interconnection customer to understand the circumstances of an interconnection at a particular point on the electrical company's electric system, to the extent provision of such information does not violate confidentiality provisions of prior electrical company agreements.

(3) Prior to submitting its interconnection request, a potential interconnection customer may ask the electrical company whether and how the proposed interconnection is subject to this chapter. The electrical company must respond within fifteen business days.

(4) Application fees. The electrical company must establish a nonrefundable interconnection application fee set according to facility size to be paid by the interconnection customer to the electrical company when the interconnection customer submits its application. The fee, intended to cover the costs of processing the application, will be no greater than:

(a) One hundred dollars for facilities 0 to 25 kW; and

(b) Five hundred dollars for facilities 26 to 300 kW.

(5) Interconnection application. The electrical company must stamp all interconnection requests to document the date and time received. The original date and time stamp affixed to the interconnection request will serve as the beginning point for purposes of any timetables in the application and review process.

(6) Application evaluation. Upon receipt of an interconnection application, the electrical company must notify the interconnection customer within ten business days whether the interconnection request is complete. If the application is not complete, the electrical company must provide a written list detailing all additional information necessary to complete the application. The interconnection customer must supply the necessary information or request an extension of time within ten business days. If the interconnection customer does not provide within ten business days the listed information necessary to complete the application or request an extension of time, the electrical company may reject the application.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 07-20-059 (Docket UE-060649, General Order 545), § 480-108-030, filed 9/27/07, effective 10/28/07; 06-07-017 (Docket No. UE-051106, General Order No. R-528), § 480-108-030, filed 3/6/06, effective 4/6/06.]

WAC 480-108-035 Model interconnection agreement, review and acceptance of interconnection agreements and costs. (1) Each electrical company must file a model form of interconnection agreement for approval by the commission.

(2) Simplified review process. Once an application is accepted by the electrical company as complete, the electrical company will review the application to determine if the interconnection request complies with the technical standards established in WAC 480-108-020 and to determine whether any additional engineering, safety, reliability or other studies are required. The electrical company must notify the interconnection customer of the result of these determinations within thirty business days of when the application is deemed complete.

(3) If the electrical company notifies the interconnection customer that the request complies with the technical requirements established in WAC 480-108-020 and no additional studies are required to determine the feasibility of the interconnection, the electrical company must offer the interconnection customer an executable interconnection agreement within five business days of such notification. The electrical company also will provide any additional interim agreements, such as construction agreements, that may be necessary and a good faith estimate of the cost and time necessary to complete the interconnection. The interconnection customer must execute and return the completed agreement(s) within thirty business days following receipt. The interconnection customer must simultaneously pay any deposit required by the electrical company not to exceed fifty percent of the estimated costs to complete the interconnection.

(4) Supplemental review process. If the electrical company determines that additional studies are required to determine the feasibility of the interconnection, the electrical company must notify the interconnection customer within thirty business days of when the application is deemed complete and provide the interconnection customer a form of agreement that includes a description of what studies are required and a good faith estimate of the cost and time necessary to perform the studies. Within thirty business days after receiving the agreement, the interconnection customer may supply an alternative cost estimate from a third-party qualified to perform the studies required by the electrical company. After the electrical company and the interconnection customer agree on the estimated cost of the required studies and the identity of parties to perform the required studies the interconnection customer must execute and return the completed agreement within thirty business days along with any deposit required by the electrical company not to exceed the lower of one thousand dollars, or fifty percent of the estimated study cost.

(5) The electrical company will provide the interconnection customer with the results of the studies conducted under subsection (4) of this section. If the studies determine that the interconnection is not feasible, the electrical company will provide notice of denial to the interconnection customer and the reasons for the denial.

(6) If the studies conducted under subsection (4) of this section determine that the interconnection is feasible, the electrical company will notify the interconnection customer and provide an executable interconnection agreement to the interconnection customer within five business days of such notification. The electrical company also will provide any additional interim agreements, such as construction agreements, that may be necessary and a good faith estimate of the cost and time necessary to complete the interconnection. The interconnection customer must execute and return the completed agreement(s) within thirty business days following receipt. The interconnection customer must simultaneously pay any deposit required by the electrical company not to exceed fifty percent of the estimated costs to complete the interconnection.

(7) An interconnection customer's failure to execute and return completed agreements and required deposits within the time frames specified in subsections (3), (4) and (6) of this section may result in termination of the application process by the electrical company under terms and conditions stated in such agreements.

(8) The interconnection customer shall be responsible for all reasonable costs incurred by the electrical company to study the proposed interconnection and to design, construct, operate and maintain any required interconnection facilities or system upgrades all as required under the charges, terms and conditions stated in the study agreement(s) and interconnection agreement required above.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 07-20-059 (Docket UE-060649, General Order 545), § 480-108-035, filed 9/27/07, effective 10/28/07.]

WAC 480-108-040 General terms and conditions of interconnection. The general terms and conditions listed in this section shall apply to all interconnections of customer-owned generating facilities with nameplate capacity less than or equal to 300 kW to an electrical company's electric system under Part 1 of this chapter.

(1) Any electrical generating facility with a maximum nameplate capacity rating of 300 kW or less must comply with these rules to be eligible to interconnect and operate in

parallel with the electrical company's electric system. The rules under this chapter apply to all interconnection customer-owned generating facilities that are intended to operate in parallel with an electrical company's electric system irrespective of whether the interconnection customer intends to generate energy to serve all or a part of the interconnection customer's load; or to sell the output to the electrical company or any third party purchaser.

(2) To ensure system safety and reliability of interconnected operations, all interconnected generating facilities must be constructed and operated in accordance with this chapter and all other applicable federal, state, and local laws and regulations.

(3) Prior to initial operation, all interconnection customers must submit a completed certificate of completion to the electrical company, execute an appropriate interconnection agreement and any other agreement(s) required for the disposition of the generating facility's electric power output as described in WAC 480-108-040(15). The interconnection agreement between the electrical company and the interconnection customer outlines the interconnection standards, cost allocation and billing agreements, and on-going maintenance and operation requirements.

(4) The interconnection customer shall promptly furnish the electrical company with copies of such plans, specifications, records, and other information relating to the generating facility or the ownership, operation, use, electrical company access to, or maintenance of the generating facility, as may be reasonably requested by the electrical company from time to time.

(5) For the purposes of public and working personnel safety, the electrical company may immediately disconnect from the electrical company system any nonapproved generation interconnections.

(6) To ensure reliable service to all electrical company customers and to minimize possible problems for other customers, the electrical company will review the need for a dedicated-to-single-customer distribution transformer. If the electrical company requires a dedicated distribution transformer, the interconnection customer must pay all reasonable costs of the new transformer and related facilities in accordance with subsection (13) of this section.

(7) Metering.

(a) Net metering for solar, wind, hydropower fuel cells and facilities that simultaneously produce electricity and useful thermal energy as set forth in chapter 80.60 RCW. The electrical company will install, own and maintain a kilowatt-hour meter, or meters as the installation may determine, capable of registering the bi-directional flow of electricity at the point of common coupling at a level of accuracy that meets all applicable standards, regulations and statutes. The meter(s) may measure such parameters as time of delivery, power factor, voltage and such other parameters as the electrical company specifies. The interconnection customer must provide space for metering equipment. The interconnection customer must provide the current transformer enclosure (if required), meter socket(s) and junction box after the interconnection customer has submitted drawings and equipment specifications for electrical company approval. The electrical company may approve other generating sources for net metering but is not required to do so.

(b) Production metering: The electrical company may require separate metering, including, if necessary for safety or reliability, metering capable of being remotely accessed, for production. This meter will record all generation produced and may be billed separately from any net metering or customer usage metering. Costs associated with production metering will be paid by the interconnection customer.

(8) Common labeling furnished or approved by the electrical company and in accordance with NEC requirements must be posted on the meter base, disconnects, and transformers informing working personnel that generation is operating at or is located on the premises.

(9) As currently set forth for qualifying generation under chapter 80.60 RCW (net metering), no additional insurance will be necessary for interconnections that qualify for net metering. For generation other than qualifying generation under chapter 80.60 RCW, additional insurance, limitations of liability and indemnification may be required by the electrical company.

(10) The electrical company must review and approve any future modification or expansion of an interconnected generating facility. The electrical company may require the interconnection customer to provide and pay for corrections or additions to existing interconnection facilities if government or industry regulations and standards are modified. The electric company must notify the interconnection customer in writing of any such requirement. The electrical company may terminate interconnection service if the interconnection customer does not within thirty business days of the date of the notice arrange with the electrical company a mutually agreed schedule to comply with such requirements.

(11) For the overall safety and protection of the electrical company system, chapter 80.60 RCW limits interconnection of generation for net metering to .25 percent of the electrical company's peak demand during 1996 and, beginning in 2014, to .50 percent of the electrical company's peak demand during 1996. Additionally, interconnection of generating facilities for net metering to individual distribution feeders is limited to 10 percent of the feeder's peak capacity. The electrical company also may restrict or prohibit new or expanded interconnected generation capacity on any feeder, circuit or network if engineering, safety or reliability studies establish a need for restriction or prohibition.

(12) The interconnection customer is responsible for protecting its facilities, loads and equipment and complying with the requirements of all appropriate standards, codes, statutes and authorities.

(13) Charges by the electrical company to the interconnection customer in addition to the application fee, if any, must be cost-based and consistent with generally accepted engineering practices. Such charges may include, but are not limited to, the cost of engineering studies; the cost of transformers, production meters, and electrical company testing; the cost of qualification, and approval of non-UL 1741 listed equipment; the cost of interconnection facilities, and the cost of any required system upgrades. Unless an electrical company demonstrates by reference to its integrated resource plan prepared pursuant to WAC 480-100-238, its conservation targets pursuant to RCW 19.285.040, its studies performed under WAC 480-108-065, or other evidence that an interconnection will provide quantifiable benefits to the elec-

trical company's other customers, electrical company charges to the interconnection customer will include all costs made necessary by the requested interconnection service. If an electrical company demonstrates that an interconnection will produce quantifiable benefits for the electrical company's other customers, it may incur a portion of these costs for commission consideration for recovery in its general rates commensurate with such benefits. If after consideration of any costs approved by the commission for recovery in general rates the remaining costs are less than any amounts paid by the interconnection customer, the electrical company must refund the excess amount to the interconnection customer.

(14) The interconnection customer is responsible for costs associated with future upgrades or modification to its generating facility or interconnection facilities made necessary by modifications the electrical company makes to its electric system.

(15) This section does not govern the settlement, purchase or delivery of any power generated by the interconnection customer's generating facility. The purchase or delivery of power, including net metering of electricity pursuant to chapter 80.60 RCW, power purchases and sales to PURPA qualifying facilities pursuant to chapter 480-107 WAC, and other services that the interconnection customer may require will be covered by separate agreement or pursuant to the terms, conditions and rates as may be from time to time approved by the commission. Any such agreement shall be completed prior to initial operation and filed with the commission.

(16) The interconnection customer may disconnect the generating facility at any time after providing reasonable advance notice to the electrical company.

(17) The electrical company must require an interconnection customer to provide notice of the sale or transfer of the interconnection customer's generating facility, interconnection facilities or the premises upon which the interconnection facilities are located. To continue interconnection service to a new owner, the electrical company must require the new owner to execute a new interconnection agreement.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 07-20-059 (Docket UE-060649, General Order 545), § 480-108-040, filed 9/27/07, effective 10/28/07; 06-07-017 (Docket No. UE-051106, General Order No. R-528), § 480-108-040, filed 3/6/06, effective 4/6/06.]

WAC 480-108-050 Certificate of completion. Interconnection customers must obtain an electrical permit and pass electrical inspection for all generating and interconnection facilities before they can be connected or operated in parallel with the electrical company's electric system. The electrical company must receive written certification from the interconnection customer that the generating facility has been installed and inspected in compliance with the local building and/or electrical codes. The electrical company must review and approve in writing the certificate of completion, before the interconnection customer's generating facility may be operated in parallel with the electrical company's electric system. The electrical company shall not unreasonably withhold such approval, but shall have the right to inspect and test the interconnection facilities in accordance with IEEE 1547.1 prior to parallel operation.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 07-20-059 (Docket UE-060649, General Order 545), § 480-108-050, filed 9/27/07, effective 10/28/07; 06-07-017 (Docket No. UE-051106, General Order No. R-528), § 480-108-050, filed 3/6/06, effective 4/6/06.]

WAC 480-108-055 Dispute resolution. An interconnection customer may ask the commission to review an electrical company's study costs, interconnection facility costs, system upgrade costs, deposit requirements, assignment of costs to the interconnection customer or an electrical company's processing, termination, denial or rejection of an application by making an informal complaint under WAC 480-07-910, or by filing a formal complaint under WAC 480-07-370.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 07-20-059 (Docket UE-060649, General Order 545), § 480-108-055, filed 9/27/07, effective 10/28/07.]

WAC 480-108-060 Required filings—Exceptions. (1) By January 31, 2008, the electrical company must file for commission approval, as part of its tariff, and maintain on file for inspection at its place of business, the charges, terms and conditions for interconnections pursuant to Part 1 of this chapter. Such filing must include model forms of the following documents and contracts:

(a) Application;

(b) Interconnection agreement;

(c) Feasibility study agreement;

(d) Construction agreement; and

(e) Certificate of completion.

(2) The commission may grant such exceptions to these rules as may be appropriate in individual cases.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 07-20-059 (Docket UE-060649, General Order 545), § 480-108-060, filed 9/27/07, effective 10/28/07; 06-07-017 (Docket No. UE-051106, General Order No. R-528), § 480-108-060, filed 3/6/06, effective 4/6/06.]

WAC 480-108-065 Cumulative effects of interconnections with a nameplate capacity rating of 300 kW or less. Electrical companies will evaluate on an ongoing basis, but not less than once every five years, the cumulative effect, including benefits to its other customers, of interconnections made under Part 1 of this chapter on its electric system and will retain appropriate records of its evaluations.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 07-20-059 (Docket UE-060649, General Order 545), § 480-108-065, filed 9/27/07, effective 10/28/07.]

PART 2: INTERCONNECTION OF GENERATION FACILITIES WITH NAMEPLATE CAPACITY RATING GREATER THAN 300 KW BUT NO MORE THAN 20 MW

WAC 480-108-070 Scope of Part 2. Part 2 of this chapter applies to interconnections of, and applications to interconnect customer-owned generating facilities with a nameplate capacity rating of greater than 300 kW but no more than 20 MW to an electrical company's electric system under this chapter.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 07-20-059 (Docket UE-060649, General Order 545), § 480-108-070, filed 9/27/07, effective 10/28/07.]

WAC 480-108-080 Interconnection service tariffs. (1) No later than January 31, 2008, each electrical company over which the commission has jurisdiction must file an interconnection service tariff for facilities with nameplate generating capacity greater than 300 kW but no more than 20 MW.

(2) Interconnection service tariffs must offer service equivalent in all procedural and technical respects to the interconnection service the electrical company offers under the small generator interconnection provisions of its open access transmission tariff as approved by the Federal Energy Regulatory Commission (FERC).

(3) For purposes of Part 2 of this chapter, "small generator interconnection provisions" means the procedural and technical requirements established by the FERC in Standardization of Small Generator Interconnection Agreements and Procedures, Order No. 2006, 70 FR 34100 (June 13, 2005), FERC Stats. & Regs. ¶ 31,180 (2005) (Order No. 2006), order on reh'g, Order No. 2006-A, 70 FR 71760 (Nov. 30, 2005), FERC Stats. & Regs. ¶ 31,196 (2005), order on clarif'n, Order No. 2006-B, 71 FR 42587 (July 27, 2006), FERC Stats. & Regs. ¶ 61,046 (2006). "Small generator interconnection provisions" does not include the 10 kW inverter process required under the above-listed FERC regulations.

(4) Interconnection service includes only the terms and conditions that govern physical interconnection to the electrical company's delivery system and does not include sale or transmission of power by the interconnecting customer or retail service to the interconnecting customer.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 07-20-059 (Docket UE-060649, General Order 545), § 480-108-080, filed 9/27/07, effective 10/28/07.]

WAC 480-108-090 Alternative interconnection service tariff. (1) If an electrical company demonstrates that the small generator interconnection provisions will impair service adequacy, reliability or safety or will otherwise be incompatible with its electric system, the electrical company may file no later than January 31, 2008, an alternative to the interconnection service tariff required in WAC 480-108-080.

(2) An interconnection service tariff filed under this section must meet the following requirements.

(a) All interconnection customers with generating facilities with nameplate capacity greater than 300 kW but no more than 20 MW must be treated equally without undue discrimination or preference.

(b) Electrical companies must ensure that interconnection service will not impair safe, adequate and reliable electric service to its retail electric customers.

(c) Technical requirements for all interconnections must comply with IEEE, NESC, NEC, North American Electric Reliability Corporation, Western Electric Coordinating Council and other applicable safety and reliability standards.

(d) Charges by the electrical company to the interconnection customer in addition to the application fee, if any, must be cost-based and consistent with generally accepted engineering practices. Unless an electrical company demonstrates by reference to its integrated resource plan prepared pursuant to WAC 480-100-238, its conservation targets pursuant to RCW 19.285.040, the studies it performs under WAC 480-108-120, or other evidence that an interconnection will provide quantifiable benefits to the electrical company's other customers, an interconnecting customer must pay all costs made necessary by the requested interconnection service. Such costs include, but are not limited to, the cost of engineering studies, upgrades to utility facilities made necessary by the interconnection, metering and insurance. If an electrical company demonstrates that an interconnection will produce quantifiable benefits for the electrical company's other customers, it may incur a portion of these costs for commission consideration for recovery in its general rates commensurate with such benefits. If after consideration of any costs approved by the commission for recovery in general rates the remaining costs are less than any amounts paid by the interconnection customer, the electrical company must refund the excess to the interconnection customer.

(e) Interconnection customers must be responsible for all operation, maintenance and code compliance for facilities and equipment on the customer's side of the point of common coupling.

(f) Interconnection service tariffs must describe:

(i) The process, timelines and cost of feasibility and facility impact studies the electrical company may require before allowing interconnection.

(ii) The prioritization or other processes by which the electrical company will manage multiple requests for interconnection service.

(g) Interconnection service tariffs must state:

(i) Specific time frames for electrical companies to respond to interconnection applications.

(ii) Specific time frames for interconnection customers to respond to study and interconnection agreements offered by the electrical company. Time frames must be adequate for the electrical company and the interconnection customer to have adequate opportunity to examine engineering studies and project design options.

(h) The electrical company must make knowledgeable personnel available to answer questions regarding applicability of the interconnection service tariff and otherwise provide assistance to a customer seeking interconnection service. The electrical company must comply with reasonable requests for information including relevant system studies, interconnection studies, and other materials useful for an interconnection customer to understand the circumstances of an interconnection at a particular point on the electrical company's electric system, to the extent provision of such information does not violate confidentiality provisions of prior electrical company agreements.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 07-20-059 (Docket UE-060649, General Order 545), § 480-108-090, filed 9/27/07, effective 10/28/07.]

WAC 480-108-100 Dispute resolution. An interconnection customer may ask the commission to review an electrical company's study costs, interconnection facility costs, system upgrade costs, deposit requirements, assignment of costs to the interconnection customer or an electrical company's processing, termination, denial or rejection of an interconnection application by making an informal complaint under WAC 480-07-910, or by filing a formal complaint under WAC 480-07-370.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 07-20-059 (Docket UE-060649, General Order 545), § 480-108-100, filed 9/27/07, effective 10/28/07.]

WAC 480-108-110 Required filings—Exceptions. (1) The electrical company must file for commission approval, as part of its tariff, and maintain on file for inspection at its place of business, the charges, terms and conditions for interconnections pursuant to Part 2 of this chapter. Such filing must include model forms of the following documents and contracts:

(a) Application;

(b) Feasibility Study Agreement;

(c) System Impact Study Agreement;

(d) Facilities Study Agreement;

(e) Construction Agreement;

(f) Interconnection Agreement; and

(g) Certificate of Completion.

(2) The commission may grant such exceptions to these rules as may be appropriate in individual cases.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 07-20-059 (Docket UE-060649, General Order 545), § 480-108-110, filed 9/27/07, effective 10/28/07.]

WAC 480-108-120 Cumulative effects of interconnections with a nameplate capacity rating greater than 300 kW but no more than 20 MW. Electrical companies will evaluate on an ongoing basis, but not less than once every five years, the cumulative effect, including benefits to its other customers, of interconnections made under Part 2 of this chapter on its electric system and will retain appropriate records of its evaluations.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 07-20-059 (Docket UE-060649, General Order 545), § 480-108-120, filed 9/27/07, effective 10/28/07.]

WAC 480-108-999 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 or as otherwise indicated. The publications, effective date, references within this chapter, and availability of the resources are as follows:

(1) The National Electrical Code is published by the National Fire Protection Association (NFPA).

(a) The commission adopts the version published in 2005.

(b) This publication is referenced in WAC 480-108-020.

(c) The National Electrical Code is a copyrighted document. Copies are available from the NFPA at 1 Batterymarch Park, Quincy, Massachusetts, 02169 or at internet address http://www.nfpa.org.

(2) National Electric Safety Code (NESC).

(a) The commission adopts the version published in 2002.

(b) This publication is referenced in WAC 480-108-020.

(c) Copies of the National Electric Safety Code are available from the Institute of Electrical and Electronics Engineers at http://standards.ieee.org/nesc.

(3) Institute of Electrical and Electronics Engineers (IEEE) Standard 1547, Standard for Interconnecting Distributed Resources with Electric Power Systems.

(a) The commission adopts the version published in 2003.

(b) This publication is referenced in WAC 480-108-020.

(c) Copies of IEEE Standard 1547 are available from the Institute of Electrical and Electronics Engineers at http://www.ieee.org/web/standards/home.

(4) Institute of Electrical and Electronics Engineers (IEEE) Standard 929, Recommended Practice for Utility Interface of Photovoltaic (PV) Systems.

(a) The commission adopts the version published in 2000.

(b) This publication is referenced in WAC 480-108-020.

(c) Copies of IEEE Standard 929 are available from the Institute of Electrical and Electronics Engineers at http://www.ieee.org/web/standards/home.

(5) American National Standards Institute (ANSI) Standard C37.90, IEEE Standard for Relays and Relay Systems Associated with Electric Power Apparatus.

(a) The commission adopts the version published in 2005.

(b) This publication is referenced in WAC 480-108-020.

(c) Copies of IEEE Standard C37.90 are available from the Institute of Electrical and Electronics Engineers at http://www.ieee.org/web/standards/home.

(6) Institute of Electrical and Electronics Engineers (IEEE) Standard 519, Recommended Practices and Requirements for Harmonic Control in Electrical Power Systems.

(a) The commission adopts the version published in 1992.

(b) This publication is referenced in WAC 480-108-020.

(c) Copies of IEEE Standard 519 are available from the Institute of Electrical and Electronics Engineers at http://www.ieee.org/web/standards/home.

(7) Institute of Electrical and Electronics Engineers (IEEE) Standard 141, Recommended Practice for Electric Power Distribution for Industrial Plants.

(a) The commission adopts the version published in 1994 and reaffirmed in 1999.

(b) This publication is referenced in WAC 480-108-020.

(c) Copies of IEEE Standard 141 are available from the Institute of Electrical and Electronics Engineers at http://www.ieee.org/web/standards/home.

(8) Institute of Electrical and Electronics Engineers (IEEE) Standard 142, Recommended Practice for Grounding of Industrial and Commercial Power Systems.

(a) The commission adopts the version published in 1991.

(b) This publication is referenced in WAC 480-108-020.

(c) Copies of IEEE Standard 142 are available from the Institute of Electrical and Electronics Engineers at http://www.ieee.org/web/standards/home.

(9) Underwriters Laboratories (UL), including UL Standard 1741, Inverters, Converters, and Controllers for Use in Independent Power Systems.

(a) The commission adopts the version published in 2005.

(b) This publication is referenced in WAC 480-108-020.

(c) UL Standard 1741 is available from Underwriters Laboratory at http://www.ul.com.

(10) Occupational Safety and Health Administration (OSHA) Standard at 29 CFR 1910.269.

(a) The commission adopts the version published in 1994.

(b) This publication is referenced in WAC 480-108-020.

(c) Copies of Title 29 Code of Federal Regulations are available from the U.S. Government Online Bookstore, http://bookstore.gpo.gov/, and from various third-party vendors.

(11) Washington Industrial Safety and Health Administration (WISHA) Standard, chapter 296-155 WAC.

(a) The commission adopts the version in effect on July 1, 2008.

(b) This publication is referenced in WAC 480-108-020.

(c) The WISHA Standard is available from the Washington Department of Labor and Industries at P.O. Box 44000, Olympia, WA 98504-4000, or at internet address http://www.lni.wa.gov.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. 09-01-171 (Docket A-081419, General Order R-554), § 480-108-999, filed 12/23/08, effective 1/23/09. Statutory Authority: RCW 80.01.040 and 80.04.160. 07-20-059 (Docket UE-060649, General Order 545), § 480-108-999, filed 9/27/07, effective 10/28/07; 06-07-017 (Docket No. UE-051106, General Order No. R-528), § 480-108-999, filed 3/6/06, effective 4/6/06.]

Chapter 480-109 WAC

ELECTRIC COMPANIES—ACQUISITION OF MINIMUM QUANTITIES OF CONSERVATION AND RENEWABLE ENERGY AS REQUIRED BY THE ENERGY INDEPENDENCE ACT (CHAPTER 19.285 RCW)

WAC

480-109-001	Purpose and scope.
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480-109-020	Renewable resources.
480-109-030	Alternatives to the renewable resource requirement.
480-109-040	Annual reporting requirements.
480-109-050	Administrative penalties.

WAC 480-109-001 Purpose and scope. The purpose of this chapter is to establish rules that electric utilities will use to comply with the requirements of the Energy Independence Act, chapter 19.285 RCW.

[Statutory Authority: RCW 80.01.040, 80.04.160, and chapter 19.285 RCW. 07-24-012 (Docket UE-061895, General Order R-546), § 480-109-001, filed 11/27/07, effective 12/28/07.]

WAC 480-109-002 Application of rules. (1) The rules in this chapter apply to any electric utility that is subject to the commission's jurisdiction under RCW 80.04.010 and chapter 80.28 RCW.

(2) Any affected person may ask the commission to review the interpretation of these rules by a utility by making an informal complaint under WAC 480-07-910, Informal complaints, or by filing a formal complaint under WAC 480-07-370, Pleadings—General.

(3) No exception from the provisions of any rule in this chapter is permitted without prior written authorization by the commission. Such exceptions may be granted only if consistent with the public interest, the purposes underlying regulation, and applicable law. Any deviation from the provisions of any rule in this chapter without prior commission authorization will be subject to penalties as provided by law.

[Statutory Authority: RCW 80.01.040, 80.04.160, and chapter 19.285 RCW. 07-24-012 (Docket UE-061895, General Order R-546), § 480-109-002, filed 11/27/07, effective 12/28/07.]

WAC 480-109-003 Exemptions from rules in chapter 480-109 WAC. The commission may grant an exemption from the provisions of any rule in this chapter in the same manner and consistent with the standards and according to the procedures set forth in WAC 480-07-110 (Exemptions from and modifications to commission rules; conflicts involving rules).

[Statutory Authority: RCW 80.01.040, 80.04.160, and chapter 19.285 RCW. 07-24-012 (Docket UE-061895, General Order R-546), § 480-109-003, filed 11/27/07, effective 12/28/07.]

WAC 480-109-004 Additional requirements. (1) These rules do not relieve any utility from any of its duties and obligations under the laws of the state of Washington.

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

[Statutory Authority: RCW 80.01.040, 80.04.160, and chapter 19.285 RCW. 07-24-012 (Docket UE-061895, General Order R-546), § 480-109-004, filed 11/27/07, effective 12/28/07.]

WAC 480-109-006 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, 80.04.160, and chapter 19.285 RCW. 07-24-012 (Docket UE-061895, General Order R-546), § 480-109-006, filed 11/27/07, effective 12/28/07.]

WAC 480-109-007 Definitions. (1) "Annual retail revenue requirement" means the total revenue the commission authorizes a utility an opportunity to recover in Washington rates pursuant to a general rate proceeding or other general rate revision.

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

(3) "Conservation" means any reduction in electric power consumption resulting from increases in the efficiency of energy use, production, or distribution.

(4) "Conservation council" means the Pacific Northwest electric power and conservation council.

(5) "Cost-effective" has the same meaning as defined in RCW 80.52.030.

(6) "Customer" means a person or entity that purchases electricity for ultimate consumption and not for resale.

(7) "Department" means the department of community, trade, and economic development or its successor.

(8) "Distributed generation" means an eligible renewable resource where the generation facility or any integrated clus-

ter of such facilities has a generating capacity of not more than five megawatts.

(9) "Eligible renewable resource" means:

(a) Electricity from a generation facility powered by a renewable resource other than fresh water that commences operation after March 31, 1999, where:

(i) The facility is located in the Pacific Northwest; or

(ii) The electricity from the facility is delivered into Washington state on a real-time basis without shaping, storage, or integration services; or

(b) Incremental electricity produced as a result of efficiency improvements completed after March 31, 1999, to hydroelectric generation projects owned by a qualifying utility and located in the Pacific Northwest or to hydroelectric generation in irrigation pipes and canals located in the Pacific Northwest, where the additional generation in either case does not result in new water diversions or impoundments.

(10) "High-efficiency cogeneration" means a cogeneration facility with a useful thermal output of no less than thirty-three percent of the total energy output, under normal operating conditions. Electrical output will be calculated as the kWh output of the facility over a period of time, converted to BTUs using the conversion factor of 3413 BTUs/kWh. Total energy output must be calculated by summing all useful energy outputs of the cogeneration facility over the same period of time expressed in BTU units.

(11) "Integrated resource plan" or "IRP" means the filing made every two years by an electric utility in accordance with WAC 480-100-238, Integrated resource planning.

(12) "Load" means the amount of kilowatt-hours of electricity delivered in the most recently completed year by a qualifying utility to its Washington retail customers. Load does not include off-system sales or electricity delivered to transmission-only customers.

(13) "Nonpower attributes" means all environmentally related characteristics, exclusive of energy, capacity reliability, and other electrical power service attributes, that are associated with the generation of electricity from a renewable resource, including but not limited to the facility's fuel type, geographic location, vintage, qualification as an eligible renewable resource, and avoided emissions of pollutants to the air, soil, or water, and avoided emissions of carbon dioxide and other greenhouse gases.

(14) "Pro rata" means the calculation used to establish a minimum level for a conservation target based on a utility's projected ten year conservation potential.

(15) "Pacific Northwest" has the same meaning as defined for the Bonneville power administration in section 3 of the Pacific Northwest Electric Power Planning and Conservation Act (94 Stat. 2698; 16 U.S.C. Sec. 839a).

(16) "Request for proposal" or "RFP" means the documents describing an electric utility's solicitation of bids for delivering electric capacity, energy, or capacity and energy, or conservation.

(17) "Renewable energy credit" means a tradable certificate of proof of at least one megawatt-hour of an eligible renewable resource where the generation facility is not powered by fresh water, the certificate includes all of the nonpower attributes associated with that one megawatt-hour of electricity, and the certificate is verified by a renewable energy credit tracking system selected by the department.

(18) "Renewable resource" means:

(a) Water;

(b) Wind;

(c) Solar energy;

(d) Geothermal energy;

(e) Landfill gas;

(f) Wave, ocean, or tidal power;

(g) Gas from sewage treatment facilities;

(h) Biodiesel fuel as defined in RCW 82.29A.135 that is not derived from crops raised on land cleared from old growth or first-growth forests where the clearing occurred after December 7, 2006; and

(i) Biomass energy based on animal waste or solid organic fuels from wood, forest, or field residues, or dedicated energy crops that do not include:

(i) Wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic;

(ii) Black liquor by-product from paper production;

(iii) Wood from old growth forests; or

(iv) Municipal solid waste.

(j) Eligible renewable resources produced by biomass facilities should be based on the portion of the fuel supply that is made up of eligible biomass fuels.

(19) "Utility" means an electrical company that is subject to the commission's jurisdiction under RCW 80.04.010 and chapter 80.28 RCW.

(20) "Year" means the twelve-month period commencing January 1st and ending December 31st.

[Statutory Authority: RCW 80.01.040, 80.04.160, and chapter 19.285 RCW. 07-24-012 and 08-01-037 (Docket UE-061895, General Order R-546), § 480-109-007, filed 11/27/07 and 12/10/07, effective 12/28/07 and 1/10/08.]

WAC 480-109-010 Conservation resources. (1) By January 1, 2010, and every two years thereafter, each utility must project its cumulative ten-year conservation potential.

(a) This projection need only consider conservation resources that are cost-effective, reliable and feasible.

(b) This projection must be derived from and reasonably consistent with one of two sources:

(i) The utility's most recent IRP, including any information learned in its subsequent resource acquisition process, or the utility must document the reasons for any differences. When developing this projection, utilities must use methodologies that are consistent with those used by the conservation council in its most recent regional power plan. A utility may, with full documentation on the rationale for any modification, alter the conservation council's methodologies to better fit the attributes and characteristics of its service territory.

(ii) The utility's proportionate share, developed as a percentage of its retail sales, of the conservation council's current power plan targets for the state of Washington.

(2) Beginning January 2010, and every two years thereafter, each utility must establish a biennial conservation target.

(a) The biennial conservation target must identify all achievable conservation opportunities.

(b) The biennial conservation target must be no lower than a pro rata share of the utility's ten-year cumulative achievable conservation potential. Each utility must fully

document how it prorated its ten-year cumulative conservation potential to determine the minimum level for its biennial conservation target.

(c) The biennial conservation target may be a range rather than a point target.

(3) On or before January 31, 2010, and every two years thereafter, each utility must file with the commission a report identifying its ten-year achievable conservation potential and its biennial conservation target.

(a) Participation by the commission staff and the public in the development of the ten-year conservation potential and the two-year conservation target is essential. The report must outline the extent of public and commission staff participation in the development of these conservation metrics.

(b) This report must identify whether the conservation council's plan or the utility's IRP and acquisition process were the source of its ten-year conservation potential. The report must also clearly state how the utility prorated this ten-year projection to create its two-year conservation target.

(c) If the utility uses its integrated resource plan and related information to determine its ten-year conservation potential, the report must describe the technologies, data collection, processes, procedures and assumptions the utility used to develop these figures. This report must describe and support any changes in assumptions or methodologies used in the utility's most recent IRP or the conservation council's power plan.

(4) Commission staff and other interested persons may file written comments regarding a utility's ten-year achievable conservation potential or its biennial conservation target within thirty days of the utility's filing.

(a) After reviewing any written comments, the commission will decide whether to hear oral comments regarding the utility's filing at a subsequent open public meeting.

(b) The commission, considering any written or oral comments, may determine that additional scrutiny is warranted of a utility's ten-year achievable conservation potential or biennial conservation target. If the commission determines that additional review is needed, the commission will establish an adjudicative proceeding or other process to fully consider appropriate revisions.

(c) Upon conclusion of the commission review, the commission will determine whether to approve, approve with conditions, or reject the utility's ten-year achievable conservation potential and biennial conservation target.

[Statutory Authority: RCW 80.01.040, 80.04.160, and chapter 19.285 RCW. 07-24-012 (Docket UE-061895, General Order R-546), § 480-109-010, filed 11/27/07, effective 12/28/07.]

WAC 480-109-020 Renewable resources. (1) Each utility must meet the following annual targets.

(a) By January 1 of each year beginning in 2012 and continuing through 2015, each utility must use sufficient eligible renewable resources, acquire equivalent renewable energy credits, or a combination of both, to supply at least three percent of its load for the remainder of each year.

(b) By January 1 of each year beginning in 2016 and continuing through 2019, each utility must use sufficient eligible renewable resources, acquire equivalent renewable energy credits, or a combination of both, to supply at least nine percent of its load for the remainder of each year.

(c) By January 1 of each year beginning in 2020 and continuing each year thereafter, each utility must use sufficient eligible renewable resources, acquire equivalent renewable energy credits, or a combination of both, to supply at least fifteen percent of its load for the remainder of each year.

(2) Renewable energy credits produced during the target year, the preceding year or the subsequent year may be used to comply with this annual renewable resource requirement provided that they were acquired by January 1 of the target year.

(3) In meeting the annual targets of this subsection, a utility must calculate its annual load based on the average of the utility's load for the previous two years.

(4) A renewable resource within the Pacific Northwest may receive integration, shaping, storage or other services from sources outside of the Pacific Northwest and remain eligible to count towards a utility's renewable resource target.

[Statutory Authority: RCW 80.01.040, 80.04.160, and chapter 19.285 RCW. 07-24-012 (Docket UE-061895, General Order R-546), § 480-109-020, filed 11/27/07, effective 12/28/07.]

WAC 480-109-030 Alternatives to the renewable resource requirement. Instead of meeting its annual renewable resource target in WAC 480-109-020, a utility may make one of three demonstrations.

(1) A utility may invest at least four percent of its total annual retail revenue requirement on the incremental costs of eligible renewable resources, renewable energy credits, or a combination of both. The incremental cost of an eligible renewable resource is the difference between the levelized delivered system cost of the eligible renewable resource and the levelized delivered cost of an equivalent amount of reasonably available nonrenewable resource. The system analysis used will be reasonably consistent with principles used in the utility's resource planning and acquisition analyses.

(2) A utility may demonstrate that events beyond its reasonable control that could not have been reasonably anticipated or ameliorated prevented it from meeting the renewable energy target. Such events may include weather-related damage, mechanical failure, strikes, lockouts, or actions of a governmental authority that adversely affect the generation, transmission, or distribution of an eligible renewable resource owned by or under contract to a qualifying utility.

(3) A utility may demonstrate all of the following:

(a) Its weather-adjusted load for the previous three years on average did not increase.

(b) After December 7, 2006, all new or renewed ownership or purchases of electricity from nonrenewable resources other than daily spot purchases were offset by equivalent renewable energy credits.

(c) It invested at least one percent of its total annual retail revenue requirement that year on eligible renewable resources, renewable energy credits, or a combination of both.

[Statutory Authority: RCW 80.01.040, 80.04.160, and chapter 19.285 RCW. 07-24-012 and 08-01-037 (Docket UE-061895, General Order R-546), § 480-109-030, filed 11/27/07 and 12/10/07, effective 12/28/07 and 1/10/08.]

WAC 480-109-040 Annual reporting requirements. (1) On or before June 1, 2012, and annually thereafter, each utility must file a report with the commission and the depart-

ment regarding its progress in meeting its conservation and renewable resource targets during the preceding year.

(a) The report must include the conservation target for that year, the expected and actual electricity savings from conservation, and all expenditures made to acquire conservation.

The report may count electricity savings from new high-efficiency cogeneration facilities owned and used by a retail electric customer operating within the utility's service area towards the utility's conservation target during the biennium when the cogeneration facility commences operation. The electricity savings reported for each high-efficiency cogeneration facility is the amount of energy consumption avoided by the sequential production of electricity and useful thermal energy from a common fuel source.

(b) The report must include the utility's annual load for the prior two years, the total number of megawatt-hours from eligible renewable resources and/or renewable resource credits the utility needed to meet its annual renewable energy target by January 1 of the target year, the amount (in megawatt-hours) and cost of each type of eligible renewable resource used, the amount (in megawatt-hours) and cost of renewable energy credits acquired, the type and cost (per megawatt-hour) of the least-cost substitute resources available to the utility that do not qualify as eligible renewable resources, the incremental cost of eligible renewable resources and renewable energy credits, and the ratio of this investment relative to the utility's total annual retail revenue requirement.

(c) The report must state if the utility is relying upon one of the alternative compliance mechanisms provided in WAC 480-109-030 instead of meeting its renewable resource target. A utility using an alternative compliance mechanism must include sufficient data, documentation and other information in its report to demonstrate that it qualifies to use that alternative mechanism.

(d) The report must describe the steps the utility is taking to meet the renewable resource requirements for the current year. This description should indicate whether the utility plans to use or acquire its own renewable resources, plans to or has acquired contracted renewable resources, or plans to use an alternative compliance mechanism.

(2) Commission staff and other interested persons may file written comments regarding a utility's report within thirty days of the utility's filing.

(a) After reviewing any written comments, the commission will decide whether to hear oral comments regarding the utility's filing at a subsequent open meeting.

(b) The commission, considering any written or oral comments, may determine that additional scrutiny of the report is warranted. If the commission determines that additional review is needed, the commission will establish an adjudicative proceeding or other process to fully consider appropriate revisions.

(c) Upon conclusion of the commission review of the utility's report, the commission will issue a decision determining whether the utility complied with its conservation and renewable resource targets. If the utility is not in compliance, the commission will determine the amount in megawatt-hours by which the utility was deficient in meeting those targets.

(3) If a utility revises its report as a result of the commission review, the utility must submit the revised final report to the department.

(4) All current and historical reports required in subsection (1) of this section must be posted on the utility's web site and a copy of any report must be provided to any person upon request.

(5) Each utility must provide a summary of this report to its customers by bill insert or other suitable method. This summary must be provided within ninety days of final action by the commission on this report.

[Statutory Authority: RCW 80.01.040, 80.04.160, and chapter 19.285 RCW. 07-24-012 (Docket UE-061895, General Order R-546), § 480-109-040, filed 11/27/07, effective 12/28/07.]

WAC 480-109-050 Administrative penalties. (1) A utility that fails to achieve either its conservation target or its renewable resource target must pay an administrative penalty for each megawatt-hour of shortfall in the amount of fifty dollars adjusted annually, beginning in 2007, to reflect changes in the gross domestic product-implicit price deflator, as published by the Bureau of Economic Analysis of the United States Department of Commerce or its successor.

(2) Administrative penalties are due within fifteen days of a commission determination, pursuant to WAC 480-109-040(2), that a utility failed to achieve its conservation or renewable resource target.

(3) A utility that pays an administrative penalty under subsection (2) of this section, must notify its retail electric customers within three months of incurring a penalty stating the size of the penalty, the reason it was incurred and whether the utility expects to seek recovery of the penalty amounts in rates. The utility must provide this notification in a bill insert, a written publication mailed to all retail electricity customers, or another approach approved by the commission.

(4) A utility may request an accounting order from the commission authorizing the deferral of the cost of any administrative penalty assessed under this section. The approval of an accounting order to defer penalties does not constitute approval of recovery of penalties in rates. A utility may seek to recover deferred administrative penalties in a general rate case or power cost only type rate proceeding. If a utility seeks to recover deferred administrative penalties in rates, the utility must demonstrate the prudence of its decisions and actions when it failed to meet the renewable resource targets or one of the compliance alternatives provided in WAC 480-109-030, or the energy conservation targets. When assessing a request for recovery of deferred administrative penalties, the commission will consider the intent of the Energy Independence Act, other laws governing commission actions, policies and precedents of the commission, and the commission's responsibility to act in the public interest.

[Statutory Authority: RCW 80.01.040, 80.04.160, and chapter 19.285 RCW. 07-24-012 (Docket UE-061895, General Order R-546), § 480-109-050, filed 11/27/07, effective 12/28/07.]

Chapter 480-110 WAC
WATER COMPANIES

WAC

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480-110-010 Application of rules. [Order R-5, § 480-110-010, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-011.

480-110-011 Application of rules. [Order R-30, § 480-110-011, filed 7/15/71. Formerly WAC 480-110-010.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.

480-110-016 Saving clause. [Order R-30, § 480-110-016, filed 7/15/71. Formerly WAC 480-110-020.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.

480-110-018 Definition of control. [Statutory Authority: RCW 80.01.040 and 1991 c 101. 92-09-078 (Order R-373, Docket No. UW-920118), § 480-110-018, filed 4/15/92, effective 5/16/92.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.

480-110-020 Saving clause. [Order R-5, § 480-110-020, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-016.

480-110-021 Glossary. [Statutory Authority: RCW 80.01.040 and 1991 c 101. 92-13-056 (Order R-374, Docket No. UW-920119), § 480-110-021, filed 6/11/92, effective 7/12/92. Statutory Authority: RCW 80.01.040. 90-17-061 (Order R-320, Docket No. UW-900081), § 480-110-021, filed 8/14/90, effective 9/14/90; Order R-30, § 480-110-021, filed 7/15/71. Formerly WAC 480-110-030.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.

480-110-023 Average customer revenue jurisdictional threshold. [Statutory Authority: RCW 80.04.010 and 80.01.040. 95-21-009 (Order R-434, Docket UW-950746), § 480-110-023, filed 10/6/95, effective 11/6/95. Statutory Authority: RCW 80.01.040. 93-12-062 (Order R-388, Docket No. UW-921211), § 480-110-023, filed 5/27/93, effective 6/27/93.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.

480-110-026 Tariffs. [Statutory Authority: RCW 80.01.040. 90-17-061 (Order R-320, Docket No. UW-900081), § 480-110-026, filed 8/14/90, effective 9/14/90; Order R-30, § 480-110-026, filed 7/15/71. Formerly WAC 480-110-050 and 480-110-460.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.

480-110-028 Fire flow requirements. [Statutory Authority: RCW 80.01.040. 90-17-061 (Order R-320, Docket No. UW-900081), § 480-110-028, filed 8/14/90, effective 9/14/90.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.

480-110-030 Definition of terms as used in these rules. [Order R-5, § 480-110-030, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-021.

480-110-031 Accounting. [Statutory Authority: RCW 80.01.040. 90-01-058 (Order R-313, Docket No. U-89-3099-R), § 480-110-031, filed 12/15/89, effective 1/15/90; Order R-30, § 480-110-031, filed 7/15/71.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.-040.

480-110-032 Accounting—Political information and political education activities. [Statutory Authority: RCW 80.01.040. 86-04-072 (Order R-251, Cause No. U-85-78), § 480-110-032, filed 2/5/86.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.

480-110-036 Finance—Securities, affiliated interests, transfer of property. [Order R-30, § 480-110-036, filed 7/15/71.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.

480-110-040 Statement of test procedures. [Order R-5, § 480-110-040, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-156.

480-110-041 Availability of information. [Statutory Authority: RCW 80.01.040. 85-11-019 (Order R-229, Cause No. U-85-11), § 480-110-041, filed 5/9/85; Order R-85, § 480-110-041, filed 6/30/76; Order R-30, § 480-110-041, filed 7/15/71. Formerly WAC 480-110-080.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.

480-110-046 Application for service. [Statutory Authority: RCW 80.01.040. 90-17-061 (Order R-320, Docket No. UW-900081), § 480-110-046, filed 8/14/90, effective 9/14/90; Order R-30, § 480-110-046, filed 7/15/71. Formerly WAC 480-110-130.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.-040.

480-110-050 Tariffs. [Order R-5, § 480-110-050, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-026.

480-110-051 Deposits. [Statutory Authority: RCW 80.01.040. 94-01-095 (Order R-404, Docket No. UW-930955), § 480-

110-051, filed 12/14/93, effective 1/14/94; Order R-85, § 480-110-051, filed 6/30/76; Order R-30, § 480-110-051, filed 7/15/71. Formerly WAC 480-110-150.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.

480-110-056 Refusal of service. [Order R-30, § 480-110-056, filed 7/15/71. Formerly WAC 480-110-190.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.

480-110-060 Classification of accounts. [Order R-5, § 480-110-060, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71.

480-110-061 Contract for service. [Order R-30, § 480-110-061, filed 7/15/71. Formerly WAC 480-110-140.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.

480-110-066 Distribution extensions—Service installations—Service connections. [Statutory Authority: RCW 80.01.040 and 1991 c 101. 92-13-056 (Order R-374, Resolution No. UW-920119), § 480-110-066, filed 6/11/92, effective 7/12/92. Statutory Authority: RCW 80.01.040. 90-17-061 (Order R-320, Docket No. UW-900081), § 480-110-066, filed 8/14/90, effective 9/14/90; Order R-30, § 480-110-066, filed 7/15/71. Formerly WAC 480-110-230.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.

480-110-070 Annual reports. [Order R-5, § 480-110-070, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71.

480-110-071 Discontinuance of service. [Order R-85, § 480-110-071, filed 6/30/76; Order R-30, § 480-110-071, filed 7/15/71. Formerly WAC 480-110-160 and 480-110-170.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.

480-110-076 Service responsibilities. [Order R-30, § 480-110-076, filed 7/15/71. Formerly WAC 480-110-200, 480-110-210 and 480-110-220.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.

480-110-080 Information available. [Order R-5, § 480-110-080, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-041.

480-110-081 Service connections. [Order R-30, § 480-110-081, filed 7/15/71. Formerly WAC 480-110-240.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.

480-110-086 Meter location. [Order R-30, § 480-110-086, filed 7/15/71. Formerly WAC 480-110-280.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.

480-110-090 Complaints. [Order R-5, § 480-110-090, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-096.

480-110-091 Access to premises. [Order R-30, § 480-110-091, filed 7/15/71. Formerly WAC 480-110-120 and 480-110-250.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.

480-110-096 Complaints and disputes. [Order R-85, § 480-110-096, filed 6/30/76; Order R-30, § 480-110-096, filed 7/15/71. Formerly WAC 480-110-090 and 480-110-100.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.

480-110-100 Record of complaints. [Order R-5, § 480-110-100, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-096.

480-110-101 Form of bills. [Order R-85, § 480-110-101, filed 6/30/76; Order R-30, § 480-110-101, filed 7/15/71. Formerly WAC 480-110-260.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.-040.

480-110-106 Dispute as to billing. [Order R-30, § 480-110-106, filed 7/15/71. Formerly WAC 480-110-270.] Repealed by Order R-85, filed 6/30/76.

480-110-110 Filing of records and reports. [Order R-5, § 480-110-110, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-176.

480-110-111 Refund for inaccurate metering. [Order R-30, § 480-110-111, filed 7/15/71. Formerly WAC 480-110-440.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.

480-110-116 Responsibility for delinquent accounts. [Order R-30, § 480-110-116, filed 7/15/71. Formerly WAC 480-110-180.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.

480-110-120 Identification of employees. [Order R-5, § 480-110-120, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-091.

480-110-121 Meter charges and installation. [Order R-30, § 480-110-121, filed 7/15/71. Formerly WAC 480-110-290, 480-110-300 and 480-110-310.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.-040.

480-110-126 Meter readings. [Order R-30, § 480-110-126, filed 7/15/71. Formerly WAC 480-110-320.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.

480-110-130 Application for service. [Order R-5, § 480-110-130, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-046.

480-110-131 Identification of meters. [Order R-30, § 480-110-131, filed 7/15/71. Formerly WAC 480-110-420.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.

480-110-136 Initial accuracy of meters. [Order R-30, § 480-110-136, filed 7/15/71. Formerly WAC 480-110-330 and 480-110-450.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.

480-110-140 Contract for service. [Order R-5, § 480-110-140, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-061.

480-110-141 Accuracy of meters. [Order R-30, § 480-110-141, filed 7/15/71. Formerly WAC 480-110-350.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.

480-110-146 Dispute as to accuracy of meters. [Order R-30, § 480-110-146, filed 7/15/71. Formerly WAC 480-110-390.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.

480-110-150 Deposits. [Order R-5, § 480-110-150, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-051.

480-110-151 Complaint meter test. [Order R-30, § 480-110-151, filed 7/15/71. Formerly WAC 480-110-400, 480-110-410 and 480-110-430.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.

480-110-156 Statement of test procedures. [Order R-30, § 480-110-156, filed 7/15/71. Formerly WAC 480-110-040.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.

480-110-160 Discontinuance of service by customer. [Order R-5, § 480-110-160, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-071.

480-110-161 Frequency of periodic tests. [Order R-30, § 480-110-161, filed 7/15/71. Formerly WAC 480-110-370.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.

480-110-166 Meter history records. [Order R-30, § 480-110-166, filed 7/15/71. Formerly WAC 480-110-380.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.

480-110-170 Discontinuance of service by utility. [Order R-5, § 480-110-170, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-071.

480-110-171 Reports of accidents. [Order R-30, § 480-110-171, filed 7/15/71. Formerly WAC 480-110-470.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.

480-110-176 Filing of records and reports and the preservation of records. [Statutory Authority: RCW 80.01.040. 93-12-062 (Order R-388, Docket No. UW-921211), § 480-110-176, filed 5/27/93, effective 6/27/93; Order R-64, § 480-110-176, filed 2/13/74; Order R-30, § 480-110-176, filed 7/15/71. Formerly WAC 480-110-110.] Repealed by 99-24-100 (Order R-467, Docket No. UW-980082), filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 80.01.040.

480-110-180 Responsibility for delinquent accounts. [Order R-5, § 480-110-180, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-116.

480-110-190 Refusal of service. [Order R-5, § 480-110-190, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-056.

480-110-200 Service provisions. [Order R-5, § 480-110-200, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-076.

480-110-210 Changes in use. [Order R-5, § 480-110-210, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-076.

480-110-220 Adequacy and continuity of service. [Order R-5, § 480-110-220, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-076.

480-110-230 Distribution extensions. [Order R-5, § 480-110-230, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-066.

480-110-240 Service connections. [Order R-5, § 480-110-240, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-081.

480-110-250 Access to premises. [Order R-5, § 480-110-250, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-091.

480-110-260 Forms of bills. [Order R-5, § 480-110-260, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-101.

480-110-265 Tariffs. [Statutory Authority: RCW 80.01.040. 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-265, filed 11/30/99, effective 12/31/99.] Repealed by 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), filed 2/28/05, effective 3/31/05. Statutory Authority: RCW 80.01.040, 80.04.-160, 81.04.160 and 34.05.353.

480-110-270 Dispute as to bills. [Order R-5, § 480-110-270, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-106.

480-110-275 Accounting and reporting requirements, and regulatory fees. [Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 2003 c 296. 04-05-031 (Docket No. A-031232, General Order No. R-512), § 480-110-275, filed 2/11/04, effective 3/13/04. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-110-275, filed 8/26/02, effective 9/26/02. Statutory Authority: RCW 80.01.040. 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-275, filed 11/30/99, effective 12/31/99.] Repealed by 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), filed 2/28/05, effective 3/31/05. Statutory Authority: RCW 80.01.040, 80.04.-160, 81.04.160 and 34.05.353.

480-110-280 Meter location. [Order R-5, § 480-110-280, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-086.

480-110-285 Securities, affiliated interest, transfer of property. [Statutory Authority: RCW 80.01.040. 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-285, filed 11/30/99, effective 12/31/99.] Repealed by 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), filed 2/28/05, effective 3/31/05. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353.

480-110-290 Installation of meters. [Order R-5, § 480-110-290, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-121.

480-110-295 Adopted and initial tariffs. [Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-110-295, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040. 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-295, filed 11/30/99, effective 12/31/99.] Repealed by 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), filed 2/28/05, effective 3/31/05. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353.

480-110-300 Meters per customer. [Order R-5, § 480-110-300, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-121.

480-110-310 Meter rental. [Order R-5, § 480-110-310, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-121.

480-110-320 Meter readings. [Order R-5, § 480-110-320, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-126.

480-110-330 Initial accuracy of meters. [Order R-5, § 480-110-330, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-136.

480-110-340 Meter testing facilities. [Order R-5, § 480-110-340, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71.

480-110-350 Permissible error. [Order R-5, § 480-110-350, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-141.

480-110-360 Method of testing. [Order R-5, § 480-110-360, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71.

480-110-370 Frequency of periodic tests. [Order R-5, § 480-110-370, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-161.

480-110-380 Meter history record. [Order R-5, § 480-110-380, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-166.

480-110-390 Dispute as to accuracy of meters. [Order R-5, § 480-110-390, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-146.

480-110-400 Free complaint meter test. [Order R-5, § 480-110-400, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-151.

480-110-410 Fee for extra complaint meter tests. [Order R-5, § 480-110-410, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-151.

480-110-420 Identification of meters. [Order R-5, § 480-110-420, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-131.

480-110-430 Complaint reports. [Order R-5, § 480-110-430, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-151.

480-110-440 Refunds for inaccurate metering. [Order R-5, § 480-110-440, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-111.

480-110-450 Meter seals. [Order R-5, § 480-110-450, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-136.

480-110-460 Service area. [Order R-5, § 480-110-460, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-026.

480-110-470 Reports of accidents. [Order R-5, § 480-110-470, filed 6/6/69, effective 10/9/69.] Repealed by Order R-30, filed 7/15/71. Later promulgation WAC 480-110-171.

480-110-475 Reports of accidents. [Statutory Authority: RCW 80.01.040. 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-475, filed 11/30/99, effective 12/31/99.] Repealed by 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), filed 2/28/05, effective 3/31/05. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353.

480-110-495 Maps. [Statutory Authority: RCW 80.01.040. 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-495, filed 11/30/99, effective 12/31/99.] Repealed

by 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), filed 2/28/05, effective 3/31/05. Statutory Authority: RCW 80.01.040, 80.04.-160, 81.04.160 and 34.05.353.

PART I—GENERAL RULES

WAC 480-110-205 Application of rules. The rules in this chapter apply to any water company that distributes, sells, or supplies water, and that meets requirements for commission regulation or jurisdiction under RCW 80.04.010 and WAC 480-110-255 (Jurisdiction). This includes investor-owned water companies that meet the jurisdictional threshold of serving one hundred or more customers or have average revenue of more than four hundred seventy-one dollars per customer per year.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 80.04.010. 05-08-099 (Docket No. UW-040375, General Order No. R-519), § 480-110-205, filed 4/4/05, effective 5/5/05. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-110-205, filed 2/28/05, effective 3/31/05. Statutory Authority: RCW 80.01.040. 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-205, filed 11/30/99, effective 12/31/99.]

WAC 480-110-215 Exemptions from rules in chapter 480-110 WAC. The commission may grant an exemption from the provisions of any rule in this chapter in the same manner and consistent with the standards and according to the procedures set forth in WAC 480-07-110 (Exceptions from and modifications to the rules in this chapter; special rules).

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-110-215, filed 2/28/05, effective 3/31/05. Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-110-215, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040. 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-215, filed 11/30/99, effective 12/31/99.]

WAC 480-110-225 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 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-110-225, filed 2/28/05, effective 3/31/05. Statutory Authority: RCW 80.01.040. 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-225, filed 11/30/99, effective 12/31/99.]

WAC 480-110-227 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, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-110-227, filed 2/28/05, effective 3/31/05.]

WAC 480-110-235 Definition of control. (1) For purposes of determining commission jurisdiction over a water company as defined in RCW 80.04.010, "control" means the water system operator or manager has discretion over the property or finances or operations of a water company which is normally exercised by an owner. Factors indicating control include, but are not limited to, whether the operator or manager:

(a) May authorize the purchase or sale of all or part of the water system or its water rights;

(b) May authorize capital additions or improvements to the system;

(c) May accept contributed plant;

(d) May authorize the expenditure or acquisition of funds that encumber any asset of the company;

(e) May authorize the expenditure of funds for nonwater company purposes;

(f) Receives compensation of a type or amount having no reasonable relationship to the work performed or to be performed.

(2) Control does not include management by a satellite agency as defined in chapter 70.116 RCW if the satellite agency is not an owner of the water company.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-110-235, filed 2/28/05, effective 3/31/05. Statutory Authority: RCW 80.01.040. 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-235, filed 11/30/99, effective 12/31/99.]

WAC 480-110-245 Glossary. "Applicant" means any person, partnership, firm, corporation, municipality, cooperative organization, governmental agency, etc., that has completed a water company's application for water service.

"Commission" means the Washington utilities and transportation commission.

"Contributions in aid of construction" means any money, services or property received by a water company to fund capital investments at no cost to the company with no obligation to repay.

"Customer" means:

• Anyone who has paid water company fees and/or has an accepted application for service; or

• Anyone whose service connection is installed and is currently paying a ready-to-serve charge; or

• Anyone who is actually receiving water service from the company with the knowledge of the company.

"Extension" means the water mains and equipment necessary to extend the company's transmission and distribution infrastructure. An extension may also be called a distribution extension, a main extension, or a line extension.

"Facilities charge" means a one-time fee that a new customer must pay, consistent with WAC 480-110-455 (Water company funding mechanisms), before the company will connect the customer's property to the water system.

"Initial tariff" means:

• The tariff filed by a water company when it first becomes subject to the jurisdiction of the commission; or

• The tariff filed by a water company that was formerly subject to commission jurisdiction, and has once again become jurisdictional. It does not mean a tariff filed to add a newly acquired system or company to the tariff of a currently jurisdictional company.

"Jurisdictional customer" means anyone who is actually receiving water service.

"Potential customer" means anyone to whom the water company has given a letter agreeing to provide service; and

• The letter is currently enforceable and has not expired by its own terms; and

• The property is not yet receiving any type of service.

"Primary contaminants" means substances that, when present in drinking water at levels exceeding designated maximum contaminant levels (MCL), may adversely affect the health of consumers. These MCLs are established as water quality "primary standards" and are based on chronic, nonacute, or acute human health effects.

"Rate increase filing" means any filing by the company that would:

• Increase gross annual revenues of the company from activities regulated by the commission; or

• Restructure tariffs so that one class of customer would provide more gross revenue than under the prior tariff structure. The term does not mean filings designed only to recover governmentally imposed taxes or periodic rate adjustments that have been authorized by commission order.

"Ready-to-serve charge" means the charge assessed by the water company when:

• The water company has the ability to provide water service;

• The water company has committed to provide water service; and

• There is an installed service connection at the customer's property.

"Reconnect charge" means the charge specified in the company's tariff for restoring water service that has been disconnected:

• At the customer's request; or

• For nonpayment; or

• For failure to comply with the company's rules.

"Service area" means the geographic area to which the company intends to provide water service using current plant.

"Service connection" means the pipes, valves, and fittings between the water company's distribution system and the customer's service line.

"Standby charge" means a charge imposed by some unregulated companies for having transmission and distribution infrastructure installed but without the current ability to provide water. It is also sometimes referred to as a system-readiness fee. The commission does not authorize this type of charge for regulated water companies.

"Surcharge" means a monthly charge or fee paid to the water company for plant or expenses. The surcharge is in addition to regular monthly service fees and typically has an expiration date or dollar limit and is subject to specific accounting requirements.

"Water company" or **"company"** means any corporation, company, association, joint stock association, partnership or person, their lessees, trustees or receivers appointed by any court whatever, owning, controlling, operating or managing any water plant within the state of Washington for the purpose of furnishing water service to the public for hire and subject to the jurisdiction of the commission. It does not include management by a satellite management agency as defined in chapter 70.116 RCW if the satellite agency is not an owner of the water company.

"Water system" means all plant, equipment, and other assets used to provide water service for a specific location.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-110-245, filed 2/28/05, effective 3/31/05. Statutory Authority: RCW 80.01.040. 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-245, filed 11/30/99, effective 12/31/99.]

WAC 480-110-255 Jurisdiction. (1) The commission only regulates investor-owned water companies that:

(a) Own, operate, control, or manage one or more water systems; except that control or management does not include management by a satellite management agency as defined in chapter 70.116 RCW if the satellite management agency is not an owner of the water company.

(b) Meet jurisdictional thresholds of one hundred or more customers, or have average revenue of more than four hundred seventy-one dollars per customer per year.

If a water company serves customers	and has average annual revenue per customer	commission regulation
99 or less	$471 or less	No
99 or less	more than $471	Yes
100 or more	$471 or less	Yes
100 or more	more than $471	Yes

(2) The commission does not regulate the following providers of water service:

(a) Cities, towns, or counties.

(b) Public utility districts.

(c) Water districts.

(d) Local improvement districts.

(e) Homeowner associations, cooperatives and mutual corporations, or similar entities that provide service only to their owners or members.

(f) Homeowner associations, cooperatives and mutual corporations, or similar entities that provide service to nonmembers unless they serve one hundred or more nonmembers, or charge nonmembers more than four hundred seventy-one dollars average annual revenue per nonmember.

(g) Entities or persons that provide water only to their tenants as part of the business of renting or leasing.

This may include:

(i) Apartment buildings.

(ii) Mobile home parks.

(iii) Manufactured home rental communities.

(iv) Office complexes.

(v) Commercial or industrial parks.

(3) To determine jurisdiction, the commission considers only those customers receiving water. The commission does not consider customers who do not receive water, such as customers who have paid:

(a) Water-availability letter fees.

(b) Standby charges.

(c) System-readiness fees.

(d) Ready-to-serve charges.

(4) To calculate the average annual revenue per customer, the commission considers only the charges that water-receiving customers are billed on a recurring basis, other than contributions in aid of construction. For example, this

includes money billed for flat-rate service or the metered base-charge and all usage charges.

(a) The commission does not include charges billed to customers who do not receive water, such as:

(i) Water availability letter fees.

(ii) Standby charges.

(iii) System-readiness fees.

(iv) Ready-to-serve charges.

(b) The commission does not consider contributions in aid of construction in determining jurisdiction. These contributions can be money, services or property. Payments can be made in a lump sum or financed over time. Examples of contributions in aid of construction include payments for:

(i) Connection to system.

(ii) Meter installation.

(iii) System buy-in.

(iv) Facilities charges.

(v) Assessments for capital plant and equipment.

(5) The following example shows how to calculate the average annual revenue per customer for two hypothetical customers. The data for each customer are provided at the end of the example:

(a) Select the most recent twelve consecutive months.

Example: February 2004 through January 2005.

(b) For each customer who received water service during the twelve-month period, add the amount the customer was billed by the water company for items other than contribution in aid of construction items.

Example: Customer A billed $340.
Customer B billed $283.

(c) For each customer who received water service during the twelve-month period, add the number of months the customer received water service.

Example: Customer A received water service for twelve months.
Customer B received water service for nine months.

(d) Total the amount billed the customers during the twelve-month period.

Example:

		Billed by the Water Company During the Twelve-Month Period
Customer A		$340
Customer B	+	$283
Total Billed During Twelve-Month Period		$623

(e) Total the number of months each customer received water service.

Example:

		Number of Months Received Water Service During the Twelve-Month Period
Customer A		12
Customer B	+	9
Total Months Received Water Service During the Twelve-Month Period		21

(f) Calculate the "Average Monthly Revenue Per Customer": Divide the "Total Billed During the Twelve-Month Period" by the "Total Months Received Water Service During the Twelve-Month Period."

Example:

Total Billed During the Twelve-Month Period		$623
Total Months Received Water Service During the Twelve-Month Period	÷	21
Average Monthly Revenue Per Customer		$29.67

(g) Calculate the "Average Annual Revenue Per Customer": Multiply the "Average Monthly Revenue Per Customer" times 12 months.

(A)	Average Monthly Revenue Per Customer		$29.67
	Months in a Year	x	12
(B)	Average Annual Revenue Per Customer		$356.04

DATA USED IN THE EXAMPLE TO CALCULATE AVERAGE ANNUAL REVENUE PER CUSTOMER

Example—Customer A

		Standby Charge	Ready-to-Serve Charge	Connection Charge	Facilities Charge	Meter Base Charge	Meter Usage Charge	
Receive Water Service		No	No	Yes	Yes	Yes	Yes	
Contribution in Aid of Construction		No	No	Yes	Yes	No	No	
Year	Month							Total Billed
2004	February					$20	$4	$24
2004	March					$20	$5	$25
2004	April					$20	$2	$22

Year	Month							Total Billed
2004	May					$25	$5	$30
2004	June					$25	$6	$31
2004	July					$25	$12	$37
2004	August					$25	$6	$31
2004	September					$25	$4	$29
2004	October					$25	$4	$29
2004	November					$25	$3	$28
2004	December					$25	$2	$27
2005	January					$25	$2	$27
		$0	$0	$0	$0	$285	$55	$340
	Number of months service					12		
						Not Receiving Water		$0
						Receiving Water - Contribution in Aid of Construction		$0
						Receiving Water - Other than Contribution in Aid of Construction		$340
						Total customer billed during period		$340

DATA USED IN THE EXAMPLE
TO CALCULATE
AVERAGE ANNUAL REVENUE PER CUSTOMER

Example—
Customer B

		Standby Charge	Ready-to-Serve Charge	Connection Charge	Facilities Charge	Meter Base Charge	Meter Usage Charge	
Receive Water Service		No	No	Yes	Yes	Yes	Yes	
Contribution in Aid of Construction		No	No	Yes	Yes	No	No	
Year	Month							Total Billed
2004	February	$7						$7
2004	March	$7						$7
2004	April		$12					$12
2004	May			$300	$4,500	$25	$5	$4,830
2004	June					$25	$4	$29
2004	July					$25	$3	$28
2004	August					$25	$12	$37
2004	September					$25	$10	$35
2004	October					$25	$15	$40
2004	November					$25	$5	$30
2004	December					$25	$2	$27
2005	January					$25	$2	$27
		$14	$12	$300	$4,500	$225	$58	$5,109
	Number of months service					9		
						Not Receiving Water		$26
						Receiving Water - Contributions in Aid of Construction		$4,800
						Receiving Water - Other than Contribution in Aid of Construction		$283
						Total customer billed during period		$5,109

(h) To ensure that all customers are treated equitably, the commission will impute the same rates to any customers receiving free or reduced service that apply to other customers receiving comparable service on the same system.

[Statutory Authority: RCW 80.01.040, 80.04.160 and 80.04.010. 05-08-099 (Docket No. UW-040375, General Order No. R-519), § 480-110-255, filed 4/4/05, effective 5/5/05. Statutory Authority: RCW 80.01.040. 00-17-135 (General Order No. R-473, Docket No. UW-991634), § 480-110-255, filed 8/21/00, effective 9/21/00; 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-255, filed 11/30/99, effective 12/31/99.]

WAC 480-110-261 Maps. Each water company shall maintain a current map of each of its water systems showing the current service area. The company must provide the current maps to the commission for review within five business days of a request. The maps must contain enough detail to answer questions related to rates and charges and obligations to serve.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-110-261, filed 2/28/05, effective 3/31/05.]

WAC 480-110-305 Access to premises. Authorized personnel of a water company have the right to enter a customer's property during reasonable hours to perform meter reading, maintenance, testing, installation or removal of the company's property. Customers may ask to see the identification of the water company personnel before allowing entry to the customer's property.

[Statutory Authority: RCW 80.01.040. 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-305, filed 11/30/99, effective 12/31/99.]

WAC 480-110-315 Availability of information. (1) A water company must notify its customers of its regular business hours, telephone number, mailing address and a twenty-four hour emergency telephone, pager, voice messaging, fax machine or mobile phone number, at least once a year.

(2) A water company must advise its customers and the commission of any change in address or telephone number(s) at least ten days prior to the effective date.

(3) The water company must develop procedures for prompt response to reported failures or emergencies. A company representative must respond to the customer who reported the service failure or emergency within twenty-four hours of the report.

(4) When a nonemergency customer call is received, a water company must return the customer's call within two business days.

(5) A water company must acknowledge and respond to a customer's written inquiry within two weeks of receiving the letter.

(6) The water company must provide a copy of the commission's consumer brochure to each new applicant for service, and once a year notify its current customers of the availability of the brochure and how to obtain a copy.

(7) The water company must make the following information available for review by customers:

(a) A copy of the water rules, chapter 480-110 WAC.

(b) A copy of the company's current rates and regulations (tariff).

(c) A copy of the consumer brochure published by the commission.

[Statutory Authority: RCW 80.01.040. 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-315, filed 11/30/99, effective 12/31/99.]

WAC 480-110-325 Application for service. (1) When establishing initial service to a location the water company must obtain applications for service in writing, on company-supplied forms. The completed application form must:

(a) Include both the company's and the applicant's name, address and telephone number;

(b) Show the date the person applied for service;

(c) Comply with the water company's filed tariffs;

(d) Clearly state the type of service requested. (Examples: Residential or commercial, flat-rated or metered service, a letter to provide service, ready-to-serve, etc.);

(e) Include a property lot description, street number, or other sufficient description of location for service;

(f) Include a complete list and description of all applicable charges. (Examples: Account set-up, service connection, facilities charge, line extension, etc.);

(g) Include the date by which a customer can expect service;

(h) Include the application expiration date, if any;

(i) Include signatures of the potential customer and a company representative.

(2) After completing the application, the water company must:

(a) Provide the applicant with a copy of the completed form;

(b) Keep a copy of the completed application in the company's business office for no less than three years after the expiration date or the denial-of-service date;

(c) Inform the applicant within ten days of the company's intention to provide service or deny service. If service is denied, the company must tell the applicant the reason service is being denied and advise the applicant of the commission's toll-free number (1-800-562-6150) for appealing the decision.

[Statutory Authority: RCW 80.01.040. 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-325, filed 11/30/99, effective 12/31/99.]

PART II—COMMON RULES

WAC 480-110-335 Establishing credit and deposits. (1) **Establishing credit - residential.** A company may 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 water company for twelve months before the application date and:

(i) Service was not disconnected for nonpayment;

(ii) The customer received no more than one delinquency notice; and

(iii) References with the other company (if applicable) can quickly and easily be checked. The 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 water service bills in the event of disconnection or default by the customer, in a specified amount, not to exceed the amount of the cash deposit required.

(e) The applicant personally produces at the company's business office two major credit cards, or other credit references that the company can quickly and easily check, that demonstrate a satisfactory payment history.

(2) **Establishing credit - nonresidential.** A company may require an applicant for nonresidential water service to demonstrate that the applicant is a satisfactory credit risk by reasonable means appropriate under the circumstances.

(3) **Deposit requirements.** A company may require a deposit if:

(a) The applicant has failed to establish a satisfactory credit history as outlined in subsections (1) or (2) of this section;

(b) The applicant's service from another water company was disconnected for failure to pay amounts owing when due during the twelve months before the application date;

(c) The applicant has an unpaid, overdue balance owing for similar service from the water company to which application is being made or from any other water company;

(d) Two or more delinquency notices have been served on the applicant by any water company during the prior twelve months; or

(e) The application is for beginning or continuing service to a residence where a prior customer still lives and owes a past due bill to the company.

(4) **Deposit amount.** Deposits required for a customer or location must not exceed:

(a) Two-twelfths of the estimated annual billings for companies billing monthly;

(b) Three-twelfths of estimated annual billings for companies billing bimonthly;

(c) Four-twelfths of estimated annual billings for companies billing trimonthly.

(5) **Transfer of deposit.** When a customer moves to a new address within the company's service territory, the deposit plus accrued interest, less any outstanding past-due balance owing from the old address, must be transferred to the new address or refunded.

(6) **Interest on deposits.** Companies that collect customer deposits must pay interest on those deposits calculated:

(a) For each calendar year, at the rate for the one-year Treasury Constant Maturity as of November 15 of the previous year, as calculated by the U.S. Treasury, and published in the Federal Reserve's Statistical Release H.15; and

(b) From the date of deposit to the date of refund or when applied directly to the customer's account.

(7) **Deposit payment arrangements.** The company 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 company. The company and applicant or customer may make other mutually acceptable deposit payment arrangements.

(8) **Receipt for deposit.** A company must furnish a receipt to each applicant or customer for the amount deposited.

(9) **When refund of deposits is required.** A company must refund deposits plus accrued interest when there has been satisfactory payment, as defined in (a) of this subsection, or when 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:

(i) The company has not started a disconnection process against the customer; and

(ii) The company has sent no more than two delinquency notices to the customer.

(b) Termination of service. When service is terminated, the company must return to the customer the deposit amount plus accrued interest, less any amounts due the company by the customer.

(10) **How deposits are refunded.** The company must refund any deposit plus accrued interest, as indicated by the customer at the time of deposit, or as modified by the customer on a later date, using 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.** 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 subsections (1) and (2) 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.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-110-335, filed 2/28/05, effective 3/31/05. Statutory Authority: RCW 80.01.040, 80.04.160, and 81.04.160. 02-21-066 (Docket No. A-020405, General Order No. R-504), § 480-110-335, filed 10/16/02, effective 1/1/03. Statutory Authority: RCW 80.01.040. 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-335, filed 11/30/99, effective 12/31/99.]

WAC 480-110-345 Refusal of service. (1) A water company must not refuse or discontinue service to an applicant or customer when there are unpaid bills from a prior customer at the same premises unless the company believes, based on objective evidence, that the applicant is acting on behalf of the prior customer with the intent to avoid payment.

(2) A water company cannot permanently deny service to an applicant or customer because of a prior obligation to the company. A prior obligation is the dollar amount that has been billed to a customer but left unpaid at the time of disconnection of service for nonpayment.

(3) The water company may refuse to connect an applicant for service, or refuse to increase service to a customer, when one or more of the following conditions exist:

(a) The service will adversely affect service being provided to other customers;

(b) The applicant or customer has not complied with state, county, or municipal codes or regulations concerning the approved design or use of the facilities;

(c) In the company's judgment, the applicant's or customer's installation of piping or equipment is hazardous, or of such design that satisfactory service cannot be provided;

(d) The applicant or customer has not installed on its premises required protective devices necessary to protect the company's property or that of its other customers;

(e) The company is unable to secure all necessary rights of way, easements, approvals, and permits;

(f) Furnishing the water is contrary to the provisions of the company's approved water system plan; or

(g) The location to be served is located outside of the company's service area.

[Statutory Authority: RCW 80.01.040. 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-345, filed 11/30/99, effective 12/31/99.]

WAC 480-110-355 Discontinuing of service. (1) **Service may be disconnected either by customer direction or by company action:**

(a) **Customer-directed.** Customers wanting to discontinue service must notify the water company. The company

must disconnect the service as requested by the customer. If the customer fails to request disconnection of service the customer will be responsible to continue paying for water service at the company's tariff rate until the company becomes aware that the customer vacated the property.

(b) **Company-directed: Notice requirements -** After properly notifying the customer, as explained in subsection (3) of this section, the water company may discontinue service to its customers for:

(i) Unpaid bills, as provided for in WAC 480-110-375 (Form of bills);

(ii) Water use for purposes or properties other than those specified in the customer's application for service;

(iii) Willful waste of water through improper or defective piping, equipment, or otherwise;

(iv) Piping or equipment that does not meet the company's standards or fails to comply with other applicable codes and regulations;

(v) Tampering with the company's property;

(vi) Vacating the premises;

(vii) Nonpayment of any proper charges, including deposit, as provided in the company's tariff;

(viii) Refusing to allow access as required in WAC 480-110-305 (Access to premises);

(ix) Violating rules, service agreements, or effective tariffs, including violation of outdoor watering instructions given to customers in order to curtail water use during time of shortage;

(x) Use of equipment that detrimentally affects the company's service to its other customers.

(c) **Service obtained by fraud: No notice required before termination -** A water company may terminate service without notice when it discovers that a customer has obtained service fraudulently. Examples of fraud include: When service is connected without the company's knowledge, when service is obtained by fraudulent means or representations, or when service is used to provide service to other persons who are required to obtain their own service.

(i) **First offense:** The company may disconnect service immediately and without prior notice when it discovers fraud, unless the customer immediately pays:

(A) The tariff rate for service that the company estimates was taken fraudulently; plus

(B) All company costs resulting from the fraudulent use and all applicable fees; plus

(C) Any applicable required deposit.

(ii) **Second offense:** The company may disconnect service immediately and without prior notice when it discovers further fraud. The company may refuse to reconnect service to a customer who has been disconnected for further fraud.

(iii) **Commission review:** A customer may ask the commission to review any company determination of fraud through an informal or formal complaint. The company has the burden of proving that fraud occurred. However, this rule does not relieve any person who has committed fraud from civil or criminal responsibility.

(2) **Medical emergencies.** When a water company has cause to disconnect or has disconnected a residential service, it must postpone disconnection of service or must reinstate service for a grace period of five business days after receiving either verbal or written notification of the existence of a medical emergency. In cases of actual emergencies when service is reinstated, payment of a reconnection charge and/or deposit shall not be required prior to reinstatement of service.

(a) The company may require that the customer, within five business days, submit written certification from a qualified medical professional stating that the disconnection of water service would significantly endanger the physical health of a resident of the household. "Qualified medical professional" means a licensed physician, nurse practitioner, or physician's assistant authorized to diagnose and treat the medical condition without supervision of a physician. Nothing in this section precludes a company from accepting other forms of certification, but the maximum the company can require is written certification. If the company requires written certification, it may require that the certification include some or all of the following information:

(i) Residence location;

(ii) An explanation of how the physical health of the person will be endangered by disconnection of local service;

(iii) A statement of how long the condition is expected to last; and

(iv) The title, signature and telephone number of the person certifying the condition.

(b) A medical emergency does not excuse a customer from paying delinquent and ongoing charges. The company may require that the customer do the following within the five business day grace period: Pay a minimum of twenty-five percent of the delinquent balance and enter into an agreement to pay the remaining delinquent balance within ninety days and to pay subsequent bills when due. Nothing in this section precludes the company from agreeing to an alternate payment plan, but the company may not require the customer to pay more than this subsection prescribes. The company must send a notice to the customer confirming the payment arrangements within two business days.

(c) If within the five-day grace period the customer fails to provide an acceptable payment arrangement, the company may disconnect service without further notice.

(d) If the customer fails to abide by the terms of the payment agreement the company may disconnect service without further notice.

(e) The medical certification is valid only for the length of time the health endangerment is certified to exist but no longer than six months unless renewed.

(3) **Required notice prior to disconnecting service.** Each water company must notify customers before disconnecting their service except in case of danger to life or property, fraudulent use, impairment of service, or violation of law. In all other cases, the company must not disconnect service until it has met the following requirements:

(a) The company must serve a written disconnection notice on the customer, either by mail, or, at the company's option, by personal delivery of the notice to the customer's address, attached to the primary door. Each disconnection notice must include:

(i) A delinquent date that is no less than eight business days after the date of personal delivery or mailing if mailed from inside the state of Washington or a delinquent date that is no less than eleven days if mailed from outside of the state of Washington; and

(ii) All pertinent information about the reason for the disconnection notice and how to correct the problem; and

(iii) The company's name, address, and telephone number by which a customer may contact the company to discuss the pending disconnection of service.

(b) In addition to (a) of this subsection, a second notice must be provided by one of the two options listed below:

(i) **Delivered notice.** The company must deliver a second notice to the customer and attach it to the customer's primary door. The notice must contain a deadline for compliance that is no less than twenty-four hours after the time of delivery that allows the customer until 5:00 p.m. of the following day to comply; or

(ii) **Mailed notice.** The company must mail a second notice, which must include a deadline for compliance that is no less than three business days after the date of mailing if mailed from within the state of Washington or six days if mailed outside the state of Washington.

(c) Disconnection notices must:

(i) Include detailed information pertinent to the situation; and

(ii) Include the company's name, address and telephone number by which the customer may contact the company to discuss the pending disconnection of service; and

(iii) Expire after ten business days from the first day that the company may disconnect service, unless other mutually agreed upon arrangements have been made and confirmed in writing by the company. If mutually accepted arrangements are not kept, the company may disconnect service without further notice.

(d) Except in case of danger to life or property, companies may not disconnect service on Saturdays, Sundays, legal holidays, or on any other day on which the company cannot reestablish service on the same or following day.

(e) A company employee dispatched to disconnect service must accept payment of a delinquent account at the service address if tendered in cash, but is not required to give change for cash tendered in excess of the amount due and owing. The company must credit any excess payment to the customer's account. When disconnection does not take place due to payment made by the customer, the company may assess a fee for the disconnection visit to the service address as provided in the company's tariff. The disconnection notice must describe the disconnection visit charge, the amount, and the circumstances under which the charge will be made.

(f) When service is provided through a master meter, or when the utility has reasonable grounds to believe service is to other than the customer of record, the company must undertake reasonable efforts to inform occupants of the service address of the impending disconnection. Upon request of one or more service users, where service is to other than the customer of record, a minimum period of five days must be allowed to permit the service users to arrange for continued service.

(g) When service is provided to a hospital, medical clinic with resident patients, or nursing home, notice of pending disconnection must be provided to the director of the Washington department of health, and to the customer. Upon request to the company from the Washington department of health director or designee, an additional five business days must be allowed before disconnecting service to allow the department to take whatever steps are necessary to protect the interests of resident patients who are responsibilities of the Washington department of health.

(h) Service may not be disconnected while the customer is pursuing any remedy or appeal provided by these rules or while engaged in discussions with the company's representatives or with the commission. However, any amounts not in dispute must be paid when due and any conditions posing a danger to health, safety, or property must be corrected.

(4) **Payments at a payment agency.** Payment of any past due amounts to a designated payment agency of the water company constitutes payment when the customer informs the company of the payment and the company has verified the payment with the payment agency.

(5) **Reconnecting water service after disconnection.** The water company must restore disconnected service when the customer has paid, or the company has agreed to bill, any reconnection charge and:

(a) The causes of disconnection are removed; or

(b) The customer pays all proper charges; or

(c) The customer pays any applicable deposit as provided for in the company tariff in accordance with WAC 480-110-335 (Establishing credit and deposits).

The commission may order reconnection pending resolution of any bona fide dispute between the company and the customer over the propriety of disconnection.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-110-355, filed 2/28/05, effective 3/31/05. Statutory Authority: RCW 80.01.040. 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-355, filed 11/30/99, effective 12/31/99.]

WAC 480-110-365 Service responsibilities. (1) **Customer responsibility -** Customers must notify the water company in writing prior to making a change in equipment or usage that will materially affect the service being provided by the company. The customer must:

(a) Provide the company adequate time to install necessary additional facilities or supply; and

(b) Pay an equitable share of the cost of necessary additional facilities, if any, as provided in the company's tariff or through a contract submitted to the commission for approval.

(2) **Water company responsibility.** Each water company must:

(a) Install and maintain all equipment at appropriate locations necessary to operate the system;

(b) Install additional equipment as required by the commission in connection with performing special investigations; and

(c) Notify all affected customers when changes to the service will require customers to adjust their equipment.

(i) If the customer has been advised of the needed change prior to taking service, the company has no obligation to pay for any costs in connection with making required changes to the customer's equipment.

(ii) If the change in service is required by law, the company has no obligation to pay for any costs in connection with making required changes to the customer's equipment.

(iii) Otherwise when equipment must be adjusted to permit use under the changed conditions, the cost of any neces-

sary adjustments must be equitably shared by the company and customer.

(3) **Maintenance.** Each water company must maintain its plant and system in a condition that enables it to furnish adequate service and meet its obligation under chapter 246-290 WAC, Public water supplies or chapter 246-291 WAC, Group B public water systems, as applicable.

(4) **Quality of water.** Each water company must meet Washington department of health requirements under chapter 246-290 or 246-291 WAC, as applicable.

(5) **Protection of water supply.** Each water company must protect its sources of supply, as required by Washington department of health under chapter 246-290 or 246-291 WAC, as applicable.

(6) **Operations and maintenance.** Each water company must comply with Washington department of health rules regarding operation and maintenance, as required under chapter 246-290 or 246-291 WAC as applicable, and by good engineering practices.

(7) **Test records.** Each water company must:

(a) Keep a complete record of each test made for quality and service conditions as required under these rules. The records must contain complete information concerning the test, including such items as the commission may require;

(b) Provide the records to the commission staff upon request.

(8) **Interruption of service and service outages:**

(a) Each water company must make all reasonable efforts to avoid outage of service but are not insurers in the event of emergency, acts of God, or similar event. When outages do occur, the company must make reasonable efforts to reestablish service with a minimum of delay.

(b) When making necessary repairs or changes to its facilities, a water company:

(i) May interrupt service for a period of time as reasonably necessary and in a manner that minimizes the inconvenience to the customers; and

(ii) Must attempt to do the work during working hours regularly maintained by the company.

(c) A water company may interrupt service without incurring any liability.

(9) **Notice of service interruptions.** Each water company must:

(a) Notify its customers of a scheduled interruption twenty-four hours in advance through newspapers, radio announcements, or other means;

(b) Notify police and fire departments affected by the interruption individually;

(c) Keep a record of all interruptions of service affecting a substantial number of customers, including in such records:

(i) The location;

(ii) The date and time;

(iii) The duration; and

(iv) The cause of each interruption, if known.

(d) Provide copies of records to the commission staff, upon request;

(e) Notify the Washington department of health.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-110-365, filed 2/28/05, effective 3/31/05. Statutory Authority: RCW 80.01.040. 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-365, filed 11/30/99, effective 12/31/99.]

WAC 480-110-375 Form of bills. (1) Customer bills must:

(a) Be issued at intervals not to exceed three months and identify if the water company is billing in arrears or advance;

(b) Show a reference to the applicable rate schedule;

(c) Identify and show each separate charge as a line item;

(d) Show the total amount of the bill;

(e) Include enough information that, together with tariff rates, the customer can calculate his or her bill (a copy of the tariff is available for review at company or from the commission upon request);

(f) Show the date the bill becomes delinquent if not paid. The minimum specified time must be fifteen days after the bill's mailing date, if mailed from within the state of Washington, or eighteen days if mailed from outside the state of Washington, after the bill's mailing date.

A customer may request to pay by a certain date that is not the normally designated payment date when showing good cause. Good cause may include, but is not limited to, adjustment of a billing cycle to parallel receipt of income. The preferred payment date must be prior to the next invoice date.

(g) Include the water company's name, business address, and telephone number and/or emergency telephone number by which a customer may contact the company;

(h) If the customer is metered, include the current and previous meter readings, the current read date, and the number and kind of units consumed;

(i) Show taxes and any tax percentage rate that the taxes are computed from. Taxes must be totaled to show a total taxed amount. Upon request, the company must provide a detail of the computation of the tax amount. Taxes, as used here, represent municipal occupation, business and excise taxes that have been levied by a municipality against the company, and are being passed on to the customer as a part of the charge for water service; and

(j) Clearly identify when a bill has been estimated.

(2) Each water company may prorate bills for customers who have taken service for a fraction of the billing period. If the company does not have its method of prorating bills in its tariff, the company must prorate bills in the following manner:

(a) For flat rate service, the charge must be prorated on the basis of the proportionate part of the period during which service was rendered.

(b) For metered service the charge will be equal to:

(i) The applicable minimum charge as shown in the company's tariff must be prorated on the basis of the proportionate part of the period during which service was rendered; plus

(ii) Any water usage charge computed using rates and allowances shown in the company's tariff.

(3) The water company must include its method for estimating bills in its tariff. Estimating of bills is allowed for no more than two consecutive billing cycles.

(4) When a company has cause to back-bill a customer, the company must allow the customer payment arrangements, if requested, for the same number of months to pay equal to the cumulative total of months being back-billed.

(Example: If the company is back-billing for a one-year period, the company must allow the customer twelve months of equal payments to pay the total amount of the back billing.) These payments will be in addition to current billings.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-110-375, filed 2/28/05, effective 3/31/05. Statutory Authority: RCW 80.01.040. 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-375, filed 11/30/99, effective 12/31/99.]

WAC 480-110-385 Water company responsibility for complaints and disputes. (1) If a water company receives a complaint or dispute from a customer or an applicant for service it must:

(a) Acknowledge the complaint;

(b) Investigate promptly;

(c) Report the results of the investigation to the complainant;

(d) Take corrective action, if warranted, as soon as appropriate under the circumstances;

(e) Inform the complainant that the decision may be appealed to a higher level representative at the company, if any;

(f) Inform the complainant, if still dissatisfied after speaking with the higher level representative, of the commission's availability for review of the complaint; and

(g) Provide the complainant with the commission's address and toll-free telephone number.

(2) Applicants, customers, or their representatives, may file with the commission:

(a) An informal complaint against the company as set forth in WAC 480-07-910 (Informal complaints); and/or

(b) A formal complaint against the company as set forth in WAC 480-07-370 (Pleadings—General).

(3) When commission consumer affairs staff refers an informal complaint to the company, the company must:

(a) Investigate and report the results to the commission consumer affairs staff within two business days. The commission consumer affairs staff may grant an extension of time for responding to the complaint, if requested and warranted;

(b) Keep the commission consumer affairs staff informed of progress toward the solution and the final result.

(4) Each water company must keep a record of all complaints concerning service or rates for at least one year and, on request, make them readily available for commission review. The record must contain:

(a) Complainant's name and address;

(b) Date and nature of the complaint;

(c) Action taken; and

(d) Final result.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-110-385, filed 2/28/05, effective 3/31/05. Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-110-385, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.01.040. 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-385, filed 11/30/99, effective 12/31/99.]

WAC 480-110-395 Water quality refunds. (1) Each water company may be required to refund water charges due to poor water quality only:

(a) Upon commission order resulting from a formal proceeding before the commission; and

(b) When there are violations of the Washington department of health water quality standards in WAC 246-290-310 (Maximum contaminant levels (MCLs) and maximum residual disinfectant levels (MRDLs)); and

(c) If the company does not take follow up steps outlined in WAC 246-290-320 (Follow-up action).

(2) The amount of the refund will be determined in a formal proceeding before the commission and is not recoverable through rates or charges.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-110-395, filed 2/28/05, effective 3/31/05. Statutory Authority: RCW 80.01.040. 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-395, filed 11/30/99, effective 12/31/99.]

WAC 480-110-405 Meter accuracy and water pressure complaints. (1) When the water company receives a meter accuracy or water pressure complaint, it must perform a test and share the results with the customer. The test must be at no charge to the customer, except the water company may charge for any additional meter tests requested by the customer within a twelve-month period as provided in its tariff.

(2) The test must be performed within ten days of the complaint.

(3) The customer has the option to witness the test. Should the customer choose to witness the test, a mutually agreed time will be established. A continuously recording pressure gauge may be required for a period of up to one week based on customer complaints of low pressure.

(4) The meter or pressure test must be taken using industry standard methods and equipment.

(5) If a meter test reveals a meter error in excess of two percent water flow to the detriment of the customer, the company must repair or replace the meter at no cost to the customer. A refund for any over billing must be made to the customer.

(6) If the water company and customer cannot resolve a complaint, it may be appealed to the commission for resolution.

(7) The water company must keep a record of meter and pressure tests and have them available for inspection. The record must list the customer's name and address, type of complaint, resolution, and what test method was used.

(8) The water company must provide, at the commission's request, a description of the test procedures and equipment used to perform meter and pressure complaint tests.

[Statutory Authority: RCW 80.01.040. 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-405, filed 11/30/99, effective 12/31/99.]

WAC 480-110-415 Meters. (1) **Water company rights and responsibilities:**

(a) Each water company must:

(i) Bear the cost of the meter and meter installation.

(ii) Install water meters that are in working order and accurately measure water flow.

(iii) Record meter serial numbers and identify location of installation.

(iv) Repair or replace a malfunctioning meter at its expense unless a customer causes the malfunction.

(b) The water company may:

(i) Install meters and charge the tariff meter rate after thirty days notice to affected customers.

(ii) Install any apparatus to detect fraud or waste without notifying the customer.

(2) **Water customer rights and responsibilities:**

(a) A customer may request that a standard residential meter as defined in the company's tariff be installed, provided that metered rates are in effect.

(b) When a customer requests a meter installation, the water company may charge the customer in advance for the meter cost and meter installation, if such charge is included in the company's tariff. The company must reimburse the customer, by bill credit, at least ten percent of the meter and installation charge each month until fully paid.

(c) The water company has thirty days from the date of request to install the meter.

(d) If the water company fails to install the meter within the time limit in (c) of this subsection, the customer must be charged only the meter minimum charge until the meter is installed.

(e) If a customer tampers with a meter, the customer will be liable to the company for any repair or replacement costs.

(f) If the customer requests assistance in reading a meter, the water company must provide information on how to read the meter.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-110-415, filed 2/28/05, effective 3/31/05. Statutory Authority: RCW 80.01.040. 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-415, filed 11/30/99, effective 12/31/99.]

WAC 480-110-425 Water company customer notice requirements. (1) Each water company must submit a draft customer notice to the commission for review at least one week before the company's planned printing date for distribution.

(2) At a minimum, the water company must notify:

(a) Customers and potential customers who may be affected by the water company's proposal; and

(b) The public affairs section of the commission.

(3) Customers must receive notice thirty days before the requested effective date when a water company proposes to:

(a) Increase rates;

(b) Change terms and/or conditions of an existing service;

(c) Change the ownership or control of the operating company (see WAC 480-143-210 (Transfer customer notice requirements) for content of notice);

(d) Institute a charge for a service that was formerly provided without charge; or

(e) Eliminate or grandfather any service.

(4) Content of notice for rate change - The notice to customers must contain, at a minimum, the following:

IMPORTANT NOTICE

(a) Date

(b) (Insert water company name) has filed for approval from the Washington utilities and transportation commission to increase rates (insert total annual revenue). If approved, the rates will be effective on (insert effective date).

(c) (Clearly explain the reason for the proposal - be specific.)

Current Rates/Services	**Proposed Rates**
$	**$**

(d) If you have questions about the proposed filing and how it will affect you, please call (insert company name & office phone number). If you have questions about the rate making process, you may contact the Washington Utilities and Transportation Commission at the following address: WUTC, 1300 S. Evergreen Park Drive S.W., P.O. Box 47250, Olympia, WA 98504-7250; 1-800-562-6150 (toll-free) or by e-mail comments@wutc.wa.gov.

(e) If you would like to comment on this proposal, it is important for you to do so now. Comments must be submitted in writing or presented at the commission's open meeting to be included as part of the formal record. The commission is interested in receiving your views regarding this proposal whether in favor or not. All open meetings are held in Olympia, WA. If you would like to be added to the commission's mailing list to be notified of the open meeting date, please call 1-800-562-6150 and leave your name, complete mailing address, the water company's name, and a description of the proposal you are interested in.

Sincerely,
(Company Name/Representative)

(5) Notice after commission action is permitted only when the commission approves an increase in federal, state, county or city-imposed taxes, fees or surcharges, and when credits are issued.

(a) At a minimum, notice after commission action must include the effective date, a clear description of changes to rates or services resulting from the commission's decision, and a company contact number where customers may seek additional information.

(b) Any notice after commission action may be accomplished by a bill message, bill insert, printed in a company newsletter, or mailed separately to customers.

(c) The commission may require other notification to the public as it determines necessary.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-110-425, filed 2/28/05, effective 3/31/05. Statutory Authority: RCW 80.01.040. 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-425, filed 11/30/99, effective 12/31/99.]

PART III—RATES AND CHARGES RULES

WAC 480-110-431 Tariffs. Tariffs filed by a water company must conform to the rules of this section and chapter 480-80 WAC Utilities general—Tariffs, unless the commission has authorized deviation from the rules in writing.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-110-431, filed 2/28/05, effective 3/31/05.]

WAC 480-110-433 Adopted and initial tariffs. A water company must file revisions to its filed tariff within thirty days of its acquisition of new service area, whether by acquisition of another regulated water company or by acquiring one or more previously unregulated water systems.

(1) **Adopted tariffs - when a regulated company acquires another regulated company.** Any regulated water company acquiring a regulated water company must adopt the latter's tariff. An adoption form must be completed and filed with the commission by the acquiring water company within thirty days of the acquisition. The commission will supply an adoption form upon request.

(2) **Incorporate into existing tariff - when a regulated water company acquires a nonregulated company.**

(a) When a regulated water company acquires a nonregulated water company or water system, the acquiring water company must file a separate tariff page indicating the name of the newly acquired company or system with the rates and charges that were in existence before the acquisition.

(b) If the acquired nonregulated company or water system was previously subject to commission jurisdiction, the acquiring water company must file a separate tariff page indicating the name of the newly acquired company or system with the rates and charges in effect for the acquired company at the time the acquired company was removed from regulation.

(c) No other rates and charges may apply to the customers on the newly acquired system except those specifically shown on the new tariff page unless the company obtains the commission's approval to charge a different rate.

(3) **Initial tariffs - when a company becomes jurisdictional.**

(a) An initial tariff must be filed in a standard tariff format. The commission will provide illustrations of the standard format upon request.

(b) The tariff must be accompanied by a cover letter describing the filing as an initial tariff.

(c) Customers must be notified before the commission receives the filing.

(d) The filing must be accompanied by supporting financial data justifying the proposed rates. See WAC 480-07-530 (General rate proceedings—Water companies).

(4) **Initial tariffs - a company that was previously subject to commission jurisdiction.** If a company or water system was previously subject to commission jurisdiction and once again becomes jurisdictional, the company must file a tariff with the rates and charges in effect at the time the company was last removed from regulation.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-110-433, filed 2/28/05, effective 3/31/05.]

WAC 480-110-435 Extension contracts. (1) Each water company must file, as a part of its tariff, an extension rule that states the conditions required by the company before it will extend its transmission and distribution infrastructure to provide water service to an applicant.

(2) Companies entering into any extension contract must:

(a) File the contract with the commission not less than thirty days before the proposed effective date of the contract.

(b) Conform the proposed contract to the applicable provisions of WAC 480-80-143 (Special contracts for gas, electric, and water companies).

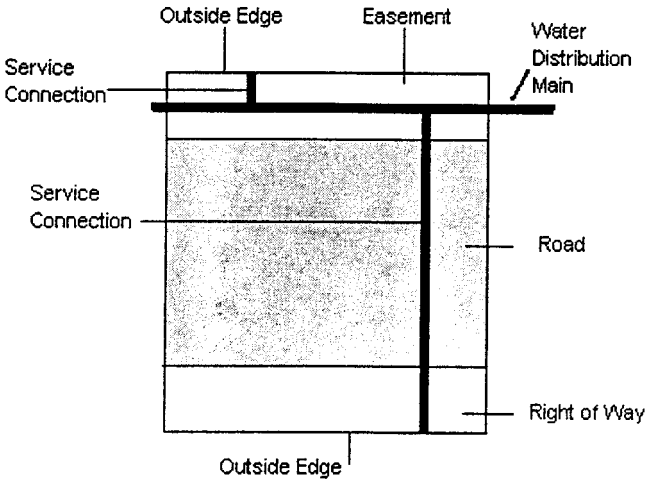
(3) Extension contracts must include the documentation necessary to show that the proposed charges are fair, just, reasonable, and sufficient.

(4) An extension may also be referred to as a distribution extension, a main extension, or a line extension.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. 03-22-046 (Docket No. A-030832, General Order No. R-509), § 480-110-435, filed 10/29/03, effective 11/29/03. Statutory Authority: RCW 80.01.040. 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-435, filed 11/30/99, effective 12/31/99.]

WAC 480-110-445 Service connections and customer service lines. A service connection is the pipes, valves, and fittings between the water company's distribution system and the customer's service line. The customer's service line is the water line from the customer's points of usage to the water company's service connection.

(1) **Service connection charge and service connection length.** The length of a service connection can vary depending on where the customer's service line is or will be located. A tariffed service connection charge may be assessed for the cost of a new service connection. However, if the service connection is longer than the distance from the water distribution main to the outside edge of the right of way or easement that runs along or parallel to the water distribution main and closest to the customer's property line, the cost of such an extension may be financed as line extension, at the option of the company. The related line extension contract is subject to approval by the commission under WAC 480-110-435 (Extension contracts).



(2) Service connections may be installed when the system is built or at a later date, after the system is operational. A service connection charge may be based on the average installation cost for new service connections in subsection (3)(a) and (b) of this section. The service connection must be owned and maintained by the water company.

(3) A water company may assess a service connection charge, if named in its tariff, to recover the cost of the service connection:

(a) Installed by the water company during construction of the water system; or

(b) Installed after the distribution system had been buried and in service; or

(c) When the service connection has been previously removed for good cause and must be reinstalled to provide water service.

(4) A service connection charge must not be assessed if:

(a) The water company did not incur any cost to install the service connection (e.g., the service connection is a contribution in aid of construction);

(b) The water company is just installing a meter; or

(c) The water company is merely opening a valve to connect the company's distribution system to the customer's service line.

(5) The company may install the service connection to the property line, property corner, or to a location on the property mutually agreed upon. The company may install a meter or valve at any point along the service connection line or at a different mutually agreed location provided that in such event the property line will nevertheless be deemed the point of delivery.

(6) The customer's service line must be installed to provide easy access to the water company's distribution system. If there is doubt as to where the proper location should be, the customer must consult with the water company and agree on a location.

(7) The water company may request that the trench be left open and customer's service line exposed in order to inspect the connection for potential problems. The water company must complete the inspection within two business days after notification that the trench is open.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-110-445, filed 2/28/05, effective 3/31/05. Statutory Authority: RCW 80.01.040. 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-445, filed 11/30/99, effective 12/31/99.]

WAC 480-110-455 Water company funding mechanisms. (1) Some water companies have insufficient funds to respond to emergencies, replace or upgrade failing infrastructure, or add plant to accommodate growth. Frequently, water companies cannot obtain financing through traditional capital markets. The purpose of a surcharge or a facilities charge is to provide the water company with a source of capital, provided by customers, to fund capital needs. No company may collect a surcharge or facilities charge except by commission order or approval.

(2) Surcharges.

(a) Surcharges are designed to fund three types of financing needs:

(i) Future water utility plant. This surcharge allows the company to collect money from current customers to fund a reserve in order to pay for future capital projects that are part of a long-range plan. The project must be approved by the department of health as a part of a long-range plan, or required by the department of health to assure compliance with federal or state drinking water regulations, or to perform construction or maintenance required by the department of ecology to secure safety to life and property under RCW 43.21A.064(2).

(ii) Current water utility plant. This surcharge is tied to the servicing and repayment of the debt used for the financing of the water utility plant required by:

(A) Washington department of health order or letter to adequately serve current customers; or

(B) Department of ecology.

(iii) Special expenses. This surcharge is used to pay for operating expenses that are independent and unique from normal operating expenses or that may be subject to large variations. This type of operating expense may need periodic reevaluation without the need of a general rate case. Examples of the use of this type of surcharge are: New or highly variable safe drinking water act testing and treatment expenses, extraordinary maintenance expenses, or temporary taxes.

(b) A surcharge may fund up to one hundred percent of the total cost of a project or expense.

(c) Funds received by surcharge, including any interest earned on the funds while being held in reserve, are contributions in aid of construction.

(d) When seeking approval of a surcharge the company must file:

(i) A cover letter explaining the request;

(ii) A tariff page, stating the amount of the surcharge and who must pay;

(iii) Supporting justification for the charge; and

(iv) If applicable, requests for capital surcharges must refer to the appropriate sections of the company's submitted comprehensive water system plan, or include a copy of the Washington department of health order or letter requiring plant improvements to adequately serve current customers.

(3) Facilities charges.

(a) Facilities charges are designed to fund two types of capital needs:

(i) Future water utility plant. This type of facilities charge allows the company to collect money from new customers to fund a reserve in order to pay a portion of future capital projects that are part of a long-range plan. The project must be in accordance with the company's submitted comprehensive water system plan or Washington department of health order or letter requiring plant improvements to adequately serve current customers, or utility plant that is required by department of ecology.

(ii) Current water utility plant. This type of facilities charge allows the company to collect money from new customers to be used to fund a reserve to partially finance current plant improvements required by Washington department of health order or letter to adequately serve current customers or required by department of ecology.

(b) A facilities charge may not fund one hundred percent of the total cost of qualifying projects. The water company must maintain an appropriate ratio of rate base to total plant.

(c) Funds received through a facilities charge, including any interest earned on the funds while being held in reserve, are contributions in aid of construction.

(d) A water company may impose a facilities charge by tariff or contract.

(e) When seeking approval of a facilities charge the company must file:

(i) A cover letter explaining the request;

(ii) A tariff page or signed contract, stating the amount of the charge and who must pay;

(iii) Supporting justification for the charge;

(iv) Requests for a facilities charge must refer to the appropriate sections of the company's submitted comprehensive water system plan, or include a copy of the Washington department of health order or letter requiring plant improvements to serve current or potential customers.

(4) **Accounting and reporting requirements.**

(a) Surcharge funds and facilities charge funds collected pursuant to this rule, and interest earned upon such funds must be held in a separate account by the company for the benefit of customers. Such funds do not become the property of company owners and may not (except as authorized in (b) of this subsection), be disbursed, alienated, attached, or otherwise encumbered by the company or its owners. In the event of a sale or transfer of the company, the trust obligations established in this rule regarding any unspent surcharge or facilities charge funds are transferred to the new owner of the company.

(b) Funds may be used from the account only to the extent and for the purposes approved by the commission.

(i) At the discretion of the commission, disbursements from the account may become subject to prior approval by the commission either by order by the commission or by letter from the executive secretary.

(ii) The company may be required to file requests for disbursements.

Requests must provide sufficient detail to allow the determination that the requested disbursement is in compliance with the commission's order.

(c) The water company must report for each tariffed surcharge or facilities charge the following information to the commission within sixty days of the end of the calendar quarter:

(i) Beginning balance;

(ii) Amounts received, detailed by source;

(iii) Amounts spent, detailed by project or expense;

(iv) Ending balance;

(v) Reconciliation of bank balance to general ledger.

[Statutory Authority: RCW 80.01.040. 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-455, filed 11/30/99, effective 12/31/99.]

PART IV—FINANCIAL RECORDS AND REPORTING RULES

Subpart A: General Rules

WAC 480-110-456 Definitions. The definitions in this section apply to Part IV of this chapter.

"Affiliated interest" means a person or corporation as defined in RCW 80.16.010.

"Business day" means the same as defined in WAC 480-07-120 (Office hours).

"Control" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a company, whether through the ownership of voting shares, by contract, or otherwise.

"Investment grade" means a water company whose corporate credit/issuer rating is in one of the four highest rating categories of either Standard & Poor's L.L.C. or Moody's Investors Service, Inc.

"Subsidiary" means any company in which the water company owns directly or indirectly five percent or more of the voting securities, unless the water company demonstrates it does not have control.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-110-456, filed 2/28/05, effective 3/31/05.]

WAC 480-110-457 Filing information. (1) **Filing.** The commission records center will accept any filing under WAC 480-110-525 (Issuing securities) delivered in person, by mail, telefacsimile, or electronic mail message. The commission records center will accept all other reports required in Part IV in person, by mail, or when procedures are in place, electronic mail message.

(2) **Commission may require additional information.** The commission may require pertinent information in addition to that specified by statute or in this chapter.

(3) **Information by reference.** When any information required to support a filing is on file with the commission, it is sufficient to make specific reference to the information indicating the proceeding, report, or other filing that contains the referenced information.

(4) **When information is unavailable.** If any required information is unavailable at the time of the filing, the filing must include the reason why the information is not available and state when it will be available.

[Statutory Authority: RCW 80.01.040, 80.04.160, and 81.04.160. 05-17-026 (Docket No. A-021178 and TO-030288, General Order No. R-522), § 480-110-457, filed 8/5/05, effective 9/5/05. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-110-457, filed 2/28/05, effective 3/31/05.]

WAC 480-110-459 Additional reports. Part IV 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, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-110-459, filed 2/28/05, effective 3/31/05.]

WAC 480-110-465 Expenditures for political or legislative activities. (1) The commission will not allow either direct or indirect expenditures for political or legislative activities for ratemaking 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, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-110-465, filed 2/28/05, effective 3/31/05. Statutory Authority: RCW 80.01.040. 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-465, filed 11/30/99, effective 12/31/99.]

WAC 480-110-485 Retaining and preserving records and reports. (1) The water company must retain all records and reports for three years unless otherwise specified in subsection (2) of this section.

(2) The *Regulations to Govern the Preservation of Records of Electric, Gas and Water Companies*, published by the National Association of Regulatory Utility Commissioners is prescribed as the requirement for the state of Washington. 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 480-110-999, Adoption by reference.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-110-485, filed 2/28/05, effective 3/31/05; 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-110-485, filed 8/26/02, effective 9/26/02. Statutory Authority: RCW 80.01.040. 99-24-100 (Order R-467, Docket No. UW-980082), § 480-110-485, filed 11/30/99, effective 12/31/99.]

Subpart B: Reporting Requirements

WAC 480-110-505 Accounting and reporting requirements and regulatory fees. (1) Water companies must use the uniform system of accounts (USOA) published by the National Association of Regulatory Utility Commissioners (NARUC). Information about the USOA regarding the version adopted and where to obtain it is set out in WAC 480-110-999 (Adoption by reference). The USOA sets out the accounting requirements for Class A, B, and C water companies.

Water companies are classified by revenues.

Class	Annual Gross Operating Revenue
A	$1,000,000 or more
B	$200,000 to $999,999
C	Less than $200,000

(2) A water company may use the accounting requirements for a higher class if it chooses.

(3) The commission will distribute an annual report form that each water company must complete and file with the commission for the prior calendar year. The annual report must be filed, and the company's regulatory fee paid, no later than May 1 of each year.

(4) A written request for the extension of the time for filing the annual report can be made prior to May 1. The commission does not grant an extension of time for payment of regulatory fees.

(5) The maximum water company regulatory fee is set by statute at one-tenth of one percent of the first fifty thousand dollars of gross intrastate operating revenue plus two-tenths of one percent of any gross operating revenue in excess of fifty thousand dollars.

(a) The maximum regulatory fee is assessed each year, unless the commission issues an order establishing the regulatory fee at an amount less than the statutory maximum.

(b) The minimum regulatory fee that a water company must pay is twenty dollars.

(c) The twenty-dollar minimum regulatory fee is waived for any water company with less than twenty thousand dollars in gross intrastate operating revenue.

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

(e) If a company does not pay its regulatory fee by May 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.

[Statutory Authority: RCW 80.01.040(4), 81.04.160, 34.05.353. 06-08-057 (Docket A-060085, General Order No. R-531), § 480-110-505, filed 3/31/06, effective 5/1/06. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.-160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-110-505, filed 2/28/05, effective 3/31/05.]

WAC 480-110-515 Reports of accidents. Each water company must notify the commission within seventy-two hours after every accident resulting in death or serious injury to any person occurring in its plant or through contact with its facilities. At a minimum, the report must include the name of the injured person, time and place of the accident, and an explanation of the accident. The water company may notify the commission by phone, but must provide a written report within five business days.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-110-515, filed 2/28/05, effective 3/31/05.]

WAC 480-110-525 Issuing securities. (1) Before a water company issues stocks, stock certificates, other evidence of interest or ownership, bonds, notes other than those notes exempted from reporting under RCW 80.08.043, or other evidences of indebtedness, or assumes any obligation or liability as guarantor subject to reporting under RCW 80.08.130, it must file with the commission:

(a) A description of the purposes for which the issuance will be made, including a certification by an officer authorized to do so, that the proceeds from any such financing is for one or more of the purposes allowed by RCW 80.08.030;

(b) A description of the proposed issuance, including the terms of financing; and

(c) A statement as to why the transaction is in the public interest.

(2) A commission order is not required for such a filing. The company may request a written order affirming that the company has complied with the requirements of RCW 80.08.040. The company must submit the request for a commission order, along with the information required in subsection (1) of this section, at least fifteen business days before the requested effective date for the order. Requests for supplemental orders may be exempt from the fifteen business day requirement.

(3) Filing a Registration Statement with the Securities and Exchange Commission using a shelf registration process does not constitute undertaking the issuance of a security, and therefore a filing with the commission is not required under the provisions of RCW 80.08.040. A shelf registration filing is defined under the General Rules and Regulations promulgated under the Securities Act of 1933, Rule 415 - Delayed or Continuous Offering and Sale of Securities.

(4) An authorized representative must sign and date the filing and include a certification or declaration that the information is true and correct under penalty of perjury as set forth in chapter 9A.72 RCW. The certificate or declaration must be in substantially the following form:

"I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct."

(5) Filings under this section may be submitted with portions designated confidential pursuant to WAC 480-07-160 (Confidential information).

(6) Within sixty days after the issuance of any securities, except for dividend reinvestment and employee benefit plans, a company must file with the commission a verified statement:

(a) Outlining the final terms and conditions of the transaction; and

(b) Setting forth actual proceeds from the issuance and, to the extent known, the disposition of proceeds stating the final amount to be used for each purpose allowed by RCW 80.08.030.

[Statutory Authority: RCW 80.01.040, 80.04.160, and 81.04.160. 05-17-026 (Docket No. A-021178 and TO-030288, General Order No. R-522), § 480-110-525, filed 8/5/05, effective 9/5/05.]

WAC 480-110-535 Transferring cash or assuming obligations. (1) At least five business days before a water company that is not rated investment grade or its subsidiary transfers cash to any of its affiliated interests or subsidiaries or assumes an obligation or liability of any of its affiliated interests or any of its subsidiaries, the company must report to the commission an estimate of the amount to be transferred and the terms of the transaction when the transaction will exceed thresholds as described in (a) or (b) of this subsection.

(a) The company must report if the cumulative transactions to a subsidiary or affiliated interest for the prior twelve months exceed a threshold of five percent, which is based on the prior calendar year gross operating revenue from Washington intrastate operations subject to commission jurisdiction.

(b) When the threshold in (a) of this subsection has been reached, the company must report each subsequent transaction exceeding a threshold of one percent for the prior twelve-month period, which is based on the prior calendar year gross operating revenue from Washington intrastate operations subject to commission jurisdiction.

(2) The reporting requirements in subsection (1) of this section do not include payments for:

(a) Federal and state taxes;

(b) Goods, services, or commodities;

(c) Transactions, attributed to the regulated entity, previously approved or ordered by the commission, other regulatory agencies, or the court; or

(d) Dividends to the extent the level of such dividends over a twelve-month period does not exceed the larger of:

(i) Net income during such period; or

(ii) The average level of dividends over the preceding three years; or

(e) Sweep or cash management accounts used to transfer funds to or from a subsidiary or affiliate as part of the customary and routine cash management functions between or among the company and its subsidiary or affiliate.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-110-535, filed 2/28/05, effective 3/31/05.]

WAC 480-110-545 Affiliated interests—Contracts or arrangements. Prior to the effective date of any contract or arrangement described in RCW 80.16.020, each water company must file a verified copy or a verified summary, if unwritten, of contracts or arrangements, except for transactions provided at tariff rates, with any affiliated interest. Prior to the effective date of any modification or amendment, the company must file verified copies of the modifications or amendments to the contracts or arrangements. If the contract or arrangement is unwritten, the company must file a verified summary of any modification or amendment. The commission may institute an investigation and disapprove the contract or arrangement if the commission finds the company has failed to prove that it is reasonable and consistent with the public interest.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-110-545, filed 2/28/05, effective 3/31/05.]

WAC 480-110-555 Transfers of property. Before selling, leasing, or assigning any of its property or facilities which are necessary or useful in the performance of its duties to the public, or before acquiring property or facilities of another public utility, a water company must obtain from the commission an order authorizing such transaction in accordance with chapters 80.12 RCW (Transfers of property) and 480-143 WAC (Commission general—Transfers of property).

[Statutory Authority: RCW 80.01.040, 80.04.160, and 81.04.160. 05-17-026 (Docket No. A-021178 and TO-030288, General Order No. R-522), § 480-110-555, filed 8/5/05, effective 9/5/05. Statutory Authority: RCW 80.01.-040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-110-555, filed 2/28/05, effective 3/31/05.]

WAC 480-110-565 Securities report. Each water company that has issued securities must file with the commission an annual securities transaction report. The report is due ninety days from the end of the company's reporting period, whether a fiscal or calendar year. At a minimum, the report must contain:

(1) A schedule of the securities issued during the reporting period including a detailed description of the final agreements;

(2) A description of the use of proceeds stating the amounts used for each purpose allowed by RCW 80.08.030;

(3) The level of expenses for each of the securities transactions for the reporting period;

(4) A schedule of securities retired, refunded, repurchased, or otherwise removed from the company's capitalization; and

(5) A schedule of securities scheduled to mature in the fiscal or calendar year following the reporting period.

[Statutory Authority: RCW 80.01.040, 80.04.160, and 81.04.160. 05-17-026 (Docket No. A-021178 and TO-030288, General Order No. R-522), § 480-110-565, filed 8/5/05, effective 9/5/05.]

WAC 480-110-575 Affiliated interest and subsidiary transactions report. (1) Each Class A water company must file an annual report summarizing all transactions, except for transactions provided at tariff rates, that occurred between the company and its affiliated interests, and the company and its subsidiaries. The report is due one hundred twenty days from the end of the company's reporting period, whether a fiscal or calendar year. The report must include a corporate organization chart of the company and its affiliated interests and subsidiaries.

(2) When total transactions with an affiliated interest or a subsidiary are less than twenty-five thousand dollars for the reporting period, the company must provide the name of the affiliated interest or subsidiary participating in the transactions and the total dollar amounts of the transactions. When total transactions with an affiliated interest or subsidiary equal or exceed twenty-five thousand dollars for the reporting period, the company must provide:

(a) A balance sheet and income statement for such affiliated interest;

(b) A description of the products or services provided to or from the company and each such affiliated interest or subsidiary;

(c) A description of the pricing basis or costing method, and procedures for allocating costs for such products or services, and the amount and accounts charged during the year;

(d) A description of the terms of any loans between the company and each such affiliated interest or subsidiary and a listing of the year-end loan amounts and maximum loan amounts outstanding during the year;

(e) A description of the terms and total amount of any obligation or liability assumed by the company for each such affiliated interest or subsidiary;

(f) A description of the activities of each such affiliated interest or subsidiary with which the company has transactions; and

(g) A list of all common officers and directors between the water company and each such affiliated interest or subsidiary, along with their titles in each organization.

(3) The report required in this section supersedes the reporting requirements contained in previous commission orders authorizing affiliated interest transactions pursuant to chapter 80.16 RCW.

(4) The company is obligated to file verified copies of affiliated interest contracts and arrangements as stated in WAC 480-110-545 (Affiliated interests—Contracts and arrangements).

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-110-575, filed 2/28/05, effective 3/31/05.]

PART V—ADOPTION BY REFERENCE

WAC 480-110-999 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) The ***Uniform System of Accounts for Water Utilities*** is published by the National Association of Regulatory Utility Commissioners (NARUC).

(a) The commission adopts the version in effect in 1996.

(b) This publication is referenced in WAC 480-110-505 (Accounting, and reporting requirements and regulatory fees).

(c) The *Uniform System of Account for Water Utilities* is a copyrighted document. Copies are available from NARUC, in Washington, D.C.

(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 480-110-485 (Retaining and preserving 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, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-110-999, filed 2/28/05, effective 3/31/05; 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-110-999, filed 8/26/02, effective 9/26/02.]

Chapter 480-120 WAC
TELEPHONE COMPANIES

WAC

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480-120-010 Application of rules. [Order R-5, § 480-120-010, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-011.

480-120-020 Saving clause. [Order R-5, § 480-120-020, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-016.

480-120-022 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 80.10.040.

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.

480-120-029 Accounting requirements for competitively classified companies. [Statutory Authority: RCW 80.04.160 and

80.01.040. 01-15-022 (Docket No. UT-990146, General Order No. R-480), § 480-120-029, filed 7/11/01, effective 8/11/01.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: 80.01.040 and 80.04.160.

480-120-030 Definition of terms as used in these rules. [Order R-5, § 480-120-030, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-021.

480-120-031 Accounting. [Statutory Authority: RCW 80.01.040. 93-07-089 (Order R-386, Docket No. UT-921167), § 480-120-031, 3/22/93, effective 4/22/93; 91-19-090 (Order R-349, Docket No. UT-910385), § 480-120-031, filed 9/17/91, effective 10/18/91; 91-09-039 (Order R-343, Docket No. UT-901585), § 480-120-031, filed 4/15/91, effective 5/16/91; 89-23-048 (Order R-311, Docket No. U-89-2864-R), § 480-120-031, filed 11/13/89, effective 12/14/89; 87-24-056 (Order R-278, Cause No. U-87-1144-R), § 480-120-031, filed 11/30/87; 86-14-049 (Order R-247, Cause No. U-86-31), § 480-120-031, filed 6/27/86. Statutory Authority: RCW 80.01.040 and 1985 c 450. 85-23-001 (Order R-242, Cause No. U-85-56), § 480-120-031, filed 11/7/85; Order R-25, § 480-120-031, filed 5/5/71.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: 80.01.-040 and 80.04.160.

480-120-032 Expenditures for political or legislative activities. [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.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: 80.01.040 and 80.04.160.

480-120-033 Reporting requirements for competitively classified companies. [Statutory Authority: RCW 80.04.160 and 80.01.040. 01-15-022 (Docket No. UT-990146, General Order No. R-480), § 480-120-033, 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.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: 80.01.040 and 80.04.160.

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.

480-120-040 Tariffs. [Order R-5, § 480-120-040, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-026.

480-120-041 Availability of information. [Statutory Authority: RCW 80.01.040 and 1988 c 91. 89-04-044 (Order R-293, Docket No. U-88-1882-R), § 480-120-041, filed 1/31/89. Statutory Authority: RCW 80.01.040 and 1985 c 450. 85-23-001 (Order R-242, Cause No. U-85-56), § 480-120-041, filed 11/7/85; Order R-86, § 480-120-041, filed 6/30/76; Order R-25, § 480-120-041, filed 5/5/71. Formerly WAC 480-120-070.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: 80.01.040 and 80.04.160.

480-120-042 Directory service. [Statutory Authority: RCW 80.01.-040. 97-18-056 and 97-20-095 (Order R-442 and Order R-443, Docket No. UT-960942), § 480-120-042, filed 8/29/97 and 9/29/97, effective 9/29/97 and 10/30/97. Statutory Authority: RCW 80.01.040 and 1985 c 450. 85-23-001 (Order R-242, Cause No. U-85-56), § 480-120-042, filed 11/7/85; Order R-92, § 480-120-042, filed 2/9/77.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-043 Notice to the public of tariff changes. [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.] Repealed by 02-11-081 (Docket No. U-991301, General Order No. R-498), filed 5/14/02, effective 12/12/02. Statutory Authority: RCW 80.01.040 and 80.04.180; and repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-045 Local calling areas. [Statutory Authority: RCW 80.01.-040, 80.36.100, 80.36.140, 80.36.160, 80.36.170 and 80.36.180. 99-01-076 (Order R-453, Docket No. UT-970545), § 480-120-045, filed 12/15/98, effective 1/15/99.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-046 Service offered. [Statutory Authority: RCW 80.01.040. 83-11-020 (Cause No. U-83-22 and Order R-204), § 480-120-046, filed 5/11/83. Order R-32, § 480-120-046, filed 11/26/71; Order R-25, § 480-120-046, filed 5/5/71. Formerly WAC 480-120-100, 480-120-110, 480-120-120 and 480-120-330.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-050 Classification of accounts. [Order R-5, § 480-120-050, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71.

480-120-051 Availability of service—Application for and installation of service. [Statutory Authority: RCW 80.01.040. 93-06-055 (Order R-384, Docket No. UT-921192), § 480-120-051, filed 2/26/93, effective 3/29/93; Order R-93, § 480-120-051, filed 2/9/77; Order R-25, § 480-120-051, filed 5/5/71. Formerly WAC 480-120-090.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-052 Prepaid calling services. [Statutory Authority: RCW 80.36.140. 99-10-013 (Order R-462, Docket No. UT-971469), § 480-120-052, filed 4/26/99, effective 8/18/99.] Repealed by 02-11-080 (General Order No. R-499, Docket No. UT-991922), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-056 Establishment of credit. [Statutory Authority: RCW 80.01.040. 94-20-010 (Order R-422, Docket No. UT-940049), § 480-120-056, filed 9/22/94, effective 10/23/94; 88-13-099 (Order R-287, Cause No. U-87-1611-R), § 480-120-056, filed 6/21/88. Statutory Authority: RCW 80.01.040 and 1985 c 450. 85-23-001 (Order R-242, Cause No. U-85-56), § 480-120-056, filed 11/7/85. Statutory Authority: RCW 80.01.040. 85-04-036 (Order R-219, Cause No. U-84-69), § 480-120-056, filed 2/1/85. Statutory Authority: RCW 80.04.060. 80-09-049 (Order R-147, Cause No. U-80-05), § 480-120-056, filed 7/14/80; 79-10-060 (Order R-131, Cause No. U-79-42), § 480-120-056, filed 9/18/79; Order R-86, § 480-120-056, filed 6/30/76; Order R-25, § 480-120-056, filed 5/5/71. Formerly WAC 480-120-130.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-057 Deposit or security—Interexchange telecommunications companies. [Statutory Authority: RCW 80.01.-040. 92-01-114 (Order R-352, Docket No. UT-910787), § 480-120-057, filed 12/18/91, effective 1/18/92; 86-11-009 (Order R-250, Cause No. U-85-58), § 480-120-057, filed 5/12/86, effective 7/31/86.] Repealed by 02-21-067 (Docket No. UT-990146, General Order No. R-503), filed 10/16/02, effective 11/16/02. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-058 Protection of customer prepayments. [Statutory Authority: RCW 80.36.140. 99-10-013 (Order R-462, Docket No. UT-971469), § 480-120-058, filed 4/26/99, effective 8/18/99.] Repealed by 02-11-080 (General Order No. R-499, Docket No. UT-991922), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-060 Annual reports. [Order R-5, § 480-120-060, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71.

480-120-066 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.

480-120-070 Information—Available. [Order R-5, § 480-120-070, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-041.

480-120-076 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.

480-120-080 Filing of records and reports. [Order R-5, § 480-120-080, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-136.

480-120-081 Discontinuance of service. [Statutory Authority: RCW 80.01.040. 95-05-003 (Order R-426, Docket No. UT-941642), § 480-120-081, filed 2/1/95, effective 3/4/95; 94-20-010 (Order R-422, Docket No. UT-940049), § 480-120-081, filed 9/22/94, effective 10/23/94; 85-18-011 (Order R-233, Cause No. U-85-35), § 480-120-081, filed 8/23/85. Statutory Authority: RCW 80.04.060. 80-09-049 (Order R-147, Cause No. U-80-05), § 480-120-081, filed 7/14/80; 79-10-060 (Order R-131, Cause No. U-79-42), § 480-120-081, filed 9/18/79; Order R-86, § 480-120-081, filed 6/30/76; Order R-25, § 480-120-081, filed 5/5/71. Formerly WAC 480-120-140 and 480-120-150.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-086 Adequacy of service. [Order R-91, § 480-120-086, filed 2/9/77; Order R-25, § 480-120-086, filed 5/5/71. Formerly WAC 480-120-200, 480-120-230, 480-120-240, 480-120-250, 480-120-260, 480-120-290 and 480-120-300.] Repealed by 93-06-055 (Order R-384), Docket No. UT-921192), filed 2/26/93, effective 3/29/93. Statutory Authority: RCW 80.01.040.

480-120-087 Telephone solicitation. [Statutory Authority: RCW 80.01.040. 92-18-081 (Order R-376, Docket No. 920379), § 480-120-087, filed 9/1/92, effective 10/2/92; 86-23-035 (Order R-265, Cause No. U-86-106), § 480-120-087, filed 11/17/86.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-088 Automatic dialing-announcing devices. [Statutory Authority: RCW 80.01.040. 86-23-035 (Order R-265, Cause No. U-86-106), § 480-120-088, filed 11/17/86. Statutory Authority: RCW 80.01.040 and 1985 c 450. 85-23-001 (Order R-242, Cause No. U-85-56), § 480-120-088, filed 11/7/85. Statutory Authority: RCW 80.01.040. 84-09-054 (Order R-212, Cause Nos. U-83-51 and U-83-56), § 480-120-088, filed 4/17/84. Statutory Authority: RCW 80.36.140. 79-03-031 (Order R-123, Cause No. U-79-01), § 480-120-088, filed 2/28/79.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-089 Information delivery services. [Statutory Authority: RCW 80.01.040. 88-18-011 (Order R-288, Docket No. U-88-1798-R), § 480-120-089, filed 8/26/88, effective 10/1/88.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-090 Application for service. [Order R-5, § 480-120-090, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-051.

480-120-091 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.

480-120-100 Classes of service. [Order R-5, § 480-120-100, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-046.

480-120-101 Complaints and disputes. [Statutory Authority: RCW 80.01.040. 94-20-010 (Order R-422, Docket No. UT-940049), § 480-120-101, filed 9/22/94, effective 10/23/94; Order R-86, § 480-120-101, filed 6/30/76; Order R-25, § 480-120-101, filed 5/5/71. Formerly WAC 480-120-180.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-106 Form of bills. [Statutory Authority: RCW 80.01.040. 98-02-003 (Order R-447, Docket No. UT-961295), § 480-120-106, filed 12/24/97, effective 1/24/98. Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 91-13-078 (Order R-345, Docket No. UT-900726), § 480-120-106, filed 6/18/91, effective 7/19/91. Statutory Authority: RCW 80.01.040 and 1988 c 91. 89-04-044 (Order R-293, Docket No. U-88-1882-R), § 480-120-106, filed 1/31/89. Statutory Authority: RCW 80.01.040. 85-18-011 (Order R-233, Cause No. U-85-35), § 480-120-106, filed 8/23/85; 85-16-116 (Order R-234, Cause No. U-85-21), § 480-120-106, filed 8/7/85; Order R-86, § 480-120-106, filed 6/30/76; Order R-25, § 480-120-106, filed 5/5/71. Formerly WAC 480-120-210.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-110 Types of service. [Order R-5, § 480-120-110, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-046.

480-120-111 Dispute as to bills. [Order R-25, § 480-120-111, filed 5/5/71. Formerly WAC 480-120-220.] Repealed by Order R-86, filed 6/30/76.

480-120-116 Refund for overcharge. [Order R-25, § 480-120-116, filed 5/5/71.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-120 Grades of service. [Order R-5, § 480-120-120, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-046.

480-120-121 Responsibility for delinquent accounts. [Statutory Authority: RCW 80.04.060. 79-10-060 (Order R-131, Cause No. U-79-42), § 480-120-121, filed 9/18/79; Order R-25, § 480-120-121, filed 5/5/71. Formerly WAC 480-120-160.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-126 Safety. [Statutory Authority: RCW 80.01.040. 91-09-039 (Order R-343, Docket No. UT-901585), § 480-120-126, filed 4/15/91, effective 5/16/91; Order R-25, § 480-120-126, filed 5/5/71. Formerly WAC 480-120-310.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-130 Deposits. [Order R-5, § 480-120-130, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-056.

480-120-131 Reports of accidents. [Order R-25, § 480-120-131, filed 5/5/71. Formerly WAC 480-120-320.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-136 Retention and preservation of records and reports. [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.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-137 Customer-owned pay telephones—Interstate. [Statutory Authority: RCW 80.01.040. 91-09-039 (Order R-343, Docket No. UT-901585), § 480-120-137, filed 4/15/91, effective 5/16/91; 85-20-009 (Order R-239, Cause No. U-85-45), § 480-120-137, filed 9/20/85.] Repealed by 99-02-020 (Order R-452, Docket No. UT-970301), filed 12/29/98, effective 1/29/99. Statutory Authority: RCW 80.04.160, 80.36.520 and 80.01.040.

480-120-138 Pay phone service providers (PSPs). [Statutory Authority: RCW 80.04.160, 80.36.520 and 80.01.040. 99-02-020 (Order R-452, Docket No. UT-970301), § 480-120-138, filed 12/29/98, effective 1/29/99. Statutory Authority: RCW 80.01.040. 94-20-010 (Order R-422, Docket No. UT-940049), § 480-120-138, filed 9/22/94, effective 10/23/94. Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 91-13-078 (Order R-345, Docket No. UT-900726), § 480-120-138, filed 6/18/91, effective 7/19/91. Statutory Authority: RCW 80.01.040. 90-08-010 (Order R-316, Docket No. U-89-3323-R), § 480-120-138, filed 3/23/90, effective 4/23/90; 85-20-009 (Order R-239, Cause No. U-85-45), § 480-120-138, filed 9/20/85.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-139 Changes in local exchange and intrastate toll services. [Statutory Authority: RCW 80.01.040(4), 80.04.160. 00-03-047 (Order R-468, Docket No. UT-980675), § 480-120-139, filed 1/14/00, effective 2/14/00, except (5) and (5)(a) effective 3/1/00. Statutory Authority: RCW 80.01.040. 99-11-070 (Order R-463, Docket No. UT-971514), § 480-120-139, filed 5/18/99, effective 6/18/99; 97-18-056 and 97-20-095 (Order R-442 and Order R-443, Docket No. UT-960942), § 480-120-139, filed 8/29/97 and 9/29/97, effective 9/29/97 and 10/30/97.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-140 Discontinuance of service by subscriber. [Order R-5, § 480-120-140, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-081.

480-120-141 Operator service providers (OSPs). [Statutory Authority: RCW 80.04.160, 80.36.520 and 80.01.040. 99-02-020 (Order R-452, Docket No. UT-970301), § 480-120-141, filed 12/29/98, effective 1/29/99. Statutory Authority: RCW 80.01.040. 95-10-039 (Order R-430, Docket No. UT-950134), § 480-120-141, filed 4/28/95, effective 5/29/95; 94-20-010 (Order R-422, Docket No. UT-940049), § 480-120-141, filed 9/22/94, effective 10/23/94. Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 91-20-162 (Order R-348, Docket No. UT-910828), § 480-120-141, filed 10/2/91, effective 11/2/91; 91-13-078 (Order R-345, Docket No. UT-900726), § 480-120-141, filed 6/18/91, effective 7/19/91. Statutory Authority: RCW 80.01.040 and 1988 c 91. 89-04-044 (Order R-293, Docket No. U-88-1882-R), § 480-120-141, filed 1/31/89.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-142 Alternate operator services—Enforcement. [Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 90-24-090 (Order R-332, Docket No. UT-900733), § 480-120-142, filed 12/5/90, effective 1/5/91.] Repealed by 99-02-020 (Order R-452, Docket No. UT-970301), filed 12/29/98, effective 1/29/99. Statutory Authority: RCW 80.04.160, 80.36.520 and 80.01.040.

480-120-143 Local service to aggregators. [Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 91-13-078 (Order R-345, Docket No. UT-900726), § 480-120-143, filed 6/18/91, effective 7/19/91.] Repealed by 99-02-020 (Order R-452, Docket No. UT-970301), filed 12/29/98, effective 1/29/99. Statutory Authority: RCW 80.04.160, 80.36.520 and 80.01.040.

480-120-144 Use of privacy listings for telephone solicitation. [Statutory Authority: RCW 80.01.040. 99-05-015 (Order R-459, Docket No. UT-971514), § 480-120-144, filed 2/5/99, effective 3/8/99.] Repealed by 02-23-004 (General Order No. R-505, Docket No. UT-990146) and 03-01-022 (Docket No. UT-990146, General Order No. R-506), filed 11/7/02 and 12/6/02, effective 1/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-150 Discontinuance of service by utility. [Order R-5, § 480-120-150, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-081.

480-120-151 Telecommunications carriers' use of customer proprietary network information (CPNI). [Statutory Authority: RCW 80.01.040. 99-05-015 (Order R-459, Docket No. UT-971514), § 480-120-151, filed 2/5/99, effective 3/8/99.] Repealed by 02-23-004 (General Order No. R-505, Docket No. UT-990146) and 03-01-022 (Docket No. UT-990146, General Order No. R-506), filed 11/7/02 and 12/6/02, effective 1/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-152 Notice and approval required for use of customer proprietary network information (CPNI). [Statutory Authority: RCW 80.01.040. 99-05-015 (Order R-459, Docket No. UT-971514), § 480-120-152, filed 2/5/99, effective 3/8/99.] Repealed by 02-23-004 (General Order No. R-505, Docket No. UT-990146) and 03-01-022 (Docket No. UT-990146, General Order No. R-506), filed 11/7/02 and 12/6/02, effective 1/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-153 Safeguards required for use of customer proprietary network information (CPNI). [Statutory Authority: RCW 80.01.040. 99-05-015 (Order R-459, Docket No. UT-971514), § 480-120-153, filed 2/5/99, effective 3/8/99.] Repealed by 02-23-004 (General Order No. R-505, Docket No. UT-990146) and 03-01-022 (Docket No. UT-990146, General Order No. R-506), filed 11/7/02 and 12/6/02, effective 1/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-154 Definitions. [Statutory Authority: RCW 80.01.040. 99-05-015 (Order R-459, Docket No. UT-971514), § 480-120-154, filed 2/5/99, effective 3/8/99.] Repealed by 02-23-004 (General Order No. R-505, Docket No. UT-990146) and 03-01-022 (Docket No. UT-990146, General Order No. R-506), filed 11/7/02 and 12/6/02, effective 1/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-160 Responsibility for delinquent accounts. [Order R-5, § 480-120-160, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-121.

480-120-170 Line extension policy. [Order R-5, § 480-120-170, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-071.

480-120-180 Complaints. [Order R-5, § 480-120-180, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-101.

480-120-190 Records. [Order R-5, § 480-120-190, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-136.

480-120-196 Customer notice requirements—Competitively classified telecommunications companies or services. [Statutory Authority: RCW 80.01.040 and 80.04.160. 05-03-031 (Docket No. UT 040015, General Order No. R-516), § 480-120-196, filed 1/10/05, effective 2/10/05. Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-120-196, filed 5/14/02, effective 6/17/02.] Repealed by 07-08-027 (Docket UT-060676, General Order R-540), filed 3/27/07, effective 4/27/07. Statutory Authority: RCW 80.36.010, 80.36.110, 80.36.320, 80.36.330, 80.36.333, 80.36.338, 80.01.040 and 80.04.160.

480-120-200 Directories. [Order R-5, § 480-120-200, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-086.

480-120-201 Definitions. [Statutory Authority: RCW 80.01.040 and 80.04.160. 02-23-004 (General Order No. R-505, Docket No. UT-990146), § 480-120-201, filed 11/7/02, effective 1/1/03.] Repealed by 05-03-031 (Docket No. UT 040015, General Order No. R-516), filed 1/10/05, effective 2/10/05. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-203 Use of customer proprietary network information (CPNI) not permitted to identify or track customer calls to competing service providers. [Statutory Authority: RCW 80.01.040 and 80.04.160. 02-23-004 (General Order No. R-505, Docket No. UT-990146), § 480-120-203, filed 11/7/02, effective 1/1/03.] Repealed by 05-03-031 (Docket No. UT 040015, General Order No. R-516), filed 1/10/05, effective 2/10/05. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-204 Opt-in approval required for use, disclosure, or access to customer I-CPNI. [Statutory Authority: RCW 80.01.040 and 80.04.160. 02-23-004 (General Order No. R-505, Docket No. UT-990146), § 480-120-204, filed 11/7/02, effective 1/1/03.] Repealed by 05-03-031 (Docket No. UT 040015, General Order No. R-516), filed 1/10/05, effective 2/10/05. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-205 Using customer proprietary network information (CPNI) in the provision of services. [Statutory Authority: RCW 80.01.040 and 80.04.160. 02-23-004 (General Order No. R-505, Docket No. UT-990146), § 480-120-205, filed 11/7/02, effective 1/1/03.] Repealed by 05-03-031 (Docket No. UT 040015, General Order No. R-516), filed 1/10/05, effective 2/10/05. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-206 Using individual customer proprietary network information (I-CPNI) during inbound and outbound telemarketing calls. [Statutory Authority: RCW 80.01.040 and 80.04.160. 02-23-004 (General Order No. R-505, Docket No. UT-990146), § 480-120-206, filed 11/7/02, effective 1/1/03.] Repealed by 05-03-031 (Docket No. UT 040015, General Order No. R-516), filed 1/10/05, effective 2/10/05. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-207 Use of private account information (PAI) by company or associated companies requires opt-out approval. [Statutory Authority: RCW 80.01.040 and 80.04.160. 02-23-004 (General Order No. R-505, Docket No. UT-990146), § 480-120-207, filed 11/7/02, effective 1/1/03.] Repealed by 05-03-031 (Docket No. UT 040015, General Order No. R-516), filed 1/10/05, effective 2/10/05. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-208 Use of customers' private account information (PAI) to market company products and services without customer approval. [Statutory Authority: RCW 80.01.040 and 80.04.160. 02-23-004 (General Order No. R-505, Docket No. UT-990146), § 480-120-208, filed 11/7/02, effective 1/1/03.] Repealed by 05-03-031 (Docket No. UT 040015, General Order No. R-516), filed 1/10/05, effective 2/10/05. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-209 Notice when use of private account information (PAI) is permitted unless a customer directs otherwise (opt-out). [Statutory Authority: RCW 80.01.040 and 80.04.160. 02-23-004 (General Order No. R-505, Docket No. UT-990146), § 480-120-209, filed 11/7/02, effective 1/1/03.] Repealed by 05-03-031 (Docket No. UT 040015, General Order No. R-516), filed 1/10/05, effective 2/10/05. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-210 Subscriber billing. [Order R-5, § 480-120-210, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-106.

480-120-211 Mechanisms for opting out of use of private customer account information (PAI). [Statutory Authority: RCW 80.01.040 and 80.04.160. 02-23-004 (General Order No. R-505, Docket No. UT-990146), § 480-120-211, filed 11/7/02, effective 1/1/03.] Repealed by 05-03-031 (Docket No. UT 040015, General Order No. R-516), filed 1/10/05, effective 2/10/05. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-212 Notice when express (opt-in) approval is required and mechanisms for express approval. [Statutory Authority: RCW 80.01.040 and 80.04.160. 02-23-004 (General Order No. R-505, Docket No. UT-990146), § 480-120-212, filed 11/7/02, effective 1/1/03.] Repealed by 05-03-031 (Docket No. UT 040015, General Order No. R-516), filed 1/10/05, effective 2/10/05. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-213 Confirming changes in customer approval status. [Statutory Authority: RCW 80.01.040 and 80.04.160. 02-23-004 (General Order No. R-505, Docket No. UT-990146), § 480-120-213, filed 11/7/02, effective 1/1/03.] Repealed by 05-03-031 (Docket No. UT 040015, General Order No. R-516), filed 1/10/05, effective 2/10/05. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-214 Duration of customer approval or disapproval. [Statutory Authority: RCW 80.01.040 and 80.04.160. 02-23-004 (General Order No. R-505, Docket No. UT-990146), § 480-120-214, filed 11/7/02, effective 1/1/03.] Repealed by 05-03-031 (Docket No. UT 040015, General Order No. R-516), filed 1/10/05, effective 2/10/05. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-215 Safeguards required for I-CPNI. [Statutory Authority: RCW 80.01.040 and 80.04.160. 02-23-004 (General Order No. R-505, Docket No. UT-990146), § 480-120-215, filed 11/7/02, effective 1/1/03.] Repealed by 05-03-031 (Docket No. UT 040015, General Order No. R-516), filed 1/10/05, effective 2/10/05. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-216 Disclosing CPNI on request of customer. [Statutory Authority: RCW 80.01.040 and 80.04.160. 02-23-004 (General Order No. R-505, Docket No. UT-990146), § 480-120-216, filed 11/7/02, effective 1/1/03.] Repealed by 05-03-031 (Docket No. UT 040015, General Order No. R-516), filed 1/10/05, effective 2/10/05. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-220 Dispute as to bills. [Order R-5, § 480-120-220, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-111.

480-120-230 Adequacy of service. [Order R-5, § 480-120-230, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-086.

480-120-240 Dial service requirements. [Order R-5, § 480-120-240, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-086.

480-120-250 Answering time—Manual toll offices. [Order R-5, § 480-120-250, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-086.

480-120-260 Intercept. [Order R-5, § 480-120-260, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-086.

480-120-270 Farmer lines. [Order R-5, § 480-120-270, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-091.

480-120-280 Grounded circuits. [Order R-5, § 480-120-280, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-096.

480-120-290 Maintenance of plant and equipment. [Order R-5, § 480-120-290, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-086.

480-120-300 Interruptions of service. [Order R-5, § 480-120-300, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-086.

480-120-301 Accounting requirements for competitively classified companies. [Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-301, filed 12/12/02, effective 7/1/03.] Repealed by 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), filed 2/28/05, effective 3/31/05. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353.

480-120-302 Accounting requirements for companies not classified as competitive. [Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-302, filed 12/12/02, effective 7/1/03.] Repealed by 05-03-031 (Docket No. UT 040015, General Order No. R-516), filed 1/10/05, effective 2/10/05. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-303 Reporting requirements for competitively classified companies. [Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 2003 c 296. 04-05-031 (Docket No. A-031232, General Order No. R-512), § 480-120-303, filed 2/11/04, effective 3/13/04. Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-303, filed 12/12/02, effective 7/1/03.] Repealed by 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), filed 2/28/05, effective 3/31/05. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353.

480-120-304 Reporting requirements for companies not classified as competitive. [Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 2003 c 296. 04-05-031 (Docket No. A-031232, General Order No. R-512), § 480-120-304, filed 2/11/04, effective 3/13/04. Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-304, filed 12/12/02, effective 7/1/03.] Repealed by 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), filed 2/28/05, effective 3/31/05. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353.

480-120-305 Streamlined filing requirements for Class B telecommunications company rate increases. [Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-120-305,

filed 11/24/03, effective 1/1/04; 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-305, filed 12/12/02, effective 7/1/03.] Repealed by 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), filed 2/28/05, effective 3/31/05. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353.

480-120-310 Safety. [Order R-5, § 480-120-310, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-126.

480-120-311 Access charge and universal service reporting. [Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-311, filed 12/12/02, effective 7/1/03.] Repealed by 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), filed 2/28/05, effective 3/31/05. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353.

480-120-320 Reports of accidents. [Order R-5, § 480-120-320, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-131.

480-120-321 Expenditures for political or legislative activities. [Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-321, filed 12/12/02, effective 7/1/03.] Repealed by 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), filed 2/28/05, effective 3/31/05. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353.

480-120-322 Retaining and preserving records and reports. [Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-322, filed 12/12/02, effective 7/1/03.] Repealed by 05-03-031 (Docket No. UT 040015, General Order No. R-516), filed 1/10/05, effective 2/10/05. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-323 Washington Exchange Carrier Association (WECA). [Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-323, filed 12/12/02, effective 7/1/03.] Repealed by 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), filed 2/28/05, effective 3/31/05. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353.

480-120-330 Credit cards. [Order R-5, § 480-120-330, filed 6/6/69, effective 10/9/69.] Repealed by Order R-25, filed 5/5/71. Later promulgation WAC 480-120-046.

480-120-340 911 Obligations of local exchange companies. [Statutory Authority: RCW 80.01.040. 92-03-049 (Order R-365, Docket No. UT-911238), § 480-120-340, filed 1/10/92, effective 2/10/92.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-350 Reverse search by E-911 PSAP of ALI/DMS data base—When permitted. [Statutory Authority: RCW 80.01.040. 93-11-026 (Order R-387, Docket No. UT-930036), § 480-120-350, filed 5/7/93, effective 6/7/93.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-400 Purpose. [Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 91-03-052 (Order R-314, Docket No. U-89-2709-R), § 480-120-400, filed 1/14/91, effective 2/14/91.] Repealed by 99-01-076 (Order R-453, Docket No. UT-970545), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 80.01.040, 80.36.-100, 80.36.140, 80.36.160, 80.36.170 and 80.36.180.

480-120-405 Definition of extended area service. [Statutory Authority: RCW 80.01.040. 96-23-070 (Order R-438, Docket No. UT-960687), § 480-120-405, filed 11/20/96, effective 12/21/96. Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 91-03-052 (Order R-314, Docket No. U-89-2709-R), § 480-120-405, filed 1/14/91, effective 2/14/91.] Repealed by 99-01-076 (Order R-453, Docket No. UT-970545), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 80.01.040, 80.36.-100, 80.36.140, 80.36.160, 80.36.170 and 80.36.180.

480-120-410 Local calling capability. [Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 91-03-052 (Order R-314, Docket No. U-89-2709-R), § 480-120-410, filed 1/14/91, effective 2/14/91.] Repealed by 99-01-076 (Order R-453, Docket No. UT-970545), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 80.01.-040, 80.36.100, 80.36.140, 80.36.160, 80.36.170 and 80.36.180.

480-120-415 Determination of extended area service routes. [Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 91-03-052 (Order R-314, Docket No. U-89-2709-R), § 480-120-415, filed 1/14/91, effective 2/14/91.] Repealed by 99-01-076 (Order R-453, Docket No. UT-970545), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 80.01.040, 80.36.100, 80.36.140, 80.36.160, 80.36.170 and 80.36.180.

480-120-420 Revenue requirements and rate design. [Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 91-03-052 (Order R-314, Docket No. U-89-2709-R), § 480-120-420, filed 1/14/91, effective 2/14/91.] Repealed by 99-01-076 (Order R-453, Docket No. UT-970545), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 80.01.040, 80.36.100, 80.36.140, 80.36.160, 80.36.170 and 80.36.180.

480-120-425 Community calling fund. [Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 91-03-052 (Order R-314, Docket No. U-89-2709-R), § 480-120-425, filed 1/14/91, effective 2/14/91.] Repealed by 99-01-076 (Order R-453, Docket No. UT-970545), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 80.01.-040, 80.36.100, 80.36.140, 80.36.160, 80.36.170 and 80.36.180.

480-120-430 Impact on current compensation arrangements. [Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 91-03-052 (Order R-314, Docket No. U-89-2709-R), § 480-120-430, filed 1/14/91, effective 2/14/91.] Repealed by 99-01-076 (Order R-453, Docket No. UT-970545), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 80.01.040, 80.36.100, 80.36.140, 80.36.160, 80.36.170 and 80.36.180.

480-120-435 Petition for waiver. [Statutory Authority: RCW 80.01.-040 and chapter 80.36 RCW. 91-03-052 (Order R-314, Docket No. U-89-2709-R), § 480-120-435, filed 1/14/91, effective 2/14/91.] Repealed by 99-01-076 (Order R-453, Docket No. UT-970545), filed 12/15/98, effective 1/15/99. Statutory Authority: RCW 80.01.-040, 80.36.100, 80.36.140, 80.36.160, 80.36.170 and 80.36.180.

480-120-500 Telecommunications service quality—General requirements. [Statutory Authority: RCW 80.01.040. 93-06-055 (Order R-384, Docket No. UT-921192), § 480-120-500, filed 2/26/93, effective 3/29/93.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-505 Operator services. [Statutory Authority: RCW 80.01.-040. 93-06-055 (Order R-384, Docket No. UT-921192), § 480-120-505, filed 2/26/93, effective 3/29/93.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-510 Business offices. [Statutory Authority: RCW 80.01.-040. 93-06-055 (Order R-384, Docket No. UT-921192), § 480-120-510, filed 2/26/93, effective 3/29/93.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-515 Network performance standards applicable to local exchange companies. [Statutory Authority: RCW 80.01.040. 93-06-055 (Order R-384, Docket No. UT-921192), § 480-120-515, filed 2/26/93, effective 3/29/93.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-520 Major outages and service interruptions. [Statutory Authority: RCW 80.01.040. 93-06-055 (Order R-384, Docket No. UT-921192), § 480-120-520, filed 2/26/93, effective 3/29/93.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-525 Network maintenance. [Statutory Authority: RCW 80.01.040. 93-06-055 (Order R-384, Docket No. UT-921192), § 480-120-525, filed 2/26/93, effective 3/29/93.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-530 Emergency services. [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.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-531 Emergency operation. [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.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-535 Service quality performance reports. [Statutory Authority: RCW 80.01.040. 93-06-055 and 93-14-119 (Orders R-384 and R-389, Docket No. UT-921192), § 480-120-535, filed 2/26/93 and 7/2/93, effective 3/29/93 and 8/2/93.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-541 Access charges. [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.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-542 Collective consideration of Washington intrastate rate, tariff, or service proposals. [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.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-543 Caller identification service. [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.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-544 Mandatory cost changes for telecommunications companies. [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.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-120-545 Severability. [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.] Repealed by 03-01-065 (Docket No. UT-990146, General Order No. R-507), filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040 and 80.04.160.

PART I. GENERAL RULES

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 as to rates and services under the provisions of RCW 80.01.040 and chapters 80.04 and 80.36 RCW.

(2) Tariffs filed by companies must conform to these rules. If the commission accepts a tariff that conflicts with these rules, the acceptance is not a waiver of these rules unless the commission specifically approves the variation consistent with WAC 480-120-015 (Exemptions from rules in chapter 480-120 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 company or customer by posing an informal complaint under WAC 480-07-910 (Informal complaints), or by filing a formal complaint under WAC 480-07-370 (Pleading—General).

(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 80.36.010, 80.36.110, 80.36.320, 80.36.330, 80.36.333, 80.36.338, 80.01.040 and 80.04.160. 07-08-027 (Docket UT-060676, General Order R-540), § 480-120-011, filed 3/27/07, effective 4/27/07. Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-120-011, filed 11/24/03, effective 1/1/04; 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-011, filed 12/12/02, effective 7/01/03; 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 in chapter 480-120 WAC. The commission may grant an exemption from the provisions of any rule in this chapter in the same manner and consistent with the standards and according to the procedures set forth in WAC 480-07-110 (Exceptions from and modifications to the rules in this chapter; special rules).

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-120-015, filed 2/28/05, effective 3/31/05. Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-120-015, filed 11/24/03, effective 1/1/04; 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-015, filed 12/12/02, effective 7/1/03; 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 480-120-017 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. 03-01-065 and 03-03-090 (Docket No. UT-990146, General Order No. R-507 and R-507A), § 480-120-017, filed 12/12/02 and 1/16/03, effective 7/1/03.]

WAC 480-120-019 Telecommunications performance requirements—Enforcement. The commission may enforce the performance requirements set forth in this chapter by imposing administrative penalties under RCW 80.04.405, 80.04.380, or other appropriate penalty statutes. These per-

formance requirements are not intended to establish civil duties owed to any individual or class for any other purpose.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 and 03-03-090 (Docket No. UT-990146, General Order No. R-507 and R-507A), § 480-120-019, filed 12/12/02 and 1/16/03, effective 7/1/03.]

WAC 480-120-021 Definitions. The definitions in this section apply throughout the chapter except where there is an alternative definition in a specific section, or where the context clearly requires otherwise.

"Access charge" means a rate charged by a local exchange company to an interexchange company for the origination, transport, or termination of a call to or from a customer of the local exchange company. Such origination, transport, and termination may be accomplished either through switched access service or through special or dedicated access service.

"Access line" means a circuit providing exchange service between a customer's standard network interface and a serving switching center.

"Affiliate" means an entity that directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with, another entity.

"Ancillary services" means all local service features excluding basic service.

"Applicant" means any person applying to a telecommunications company for new service or reconnection of discontinued service.

"Average busy hour" means a time-consistent hour of the day during which a switch or trunk carries the most traffic. This definition is applied on an individual switch and an individual trunk basis.

"Basic service" means service that includes the following:

- Single-party service;
- Voice grade access to the public switched network;
- Support for local use;
- Dual tone multifrequency signaling (touch-tone);
- Access to emergency services (E911);
- Access to operator services;
- Access to interexchange services;
- Access to directory assistance; and
- Toll limitation services.

"Business" means a for profit or not-for-profit organization, including, but not limited to, corporations, partnerships, sole proprietorships, limited liability companies, government agencies, and other entities or associations.

"Business days" means days of the week excluding Saturdays, Sundays, and official state holidays.

"Business office" means an office or service center provided and maintained by a company.

"Business service" means service other than residential service.

"Busy season" means an annual, recurring, and reasonably predictable three-month period of the year when a switch or trunk carries the most traffic. This definition is applied on an individual switch and an individual trunk basis.

"Call aggregator" means any corporation, company, partnership, or person, who, in the ordinary course of its operations, makes telephones available to the public or to users of its premises for telephone calls using a provider of operator services, including, but not limited to, hotels, motels, hospitals, campuses, and pay phones (see also pay phone service providers).

"Category of service" means local, data services such as digital subscriber line service, interexchange, or CMRS. Information about a customer's intraLATA and interLATA primary interexchange carrier freeze status is part of the local category.

"Central office" means a company facility that houses the switching and trunking equipment serving a defined area.

"Centrex" means a telecommunications service providing a customer with direct inward dialing to telephone extensions and direct outward dialing from them.

"Class A company" means a local exchange company with two percent or more of the access lines within the state of Washington. The method of determining whether a company is a Class A company is specified in WAC 480-120-034 (Classification of local exchange companies as Class A or Class B).

"Class B company" means a local exchange company with less than two percent of the access lines within the state of Washington. The method of determining whether a company is a Class B company is specified in WAC 480-120-034 (Classification of local exchange companies as Class A or Class B).

"Commercial mobile radio service (CMRS)" means any mobile (wireless) telecommunications service that is provided for profit that makes interconnected service available to the public or to such classes of eligible users as to be effectively available to a substantial portion of the public.

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

"Company" means any telecommunications company as defined in RCW 80.04.010.

"Competitively classified company" means a company that is classified as competitive by the commission pursuant to RCW 80.36.320.

"Customer" means a person to whom the company is currently providing service.

"Customer premises equipment (CPE)" is equipment located on the customer side of the SNI (other than a company) and used to originate, route, or terminate telecommunications.

"Discontinue; discontinuation; discontinued" means the termination or any restriction of service to a customer.

"Drop facilities" means company-supplied wire and equipment placed between a premises and the company distribution plant at the applicant's property line.

"Due date" means the date an action is required to be completed by rule or, when permitted, the date chosen by a company and provided to a customer as the date to complete an action.

"Emergency response facility" means fire stations, hospitals, police stations, and state and municipal government emergency operations centers.

"Exchange" means a geographic area established by a company for telecommunications service within that area.

"Extended area service (EAS)" means telephone service extending beyond a customer's exchange, for which the customer may pay an additional flat-rate amount per month.

"Facility or facilities" means lines, conduits, ducts, poles, wires, cables, cross-arms, receivers, transmitters, instruments, machines, appliances, instrumentalities and all devices, real estate, easements, apparatus, property and routes used, operated, owned or controlled by a telecommunications company to facilitate the provision of telecommunications service.

"Force majeure" means natural disasters, including fire, flood, earthquake, windstorm, avalanche, mudslide, and other similar events; acts of war or civil unrest when an emergency has been declared by appropriate governmental officials; acts of civil or military authority; embargoes; epidemics; terrorist acts; riots; insurrections; explosions; and nuclear accidents.

"Interexchange" means telephone calls, traffic, facilities or other items that originate in one exchange and terminate in another.

"Interexchange company" means a company, or division thereof, that provides long distance (toll) service.

"Interoffice facilities" means facilities connecting two or more telephone switching centers.

"InterLATA" is a term used to describe services, revenues, functions, etc., that relate to telecommunications originating in one LATA and terminating outside of the originating LATA.

"IntraLATA" is a term used to describe services, revenues, functions, etc., that relate to telecommunications that originate and terminate within the same LATA.

"Local access and transport area (LATA)" means a local access transport area as defined by the commission in conformance with applicable federal law.

"Local calling area" means one or more rate centers within which a customer can place calls without incurring long-distance (toll) charges.

"Local exchange company (LEC)" means a company providing local exchange telecommunications service.

"Major outages" means a service failure lasting for thirty or more minutes that causes the disruption of local exchange or toll services to more than one thousand customers; total loss of service to a public safety answering point or emergency response agency; intercompany trunks or toll trunks not meeting service requirements for four hours or more and affecting service; or an intermodal link blockage (no dial tone) in excess of five percent for more than one hour in any switch or remote switch.

"Missed commitment" means orders for exchange access lines for which the company does not provide service by the due date.

"Order date" means the date when an applicant requests service unless a company identifies specific actions a customer must first take in order to be in compliance with tariffs or commission rules. Except as provided in WAC 480-120-061 (Refusing service) and 480-120-104 (Information to consumers), when specific actions are required of the applicant, the order date becomes the date the actions are completed by the applicant if the company has not already installed or activated service.

When an applicant requests service that requires customer-ordered special equipment, for purposes of calculating compliance with the one hundred eighty-day requirement of WAC 480-120-112 (Company performance for orders for nonbasic service) the order date is the application date unless the applicant fails to provide the support structure or perform other requirements of the tariff. In the event the applicant fails to provide the support structure or perform the other requirements of the tariff a new order date is established as the date when the applicant does provide the support structure or perform the other requirements of the tariff.

"Pay phone" or **"pay telephone"** means any telephone made available to the public on a fee-per-call basis independent of any other commercial transaction. A pay phone or pay telephone includes telephones that are coin-operated or are activated by calling collect or using a calling card.

"Pay phone services" means provision of pay phone equipment to the public for placement of local exchange, interexchange, or operator service calls.

"Pay phone service provider (PSP)" means any corporation, company, partnership, or person who owns or operates and makes pay phones available to the public.

"Payment agency" means a physical location established by a local exchange company, either on its own premises or through a subcontractor, for the purpose of receiving cash and urgent payments from customers.

"Person" means an individual, or an organization such as a firm, partnership, corporation, municipal corporation, agency, association or other entity.

"Prior obligation" means an amount owed to a local exchange company or an interexchange company for regulated services at the time the company physically toll-restricts, interrupts, or discontinues service for nonpayment.

"Proprietary" means owned by a particular person.

"Provision" means supplying telecommunications service to a customer.

"Public access line (PAL)" means an access line equipped with features to detect coins, permit the use of calling cards, and such other features as may be used to provision a pay phone.

"Public safety answering point (PSAP)" means an answering location for enhanced 911 (E911) calls originating in a given area. PSAPs are designated as primary or secondary. Primary PSAPs receive E911 calls directly from the public; secondary PSAPs receive E911 calls only on a transfer or relay basis from the primary PSAP. Secondary PSAPs generally serve as centralized answering locations for a particular type of emergency call.

"Residential service" means basic service to a household.

"Restricted basic service" means either the ability to receive incoming calls, make outgoing calls, or both through voice grade access to the public switched network, including E911 access, but not including other services that are a part of basic service.

"Results of operations" means a fiscal year financial statement concerning regulated operations that include revenues, expenses, taxes, net operating income, and rate base. The rate of return is also included as part of the results of operations. The rate of return is the percentage of net operating income to the rate base.

"Service interruption" means a loss of or impairment of service that is not due to, and is not, a major outage.

"Service provider" means any business that offers a product or service to a customer, the charge for which appears on the customer's telephone bill.

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

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

"Station" means a telephone instrument installed for a customer to use for toll and exchange service.

"Subscriber list information (SLI)" means any information:

(a) Identifying the listed names of subscribers of a company and those subscribers' telephone numbers, addresses, or primary advertising classifications (as such classifications are assigned when service is established), or any combination of listed names, numbers, addresses, or classifications; and

(b) That the company or an affiliate has published, caused to be published, or accepted for publication in any directory format.

"Support structure" means the trench, pole, or conduit used to provide a path for placement of drop facilities.

"Telecommunications service" means the offering of telecommunications for a fee directly to the public, or to such classes of users to be effectively available directly to the public, regardless of the facilities used.

"Telemarketing" means contacting a person by telephone in an attempt to sell one or more products or services.

"Toll restriction" or **"toll restricted"** means a service that prevents the use of a local access line to initiate a long distance call using a presubscribed interexchange company.

"Traffic" means telecommunications activity on a telecommunications network, normally used in connection with measurements of capacity of various parts of the network.

"Trouble report" means a report of service affecting network problems reported by customers, and does not include problems on the customer's side of the SNI.

"Trunk" means, in a telecommunications network, a path connecting two switching systems used to establish end-to-end connection. In some circumstances, both of its terminations may be in the same switching system.

[Statutory Authority: RCW 80.36.010, 80.36.110, 80.36.320, 80.36.330, 80.36.333, 80.36.338, 80.01.040 and 80.04.160. 07-08-027 (Docket UT-060676, General Order R-540), § 480-120-021, filed 3/27/07, effective 4/27/07. Statutory Authority: RCW 80.01.040 and 80.04.160. 05-03-031 (Docket No. UT 040015, General Order No. R-516), § 480-120-021, filed 1/10/05, effective 2/10/05; 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-021, filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.04.160, 80.36.520 and 80.01.040. 99-02-020 (Order R-452, Docket No. UT-970301), § 480-120-021, filed 12/29/98, effective 1/29/99. Statutory Authority: RCW 80.01.040. 93-06-055 (Order R-384, Docket No. UT-921192), § 480-120-021, filed 2/26/93, effective 3/29/93. Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 91-13-078 (Order R-345, Docket No. UT-900726), § 480-120-021, filed 6/18/91, effective 7/19/91. Statutory Authority: RCW 80.01.040 and 1988 c 91. 89-04-044 (Order R-293, Docket No. U-88-1882-R), § 480-120-021, filed 1/31/89. Statutory Authority: RCW 80.01.040. 86-11-009 (Order R-250, Cause No. U-85-58), § 480-120-021, filed 5/12/86, effective 7/31/86. Statutory Authority: RCW 80.01.040 and 1985 c 450. 85-23-001 (Order R-242, Cause No. U-85-56), § 480-120-021, filed 11/7/85. Statutory Authority: RCW 80.04.060. 79-10-060 (Order R-131, Cause No. U-79-42), § 480-120-021, filed 9/18/79. Statutory Authority: RCW 80.36.140. 79-03-031 (Order R-123, Cause No. U-79-01), § 480-120-021, filed 2/28/79; Order R-25, § 480-120-021, filed 5/5/71. Formerly WAC 480-120-030.]

WAC 480-120-026 Tariffs. Companies must file tariffs in accordance with chapter 480-80 WAC, Utilities general—Tariffs and contracts.

[Statutory Authority: RCW 80.36.010, 80.36.110, 80.36.320, 80.36.330, 80.36.333, 80.36.338, 80.01.040 and 80.04.160. 07-08-027 (Docket UT-060676, General Order R-540), § 480-120-026, filed 3/27/07, effective 4/27/07. 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 480-120-028 Registration. Companies must file registration applications as required by RCW 80.36.350 and in accordance with chapter 480-121 WAC, Registration, competitive classification of telecommunications companies.

[Statutory Authority: RCW 80.36.010, 80.36.110, 80.36.320, 80.36.330, 80.36.333, 80.36.338, 80.01.040 and 80.04.160. 07-08-027 (Docket UT-060676, General Order R-540), § 480-120-028, filed 3/27/07, effective 4/27/07. 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 480-120-034 Classification of local exchange companies as Class A or Class B. (1) Each local exchange company is classified as a Class A company or a Class B company, based on the number of access lines it provides to Washington state customers.

(2) The classification of a company as Class A or Class B is made without respect to the company's classification as a competitive company under RCW 80.36.320.

(3) For purposes of classifying a company as Class A or Class B, the number of access lines served by the local exchange company includes the number of access lines served in this state by any affiliate of that local exchange company.

(4) Any company whose classification as Class A or Class B changes, due to a change in the number of access lines served, a change in affiliate relationships, or other reason, must notify the commission secretary of the change in classification within thirty days after the end of the month in which change in classification occurs.

(5) By July 1 of each year, the commission will publish on its web site the total number of access lines served by local exchange companies in Washington, based on information reported by companies for the previous calendar year, and a calculation of the two percent threshold.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 05-03-031 (Docket No. UT 040015, General Order No. R-516), § 480-120-034, filed 1/10/05, effective effective 2/10/05.]

WAC 480-120-061 Refusing service. (1) A company may refuse to connect with, or provide service to, an applicant under the following conditions:

(a) When service will adversely affect the service to existing customers.

(b) When the installation is considered hazardous.

(c) When the applicant has not complied with commission rules, company tariff, or rates, terms and conditions pursuant to competitive classification, and state, county, or municipal codes concerning the provision of telecommunications service such as building and electrical codes.

(d) When the company is unable to substantiate the identity of the individual requesting service.

(i) Companies must allow the applicant to substantiate identity with one piece of identification chosen from a list, provided by the company, of at least four sources of identification. The list must include a current driver's license or other picture identification.

(ii) Company business offices and payment agencies, required under WAC 480-120-132 and 480-120-162, must provide a means for applicants to provide identification at no charge to the applicant.

(e) When the applicant has previously received service from the company by providing false information, including false statements of credit references or employment, false statement of premises address, or use of an alias or false name with intent to deceive, until the applicant corrects the false information to the satisfaction of the company.

(f) When the applicant owes an overdue, unpaid prior obligation to the company for the same class of service, until the obligation is paid or satisfactory arrangements are made.

(g) When the applicant requests service at an address where a former customer is known to reside with an overdue, unpaid prior obligation to the same company for the same class of service at that address and the company determines, based on objective evidence, that the applicant has cooperated with the prior customer with the intent to avoid payment. However, a company may not deny service if a former customer with an overdue, unpaid prior obligation has permanently vacated the address.

(h) When all necessary rights of way, easements, and permits have not been secured. The company is responsible for securing all necessary public rights of way, easements, and permits, including rights of way on every highway as defined in RCW 36.75.010(11) or created under RCW 36.75.070 or 36.75.080. The applicant is responsible for securing all necessary rights of way or easements on private property, including private roads or driveways as defined in RCW 36.75.010(10). A private road or driveway is one that has been ascertained by the company not to be public.

(2) A company may not withhold or refuse to release a telephone number to a customer who is transferring service to another telecommunications company within the same rate center where local number portability has been implemented.

(3) A telecommunications company must deny service to a nonregistered telecommunications company that intends to use the service requested to provide telecommunications for hire, sale, or resale to the general public within the state of Washington. Any telecommunications company requesting service from another telecommunications company must state in writing whether the service is intended to be used for intrastate telecommunications for hire, sale, or resale to the general public. If the service is intended for hire, sale, or resale on an intrastate basis, the company must certify in writing, in the same manner as required by RCW 9A.72.085, that it is properly registered with the commission to provide the service.

[Statutory Authority: RCW 80.36.010, 80.36.110, 80.36.320, 80.36.330, 80.36.333, 80.36.338, 80.01.040 and 80.04.160. 07-08-027 (Docket UT-060676, General Order R-540), § 480-120-061, filed 3/27/07, effective 4/27/07. Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-061, filed 12/12/02, effective 7/1/03. Statutory Authority: RCW 80.01.040. 94-20-010 (Order R-422, Docket No. UT-940049), § 480-120-061, filed 9/22/94, effective 10/23/94; 92-01-115 (Order R-353, Docket No. UT-910788), § 480-120-061, filed 12/18/91, effective 1/18/92; 85-18-011 (Order R-233, Cause No. U-85-35), § 480-120-061, filed 8/23/85. Statutory Authority: RCW 80.04.060. 80-09-049 (Order R-147, Cause No. U-80-05), § 480-120-061, filed 7/14/80; Order R-25, § 480-120-061, filed 5/5/71.]

WAC 480-120-071 Extension of service. (1) **Definitions.** The following definitions apply to this section unless the context clearly indicates otherwise:

"Applicant" means any person applying to a telecommunications company for new tariffed residential basic local exchange service. Applicant does not include developers requesting service for developments.

"Cost of service extension" means the direct and indirect costs of the material and labor to plan and construct the facilities including, but not limited to, permitting fees, rights of way fees, and payments to subcontractors, and does not include the cost of reinforcement, network upgrade, or similar costs.

"Developer" means any owner of a development who offers it for disposition, or an agent of such an owner.

"Development" means land which is divided or is proposed to be divided for the purpose of disposition into four or more lots, parcels, or units.

"Distribution plant" means telephone equipment and facilities necessary to provide new tariffed residential basic local exchange service to a premises, but does not include drop wire.

"Drop wire" means company-supplied wire and pedestals to be placed between a premises and the company distribution plant at the applicant's property line. For drop wire installed after January 15, 2001, a drop wire must be sufficient in capacity to allow the provisioning of three individual basic exchange voice-grade access lines.

"Extension of service" means an extension of company distribution plant for new tariffed residential basic local exchange service to a location where no distribution plant of the extending company exists at the time an extension of service is requested. An extension is constructed at the request of one or more applicants for service. Extensions of service do not include trenches, conduits, or other support structure for placement of company-provided facilities from the applicant's property line to the premises to be served. Extension of service, as defined in this rule, does not apply to extensions of service to developments or to extensions of service for temporary occupancy or temporary service.

"Extraordinary cost" means a substantial expense resulting from circumstances or conditions beyond the control of the company that are exceptional and unlikely to occur in the normal course of planning and constructing facilities contemplated by this rule.

"Order date" as defined in WAC 480-120-021 (Definitions) means the date when an applicant requests service unless a company identifies specific actions a customer must first complete in order to be in compliance with tariffs or commission rules. Except as provided in WAC 480-120-061

(Refusing service) and 480-120-104 (Information to consumers), when specific actions are required to be completed by the applicant, the order date becomes the date the company receives the completed application for extension of service.

"Premises" means any structure that is used as a residence, but does not include predominantly commercial or industrial structures.

"Tariffed" means offered under a tariff filed with the commission.

"Temporary occupancy" means occupancy definitely known to be for less than one year but does not include intermittent or seasonal use when the intermittent or seasonal use will occur in more than a one-year period.

"Temporary service" means service definitely known to be for a short period of time, such as service provided for construction huts, sales campaigns, athletic contests, conventions, fairs, circuses, and similar events.

(2) **Tariffed residential basic local exchange service.**

(a) Each company required to file tariffs under RCW 80.36.100, and each company required to do so under an alternative form of regulation, must have on file with the commission an extension of service tariff for residential basic local exchange service consistent with this rule. Each company must extend service consistent with its tariff and this section.

(b) Within seven business days of an applicant's initial request, each company to which (a) of this subsection applies must provide the applicant with an application for extension of service. The company must also provide the applicant a brief explanation of the extension of service rules, including the requirement that subsequent applicants must contribute to the cost of a previously built extension that is less than five years old.

(c) The company must process applications that require an extension of service in a timely manner, consistent with the following:

(i) When there will be no charge for an extension of service as a result of the allowances required under subsection (3) of this section, the company must construct the extension and provide new tariffed residential basic local exchange service within thirteen months of the order date unless the commission grants the company's request to charge the applicant for extraordinary extension of service costs.

(ii) For an extension of service that exceeds the allowances provided under subsection (3) of this section, within one hundred twenty days of the order date, the company must provide the applicant a bill for the estimated cost of construction of the extension of service under subsection (4)(a) of this section. The company must include with the bill a notice to the applicant of the right to be reimbursed for a portion of the cost by a subsequent applicant as provided under subsection (5) of this section.

(iii) When the company bills for the estimated construction charges, including extraordinary costs as allowed in this section, it must complete the extension of service and provide new tariffed residential basic local exchange service within twelve months after the applicant meets the payment terms established by the company (e.g., payment in full, partial payment on a schedule). If there are multiple applicants under subsection (4)(b) of this section, then all applicants must meet the payment terms established by the company.

(3) **Allowances.**

(a) A company's tariff must allow for an extension of service within its service territory up to one thousand feet at no charge to the applicant. The tariff may allow for an extension of service for distances over the allowance at no charge to the applicant.

(b) The applicant is responsible for the cost of that portion of the extension of service, if any, that exceeds the allowance. When the applicant meets the company's payment terms under subsection (2)(c)(iii) of this section, the company must construct the extension of service. The company's tariff must permit multiple applicants to aggregate their allowances when an extension of service to two or more applicants would follow a single construction path.

(c) If the company determines that the first one thousand feet of an extension of service will involve extraordinary costs, the company may petition for permission to charge the applicant(s) for those costs. The petition must be in the form required under WAC 480-07-370 (1)(b)(ii) and the company must file the petition within one hundred twenty days after the order date. The company must provide notice to the applicant of the petition.

(4) **Determining costs and billing for extensions of service longer than allowances.**

(a) The company must estimate the cost of the service extension that is attributable to distribution plant that must be extended beyond the applicable allowance established under subsection (3)(b) of this section.

(b) When two or more applicants request service and aggregate their allowances, and it is still necessary to construct an extension of service longer than the aggregated incremental allowances, the company must bill each applicant for an equal portion of the allowable charge (e.g., when two applicants aggregate allowances, the charge is divided by two; when five applicants aggregate allowances, the charge is divided by five). Multiple applicants may agree to divide the bill among themselves in amounts different from those billed as long as the billing company receives full payment.

(c) At the completion of the construction of the extension of service, the company must determine the difference between the estimated cost provided under subsection (2)(c)(ii) of this section and the actual cost of construction. The company must provide to the applicant detailed construction costs showing the difference. The company must refund any overpayment and may charge the applicant for reasonable additional costs up to ten percent of the estimate.

(d) The company must retain records pertaining to the construction charges paid for a period of at least six years from payment of the charges by the original applicant(s).

(5) **Subsequent applicants to existing extensions of service for which construction charges were paid.**

(a) If within five years of the order date for an extension of service a subsequent applicant seeks service from that previous extension of service and the original applicant(s) paid construction charges under subsection (4) of this section, then the company tariff must require the subsequent applicant to pay a proportionate share of the original extension of service charges before extending service. The tariff must provide that the amount paid by subsequent applicants will be refunded proportionately to the original applicant(s) who paid the extension charges.

(b) The company must provide notice to the last known address of the original applicant(s) of the amount of the refund due the applicant(s). Any refund not requested within sixty days of the date notice was sent will be returned to the subsequent applicant.

(6) **Requirements for supporting structures and trenches.**

(a) A company tariff may condition construction on completion of support structures, trenches, or both on the applicant's property.

(i) Applicants are responsible for installation of all supporting structures required for placement of company-provided drop wire from the applicant's property line to the applicant's premises. The company may offer to construct supporting structures and dig trenches and may charge for those services, but the tariff must not require that applicants use only company services to construct supporting structures and dig trenches. The offer must clearly state that the applicant may choose to employ a different company for construction services.

(ii) The company tariff may require that all supporting structures required for placement of company-provided drop wire from the applicant's property line to the premises are placed in accordance with reasonable company construction specifications. The tariff must require that, once in place and in use, all supporting structures and drop wire will be maintained by the company as long as the company provides service, and any support structure and trenches constructed at company expense are owned by the company.

(b) The tariff must provide that once supporting structures, trenches, or both, have been constructed, the company will provide drop wire to applicants at no charge.

(7) **Temporary service.** Each company required to file tariffs under RCW 80.36.100 (Tariff schedules to be filed and open to public—Exceptions), and each company regulated under an alternative form of regulation, must have on file with the commission an extension of service tariff for temporary service consistent with this rule. Each company must extend service consistent with its tariff and this section. A company tariff for extension of temporary service may not provide allowances (e.g., one thousand feet without charge) or discounts on the cost of construction.

(8) **Application of rule.**

(a) The prior WAC 480-120-071, as it was in effect on June 1, 2008, will continue to apply to applications for extension of service that a company has completed or accepted before October 4, 2008.

(b) This section, as amended effective October 4, 2008, applies to all other requests for service before and after the effective date.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 08-19-001 and 08-20-113 (Docket UT-073014, General Order R-551), § 480-120-071, filed 9/3/08 and 9/30/08, effective 10/4/08 and 10/31/08. Statutory Authority: RCW 80.01.040, 80.04.160, 80.36.080, 80.36.300. 00-24-097 (Order R-474, Docket No. UT-991737), § 480-120-071, filed 12/5/00, effective 1/15/01; Order R-25, § 480-120-071, filed 5/5/71. Formerly WAC 480-120-170.]

WAC 480-120-083 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 480-120-172 (Discontinuing service—Company initiated);

(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 480-120-147 (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;

(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 supplier'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 80.01.040, 80.04.160, 81.04.160, and 34.05.353. 03-22-046 (Docket No. A-030832, General Order No. R-509), § 480-120-083, filed 10/29/03, effective 11/29/03. 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.]

PART II. ESTABLISHING SERVICE AND CREDIT

WAC 480-120-102 Service offered. (1) Classes of service. The classes of service are business and residential. Each local exchange company (LEC) must file with the commission, as part of its tariff a description of the classes and types of service available to customers in each class. LECs must record for each access line whether local exchange service is residential or business class.

(2) Types of service. LECs must offer, at a minimum, flat-rate local exchange service. In addition, companies may offer service alternatives, such as measured service.

(3) Grade of service. Local exchange service offered by companies must be only one-party service.

[Statutory Authority: RCW 80.36.010, 80.36.110, 80.36.320, 80.36.330, 80.36.333, 80.36.338, 80.01.040 and 80.04.160. 07-08-027 (Docket UT-060676, General Order R-540), § 480-120-102, filed 3/27/07, effective 4/27/07. Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-102, filed 12/12/02, effective 7/1/03.]

WAC 480-120-103 Application for service. (1) When contacted by an applicant, or when a company contacts a person, a company must:

(a) Accept and process applications when an applicant for service for a particular location has met all tariff requirements and applicable commission rules;

(b) Establish the due date as the date requested by the applicant but is not required to establish a due date that is fewer than seven business days after the order date. If the company establishes a due date other than the date requested by the applicant, it must inform the applicant of the specific date when service will be provided or state that an estimated

due date will be provided within seven business days as required by subsection (2) of this section; and

(c) Maintain a record in writing, or in electronic format, of each application for service, including requests for a change of service.

(2) If the company does not provide the applicant with a due date for installation or activation at the time of application as required in subsection (1)(b) of this section, the company must state the reason for the delay. Within seven business days of the date of the application, the company must provide the applicant with an estimated due date for installation or activation. The standards imposed by WAC 480-120-105 (Company performance standards for installation or activation of access lines) and 480-120-112 (Company performance for orders for nonbasic services) are not altered by this subsection.

(3) When the company informs the customer that installation of new service orders requires on-premises access by the company, the company must offer the customer an opportunity for an installation appointment that falls within a four-hour period.

(4) When the application for service requires an extension of service as defined in WAC 480-120-071 (Extension of service), the requirement of subsection (1)(b) of this section does not apply.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 08-19-001 (Docket No. A-030832, General Order No. R-551), § 480-120-103, filed 9/3/08, effective 10/4/08. Statutory Authority: RCW 80.36.010, 80.36.110, 80.36.320, 80.36.330, 80.36.333, 80.36.338, 80.01.040 and 80.04.160. 07-08-027 (Docket UT-060676, General Order R-540), § 480-120-103, filed 3/27/07, effective 4/27/07. Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-103, filed 12/12/02, effective 7/1/03.]

WAC 480-120-104 Information to consumers. (1) Except for services provided under written contract pursuant to competitive classification, each company must provide an applicant for initial service with a confirming notice or welcome letter, either in writing or with permission of the customer, electronically. The confirming notice or welcome letter must be provided to the applicant or customer no later than fifteen days after installation of service and must provide, at a minimum:

(a) Contact information for the appropriate business office, including a toll-free telephone number, a TTY number, mailing address, repair number, electronic address if applicable, and business office hours, that the customer can contact if they have questions;

(b) Confirmation of the services being provided to the customer by the company, and the rate for each service. If the service is provided under a banded rate schedule, the current rate, including the minimum and maximum at which the customer's rate may be shifted; and

(c) If the application is for local exchange service, the LEC must either provide information required in WAC 480-120-251 (6)(a) through (f) or must inform the customer that additional information pertaining to local exchange service may be found in the consumer information guide of the local telephone directory as required in WAC 480-120-251.

(2) Except for services provided under written contract pursuant to competitive classification, each company must provide each customer a confirming notice, either in writing or, with permission of the customer, electronically, within fifteen days of initiating a material change in service which results in the addition of a service, a change from one rate schedule to another, or a change in terms or conditions of an existing service. The confirming notice must provide at a minimum, the following information in clear and conspicuous language:

(a) Contact information for the appropriate business office, including a toll-free telephone number, a TTY number, and business office hours, that customers can contact if they have questions; and

(b) The changes in the service(s), including, if applicable, the rate for each service.

(3) When a LEC is acting as an executing carrier under WAC 480-120-147, it must make the following information available upon request:

(a) The name of the intraLATA and interLATA interexchange company to which the customer's account is currently subscribed; and

(b) A minimum of six months' account history, when available, including the date of the changes and the name of the interexchange company.

(4) When an applicant or customer contacts the LEC to select or change an interexchange company, the LEC must notify the carrier of the customer's selection or recommend that the customer contact the chosen interexchange company to confirm that an account has been or is being established by the interexchange carrier for the applicant.

[Statutory Authority: RCW 80.36.010, 80.36.110, 80.36.320, 80.36.330, 80.36.333, 80.36.338, 80.01.040 and 80.04.160. 07-08-027 (Docket UT-060676, General Order R-540), § 480-120-104, filed 3/27/07, effective 4/27/07. Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-104, filed 12/12/02, effective 7/1/03.]

WAC 480-120-105 Company performance standards for installation or activation of access lines. (1) Except as provided in subsection (2) of this section, when an application is made consistent with WAC 480-120-103 (Application for service), the following standards for installation or activation of service apply:

(a) The local exchange company (LEC) must complete, within five business days after the order date, or by a later date requested by a customer, ninety percent of all orders of up to the initial five access lines received during each month;

(b) The LEC must complete ninety-nine percent of all orders of up to the initial five access lines received during each calendar quarter within ninety days after the order date, or by a later date requested by a customer; and

(c) The LEC must complete one hundred percent of all orders for access lines within one hundred eighty days after the order date, or by a later date requested by a customer.

(2) For purposes of determining the amount of penalties that shall apply if a LEC fails to complete the percent of orders required by subsection (1)(a), (b), and (c) of this section, each order that the LEC fails to complete in excess of the highest number of uncompleted orders that would not have triggered a violation shall be a separate violation. For example, using the ninety-nine percent completion rate under subsection (1)(b) of this section, if the LEC received one hundred orders in a quarter, and it completed only ninety-four of

those orders, it would be deemed to have committed five separate violations, because it completed five less than required by the section. Violations of subsection (1)(a), (b), and (c) of this section will be determined separately, and each order is subject to all three parts.

(3) The timelines set forth in subsection (1)(a) of this section do not apply when force majeure prevents the installation or activation of service; and the timelines set forth in subsection (1) of this section do not apply when customer-provided special equipment is necessary; when a later installation or activation is permitted under WAC 480-120-071; or when the commission has granted an exemption from the requirement for installation or activation of a particular order under WAC 480-120-015. These orders will be excluded from both the numerator and denominator in calculating the percentage of orders completed.

(4) Unless the commission orders otherwise, subsection (1)(a) and (b) do not apply to LECs that are competitively classified under RCW 80.36.320 and do not offer local exchange service by tariff.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-105, filed 12/12/02, effective 7/1/03.]

WAC 480-120-112 Company performance for orders for nonbasic services. (1) Except as provided in subsection (2) of this section, the local exchange company (LEC) must complete orders for all nonbasic services within one hundred eighty days of the order date or by a later date requested by a customer.

(2) The timeline set forth in subsection (1) of this section does not apply when a later installation or activation is permitted under WAC 480-120-071 (Extension of service), or when the commission has granted an exemption from the requirement for installation or activation of a particular order under WAC 480-120-015 (Exemptions from rules in chapter 480-120 WAC).

[Statutory Authority: RCW 80.01.040 and 80.04.160. 05-03-031 (Docket No. UT 040015, General Order No. R-516), § 480-120-112, filed 1/10/05, effective 2/10/05; 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-112, filed 12/12/02, effective 7/1/03.]

WAC 480-120-122 Establishing credit—Residential services. This section applies only to the provision of residential services.

(1) For a local exchange company (LEC) that offers basic service as part of any bundled package of services, the requirements of this subsection apply only to its lowest-priced, flat-rated residential basic service offering. The LEC may require an applicant or customer of residential basic service to pay a local service deposit only if:

(a) The applicant or customer has received two or more delinquency notices for basic service during the last twelve month period with that company or another company;

(b) The applicant or customer has had basic service discontinued by any telecommunications company;

(c) The applicant or customer has an unpaid, overdue basic service balance owing to any telecommunications company;

(d) The applicant's or customer's service is being restored following a discontinuation for nonpayment or acquiring service through deceptive means under WAC 480-120-172(1); or

(e) The applicant or customer has been disconnected for taking service under deceptive means as described in WAC 480-120-172(1).

(2) A LEC may, if provided for in its tariff or rates, terms and conditions of services provided pursuant to competitive classification, require an applicant or customer of ancillary services to demonstrate satisfactory credit by reasonable means, pay a deposit, or make advanced payments consistent with subsections (4) and (5) of this section.

The company must inform applicants that local service cannot be withheld pending payment of a deposit or advanced payments for ancillary services.

(3) An interexchange company may, if provided for in its tariff or rates, terms and conditions of services provided pursuant to competitive classification, require an applicant or customer of interexchange services to demonstrate satisfactory credit by reasonable means or pay a deposit consistent with subsections (4) and (5) of this section.

The company must inform applicants that local service cannot be withheld pending payment of a deposit for interexchange services.

(4) When a company requests a deposit from an applicant or customer, the amount of the deposit may not exceed two months' customary use for an applicant or customer with previous verifiable service of the same class, or two months' estimated use for an applicant or customer without previous verifiable service. Customary use is calculated using charges for the previous three months' service.

(5) When an applicant or customer is required to pay a basic service deposit or an interexchange deposit, but is unable to pay the entire amount in advance of connection or continuation of service, the company must offer the applicant or customer the following options:

(a) Pay no more than fifty percent of the requested deposit amount before installation or continuation of service, with the remaining amount payable in equal amounts over the following two months; or

(b) Where technology permits, the applicant or customer must have the option of accepting toll-restricted basic service in lieu of payment of the deposit. A company must not charge for toll restriction when it is used as an alternative to a deposit.

A company must remove toll restriction unless the customer requests to retain it when the customer makes full payment of the requested interexchange company deposit or pays fifty percent of the requested deposit and enters into payment arrangements as provided for in (a) of this subsection.

(6) A company may require an applicant or customer to pay a deposit or make advanced payments equal to two months' charges for ancillary service before providing or continuing ancillary services.

(7) A company may require an applicant or customer to pay a deposit if it finds that service was provided initially without a deposit based on incorrect information and the customer otherwise would have been required to pay a deposit.

(a) When a company requests a new deposit or a larger deposit amount after service has been established, the company must provide a written notice to the customer listing the reason(s) for the request, the date the deposit must be paid,

and the actions the company may take if the deposit is not paid.

(b) Except for circumstances described in subsection (8) of this section, the deposit or additional deposit amount may not be due and payable before 5:00 p.m. of the sixth business day after notice of the deposit requirement is mailed or 5:00 p.m. of the second business day following delivery, if the notice is delivered in person to the customer.

(8)(a) A company authorized by the commission to collect deposits or advanced payments may require a customer to pay unbilled toll charges or pay a new or additional deposit amount when the customer's toll charges exceed thirty dollars, or exceed customary use over the previous six months by twenty dollars or by twenty percent, whichever is greater. A company may toll-restrict a customer's services if the customer is unable pay the toll or deposit amount.

(b) When a customer has exceeded the toll levels in (a) of this subsection, the company may require payment before the close of the next business day following delivery of either written or oral notice to the customer indicating that failure to pay one of the following may result in toll restriction of the customer's service. The company must give the customer the option to pay one of the following:

(i) All outstanding toll charges specified in the notice; or

(ii) All toll charges accrued to the time of payment providing the customer was notified the customer would be liable for all unbilled toll charges that accrued between the time of the notice and time of the payment; or

(iii) Payment of a new or additional deposit in light of the customer's actual use based upon two months' customary use.

(c) When an applicant does not have a customary utilization amount from a previous service, the company may request that the applicant estimate the greatest monthly toll amount the applicant expects to use. If the company asks for an estimate, it must explain that if the customer's toll charges exceed the amounts in (a) of this subsection, the company may toll restrict or require a deposit as permitted in this subsection.

[Statutory Authority: RCW 80.36.010, 80.36.110, 80.36.320, 80.36.330, 80.36.333, 80.36.338, 80.01.040 and 80.04.160. 07-08-027 (Docket UT-060676, General Order R-540), § 480-120-122, filed 3/27/07, effective 4/27/07. Statutory Authority: RCW 80.01.040 and 80.04.160. 05-03-031 (Docket No. UT 040015, General Order No. R-516), § 480-120-122, filed 1/10/05, effective 2/10/05; 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-122, filed 12/12/02, effective 7/1/03.]

WAC 480-120-123 Establishing credit—Business services. (1) As set forth in this section, a company may require a business applicant or customer to demonstrate satisfactory credit by reasonable means appropriate under the circumstances.

(2) **Amount of deposit.** When a company requests a deposit from an applicant or customer, the amount of the deposit may not exceed two months' customary use for an applicant or customer with previous verifiable service of the same class, or two months' estimated use for an applicant or customer without previous verifiable service. Customary use is calculated using charges for the previous three months' service.

(3) **Deposit payment.** Companies may withhold regulated services until the deposit amount associated with such services is paid in full.

(4) **Deposit requirement notice.**

(a) When a company requests a new deposit or a larger deposit amount after service has been established, the company must provide a written notice of the reasons for the request in writing to the customer, state the date the deposit must be paid, and the actions the company may take if the deposit is not paid.

(b) Except for circumstances described in subsection (5) of this section, the deposit or additional deposit amount may not be due and payable before 5:00 p.m. of the sixth business day after notice of the deposit requirement is mailed or 5:00 p.m. of the second business day following delivery if the notice is delivered in person to the customer.

(5) **Deposit request for high toll.**

(a) A company authorized by the commission to collect deposits or advanced payments may require a customer to pay a new or additional deposit amount to advanced toll charges when the customer's toll charges exceed the amount currently held as an interexchange deposit, or exceed customary use over the previous six months by twenty dollars or by twenty percent, whichever is greater. A company may toll restrict a customer's services if the customer is unable pay the toll or deposit amount.

(b) When a customer has exceeded the toll levels outlined in (a) of this subsection, the company may require payment before the close of the next business day following delivery of either written or oral notice to the customer indicating that failure to pay one of the following may result in toll restriction of the customer's service. The customer must be given the option to pay one of the following:

(i) All outstanding toll charges specified in the notice;

(ii) All toll charges accrued to the time of payment providing the customer was notified the customer would be liable for all unbilled toll charges that accrued between the time of the notice and time of the payment; or

(iii) Payment of a new or additional deposit in light of the customer's actual use based upon two months' customary use.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-123, filed 12/12/02, effective 7/1/03.]

WAC 480-120-124 Guarantee in lieu of deposit. When a residential applicant or customer cannot establish credit or cannot pay a deposit or deposit extended payments, the applicant or customer may furnish a guarantor who will secure payment of bills for service requested in a specified amount not to exceed the amount of required deposit. The company may require that the guarantor:

(1) Reside in the state of Washington;

(2) Currently have service with the company requesting the deposit; and

(3) Have an established satisfactory payment history for each class of service being guaranteed.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-124, filed 12/12/02, effective 7/1/03.]

WAC 480-120-125 Deposit or security—Telecommunications companies. A telecommunications company may be required to pay a reasonable deposit to another telecom-

munications company if it is unable to demonstrate satisfactory credit.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-21-067 (Docket No. UT-990146, General Order No. R-503), § 480-120-125, filed 10/16/02, effective 11/16/02.]

WAC 480-120-127 Protecting customer prepayments. As a precondition to registration, the commission may require a telecommunications company to file a performance bond sufficient to cover any prepayments it may collect from its customers, or order that such prepayments be held in escrow or trust, as stated in RCW 80.36.350.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-11-080 (General Order No. R-499, Docket No. UT-991922), § 480-120-127, filed 5/14/02, effective 6/17/02.]

WAC 480-120-128 Deposit administration. (1) **Transfer of deposit.** A company must transfer a customer's deposit, less any outstanding balance, from the account at one service address to another service address, when a customer moves to a new address, is required to pay a deposit, and continues to receive service from that company.

(2) **Interest on deposits.** Companies that collect customer deposits must pay interest on those deposits calculated:

(a) For each calendar year, at the rate for the one-year Treasury Constant Maturity as of November 15 of the previous year, as calculated by the U.S. Treasury and published in the Federal Reserve's Statistical Release H.15; and

(b) From the date of deposit to the date of refund or when applied directly to the customer's account.

(3) **Refunding deposits for retail services.** Companies must refund deposits, plus accrued interest, less any outstanding balance, to a retail customer when:

(a) A customer terminates service or services for which a deposit is being held.

A company is not required to refund an amount held on deposit when a customer requests a discontinuation of service or services but requests to establish similar service with a company for which the current deposit holder also provides billing and collection service. The new provider must have authority with the commission to collect deposits; or

(b) The customer has paid for service for twelve consecutive months in a prompt and satisfactory manner as evidenced by the following:

(i) The company has not issued a discontinuation notice against the customer's account for nonpayment during the last twelve months; and

(ii) The company has sent no more than two delinquency notices to the customer in the last twelve months.

(4) A company may apply a deposit refund to a customer's account or, upon customer request, must provide the refund in the form of a check issued and mailed to the customer no later than thirty days after satisfactory payment history is established or thirty days after the date the closing bill is paid when service is terminated.

[Statutory Authority: RCW 80.01.040 and 80.40.160. 05-03-031 (Docket No. UT 040015, General Order No. R-516), § 480-120-128, filed 1/10/05, effective 2/10/05; 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-128, filed 12/12/02, effective 7/1/03.]

WAC 480-120-132 Business offices. Each company must provide business offices or customer service centers that are accessible by telephone or in person. A business office or customer service center that serves more than one exchange must provide toll-free calling from each exchange to the office. Each business office or customer service center must be staffed by qualified personnel who can provide information relating to all services and rates, accept and process applications for service, explain charges on customers' bills, adjust charges made in error, and generally act as representatives of the company.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-132, filed 12/12/02, effective 7/1/03.]

WAC 480-120-133 Response time for calls to business office or repair center during regular business hours. (1) Calls placed to a company's business or repair center during regular business hours must be answered either by a live representative or an automated call answering system.

(2) Companies that use an automated answering system must comply with the following requirements:

(a) Each month, the average time until the automated system answers a call must not exceed thirty seconds; and

(b) The automated system must provide a caller with an option to speak to a live representative within the first sixty seconds of the recorded message, or it must transfer the caller to a live representative within the first sixty seconds.

(i) A company may provide the live representative option by directing the caller to take an affirmative action (e.g., select an entry on the telephone) or by default (e.g., be transferred when the caller does not select an option on the telephone).

(ii) The recorded message must clearly describe the method a caller must use to reach a live representative.

(c) Each month, the average time until a live representative answers a call must not exceed sixty seconds from the time a caller selects the appropriate option to speak to a live representative.

(3) Companies that do not use an automated answering system must answer at least ninety-nine percent of call attempts, each month, within thirty seconds.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-133, filed 12/12/02, effective 7/1/03.]

WAC 480-120-146 Changing service providers from one local exchange company to another. When a customer migrates from one local exchange company (LEC) to another, where applicable, the carriers involved must perform local number portability (LNP) in compliance with the Federal Communications Commission (FCC)-approved method and time frame for disconnecting that service following the scheduled port under Title 47, Chapter I, Part 52.26 of the Code of Federal Regulations. Part 52.26 adopts the North American Numbering Council (NANC) recommendations on local number portability administration, "Working Group Report" with certain qualifications and additions. The effective date for 47 CFR §52.26 is stated in WAC 480-120-999.

When the underlying carrier is providing local exchange services for resale by a LEC and then facilitates migration of

that service to another LEC or back to itself, the underlying carrier shall notify the old LEC when the customer's service has been transferred.

The requirements of this section do not apply if the customer submitted the cancellation order directly to the LEC providing existing service.

[Statutory Authority: RCW 80.01.040, 80.04.160, and 34.05.330. 04-09-068 (Docket No. UT-030964, General Order No. R-513), § 480-120-146, filed 4/19/04, effective 5/20/04. Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-146, filed 12/12/02, effective 7/1/03.]

WAC 480-120-147 Changes in local exchange and intrastate toll services. For the purpose of this section "subscriber" is any one of the following: The party identified in the account records of a common carrier as responsible for payment of the telephone bill; any adult person authorized by such party to change telecommunications services or to charge services to the account; or any person contractually or otherwise lawfully authorized to represent such party.

(1) **Verification of orders.** A local exchange or intrastate toll company that requests on behalf of a subscriber that the subscriber's company be changed, and that seeks to provide retail services to the subscriber (submitting company), may not submit a change-order for local exchange or intrastate toll service until the order is confirmed in accordance with one of the procedures in (a) through (c) of this subsection:

(a) The company has obtained the subscriber's written or electronic authorization to submit the order (letter of agency). The letter of agency must be a separate electronic form, located on a separate screen or web page, or a separate written document (or easily separable document) containing only the authorizing language described in (a)(i) through (vi) of this subsection, having the sole purpose of authorizing a telecommunications company to initiate a preferred company change. The letter of agency, whether written or electronic, must be signed and dated by the subscriber of the telephone line(s) requesting the preferred company change. The letter of agency must not be combined on the same document or on the same screen or web page with inducements of any kind; however, it may be combined with checks that contain only the required letter of agency language as prescribed in (a)(i) through (vi) of this subsection, and the necessary information to make the check a negotiable instrument. The check may not contain any promotional language or material. It must contain, in easily readable, boldface type on the front of the check, a notice that the subscriber is authorizing a preferred company change by signing the check. Letter-of-agency language must be placed near the signature line on the back of the check. Any company designated in a letter of agency as a preferred company must be the company directly setting the rates for the subscriber. If any portion of a letter of agency is translated into another language, then all portions must be translated into that language, as well as any promotional materials, oral descriptions or instructions provided with the letter of agency. The letter of agency must confirm the following information from the subscriber:

(i) The subscriber billing name, billing telephone number and billing address and each telephone number to be covered by the change order;

(ii) The decision to change;

(iii) The subscriber's understanding of the change fee;

(iv) That the subscriber designates (name of company) to act as the subscriber's agent for the preferred company change;

(v) That the subscriber understands that only one telecommunications company may be designated as the subscriber's intraLATA preferred company; that only one telecommunications company may be designated as the subscriber's interLATA preferred company; and that only one telecommunications company may be designated as the subscriber's local exchange provider, for any one telephone number. The letter of agency must contain a separate statement regarding the subscriber's choice for each preferred company, although a separate letter of agency for each choice is not necessary; and

(vi) Letters of agency may not suggest or require that a subscriber take some action in order to retain the current preferred company.

(b) The submitting company has obtained the subscriber's authorization, as described in (a) of this subsection, electronically, by use of an automated, electronic telephone menu system. This authorization must be placed from the telephone number(s) for which the preferred company is to be changed and must confirm the information required in (a)(i) through (vi) of this subsection.

Telecommunications companies electing to confirm the preferred company change electronically must establish one or more toll free telephone numbers exclusively for that purpose.

Calls to the number(s) must connect a subscriber to a voice response unit, or similar device, that records the required information regarding the change, including recording the originating automatic number identification (ANI).

(c) An appropriately qualified and independent third party operating in a location physically separate from the telemarketing representative has obtained the subscriber's oral authorization to submit the change order that confirms and includes appropriate verification data (e.g., the subscriber's date of birth). A company or a company's sales representative initiating a three-way conference call or a call through an automated verification system must drop off the call once the three-way connection with the third-party verifier has been established. The independent third party must not be owned, managed, controlled or directed by the company or the company's marketing agent; and must not have any financial incentive to confirm preferred company change orders for the company or the company's marketing agent. The content of the verification must include clear and unambiguous confirmation that the subscriber has authorized a preferred company change.

(2) Where a telecommunications company is selling more than one type of telecommunications service (e.g., local exchange, intraLATA toll, and interLATA toll) that company must obtain separate authorization, and separate verification, from the subscriber for each service sold, although the authorizations may be made within the same solicitation.

(3) The documentation regarding a subscriber's authorization for a preferred company change must be retained by the submitting company, at a minimum, for two years to serve as verification of the subscriber's authorization to change his or her telecommunications company. The docu-

mentation must be made available to the subscriber and to the commission upon request and at no charge. Documentation includes, but is not limited to, entire third-party-verification conversations and, for written verifications, the entire verification document.

(4) **Implementing order changes.** An executing company may not verify directly with the subscriber the submission of a change in a subscriber's selection of a provider received from a submitting company. The executing company must comply promptly, without any unreasonable delay, with a requested change that is complete and received from a submitting company. An executing company is any telecommunications company that affects a request that a subscriber's company be changed. Except as provided by contract, a telecommunications company must submit a preferred company change order on behalf of a subscriber within no more than sixty days of obtaining authorization.

This section does not prohibit any company from investigating and responding to any subscriber-initiated inquiry or complaint.

(5) **Preferred carrier freezes.** A preferred carrier freeze prevents a change in a subscriber's preferred company selection unless the subscriber gives the company from whom the freeze was requested express consent. Express consent means direct, written, electronic, or oral direction by the subscriber. All local exchange companies (LECs) must offer preferred carrier freezes. Such freezes must be offered on a nondiscriminatory basis to all subscribers. Offers or solicitations for such freezes must clearly distinguish among telecommunications services subject to a freeze (e.g., local exchange, intraLATA toll, and interLATA toll). The carrier offering the freeze must obtain separate authorization for each service for which a preferred carrier freeze is requested. Separate authorizations may be contained within a single document.

(a) All LECs must notify all subscribers of the availability of a preferred carrier freeze, no later than the subscriber's first telephone bill, and once per year must notify all local exchange service subscribers of such availability on an individual subscriber basis (e.g., bill insert, bill message, or direct mailing).

(b) All company-provided solicitation and other materials regarding freezes must include an explanation, in clear and neutral language, of what a preferred carrier freeze is, and what services may be subject to a freeze; a description of the specific procedures to lift a preferred carrier freeze; an explanation that the subscriber will be unable to make a change in company selection unless he or she lifts the freeze; and an explanation of any charges incurred for implementing or lifting a preferred carrier freeze.

(c) No local exchange company may implement a preferred carrier freeze unless the subscriber's request to impose a freeze has first been confirmed in accordance with the procedures outlined for confirming a change in preferred company, as described in subsections (1) and (2) of this section.

(d) All LECs must offer subscribers, at a minimum, the following procedures for lifting a preferred carrier freeze:

(i) A subscriber's written or electronic authorization stating the subscriber's intent to lift the freeze;

(ii) A subscriber's oral authorization to lift the freeze. This option must include a mechanism that allows a submitting company to conduct a three-way conference call with the executing company and the subscriber in order to lift the freeze. When engaged in oral authorization to lift a freeze, the executing company must confirm appropriate verification data (e.g., the subscriber's date of birth), and the subscriber's intent to lift the freeze.

(iii) The LEC must lift the freeze within three business days of the subscriber request.

(e) A LEC may not change a subscriber's preferred company if the subscriber has a freeze in place, unless the subscriber has lifted the freeze in accordance with this subsection.

(6) **Remedies.** In addition to any other penalties provided by law, a submitting company that requests a change in a subscriber's company without proper verification as described in this rule must receive no payment for service provided as a result of the unauthorized change and must promptly refund any amounts collected as a result of the unauthorized change. The subscriber may be charged, after receipt of the refund, for such service at a rate no greater than what would have been charged by its authorized telecommunications company, and any such payment must be remitted to the subscriber's authorized telecommunications company.

(7) **Exceptions.** Companies transferring subscribers as a result of a merger, purchase of the company, or purchase of a specific subscriber base are exempt from subsections (1) through (6) of this section if the companies comply with the following conditions and procedures:

(a) The acquiring company must provide a notice to each affected subscriber at least thirty days before the date of transfer. Such notice must include the following information:

(i) The date on which the acquiring company will become the subscriber's new provider;

(ii) The rates, terms, and conditions of the service(s) to be provided upon transfer, and the means by which the acquiring company will notify the subscriber of any change(s) to those rates, terms, and conditions;

(iii) That the acquiring company will be responsible for any company change charges associated with the transfer;

(iv) The subscriber's right to select a different company to provide the service(s);

(v) That the subscriber will be transferred even if the subscriber has selected a "freeze" on his/her company choices, unless the subscriber chooses another company before the transfer date;

(vi) That, if the subscriber has a "freeze" on company choices, the freeze will be lifted at the time of transfer and the subscriber must "refreeze" company choices;

(vii) How the subscriber may make a complaint prior to or during the transfer; and

(viii) The toll-free customer service telephone number of the acquiring company.

(b) The acquiring company must provide a notice to the commission at least thirty days before the date of the transfer. Such notice must include the following information:

(i) The names of the parties to the transaction;

(ii) The types of services affected;

(iii) The date of the transfer; and

(iv) That the company has provided advance notice to affected subscribers, including a copy of such notice.

(c) If after filing notice with the commission any material changes develop, the acquiring company must file written notice of those changes with the commission no more than ten days after the transfer date announced in the prior notice. The commission may, at that time, require the company to provide additional notice to affected subscribers regarding such changes.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 05-03-031 (Docket No. UT 040015, General Order No. R-516), § 480-120-147, filed 1/10/05, effective 2/10/05. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. 03-22-046 (Docket No. A-030832, General Order No. R-509), § 480-120-147, filed 10/29/03, effective 11/29/03. Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-147, filed 12/12/02, effective 7/1/03.]

WAC 480-120-148 Canceling registration. A company canceling its registration as a telecommunications company must notify the commission in writing and, as applicable, comply with the requirements of WAC 480-120-083 (Cessation of telecommunications services). It remains subject to commission jurisdiction with respect to its provision of telecommunications service during the time it was registered, and it must file an annual report and pay regulatory fees for the period during which it was registered.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-148, filed 12/12/02, effective 7/1/03.]

PART III. PAYMENTS AND DISPUTES

Appendix A

WAC 480-120-161 Form of bills. (1) **Bill frequency.** Companies must offer customers, at a minimum, the opportunity to receive billings on a monthly interval, unless subsection (11) of this section applies.

(2) **Length of time for payment of a bill.** Bill due dates must reflect a date which at a minimum allows a customer fifteen days from the date of mailing for payment.

(a) Upon showing of good cause, a customer may request and the company must allow the customer to pay by a date that is not the normally designated payment date on their bill. Good cause may include, but not be limited to, adjustment of the billing cycle to parallel receipt of income.

(i) A company may not assess late payment fees for the period between the regularly scheduled due date and the customer-chosen due date so long as the customer makes payment in full by the customer-chosen due date.

(ii) A company may refuse to establish a preferred payment date that would extend the payment date beyond the next normally scheduled payment or due date.

(b) If a company is delayed in billing a customer, the company must offer arrangements upon customer request or upon indication that a payment arrangement is necessary, that are equal to the length of time the bill is delayed beyond the regularly scheduled billing interval (e.g., if the bill includes two months delayed charges, the customer must be allowed to pay the charges over two months).

Companies may not charge a customer late payment fees on the delayed charges during the extended payment period.

(3) **Form of bill.** With the consent of the customer, a company may provide regular billings in electronic form if the bill meets all the requirements of this rule. The company must maintain a record of the customer's request, and the customer may change from electronic to printed billing upon request.

(4) **Bill organization.** Telephone bills must be clearly organized, and must comply with the following requirements:

(a) Bills may only include charges for services that have been requested by the customer or other individuals authorized to request such services on behalf of the customer, and that have been provided by the company;

(b) The name of the service provider associated with each charge must be clearly and conspicuously identified on the telephone bill;

(c) Where charges for two or more companies appear on the same telephone bill, the charges must be separated by service provider;

(d) The telephone bill must clearly and conspicuously identify any change in service provider, including identification of charges from any new service provider; and

(e) The telephone bill must include the internet address (uniform resource locator) of the web site containing the service provider's tariff pursuant to WAC 480-120-193 (Posting of tariffs for public inspection and review). This requirement may be satisfied by including the address of a web site other than that of the telecommunications company itself, if the web site provides access to the tariff that applies to the service being billed.

For purposes of this subsection, "new service provider" means a service provider that did not bill the customer for service during the service provider's last billing cycle. This definition includes only providers that have continuing relationships with the customer that will result in periodic charges on the customer's bill, unless the service is subsequently canceled.

For purposes of this subsection, "clearly and conspicuously" means notice that would be apparent to a reasonable customer.

(5) **Descriptions of billed charges.**

(a) The bill must include a brief, clear, nonmisleading, plain language description of each service for which a charge is included. The bill must be sufficiently clear in presentation and specific enough in content so that the customer can determine that the billed charges accurately reflect the service actually requested and received, including individual toll calls and services charged on a per-occurrence basis.

(b) The bill must identify and set out separately, as a component of the charges for the specific service, any access or other charges imposed by order of or at the direction of the Federal Communications Commission (FCC).

(c) The bill must clearly delineate the amount or the percentage rate and basis of any tax assessed by a local jurisdiction.

(6) **Charges for which service can be discontinued.** Where a bill contains charges for basic service, in addition to other charges, the bill must distinguish between charges for which nonpayment will result in loss of basic service. The bill must include telephone numbers by which customers may inquire or dispute any charges on the bill. A company

may list a toll-free number for a billing agent, clearinghouse, or other third party, provided such party possesses sufficient information to answer questions concerning the customer's account and is fully authorized to resolve the customer's complaints on the company's behalf. Where the customer does not receive a paper copy of the telephone bill, but instead accesses that bill only by e-mail or internet, the company may comply with this requirement by providing on the bill an e-mail or web site address. Each company must make a business address available upon request from a customer.

(7) **Itemized statement.** A company must provide an itemized statement of all charges when requested by a customer, including, but not limited to:

(a) Rates for individual services;

(b) Calculations of time or distance charges for calls, and calculations of any credit or other account adjustment; and

(c) When itemizing the charges of information providers, the name, address, telephone number, and toll-free number, if any, of the providers.

(8) **Methods of payment.**

(a) Companies must, at a minimum, allow the following methods of payment: Cash, certified funds (e.g., cashier check or money order), and personal checks.

(b) Upon written notice to a customer, companies may refuse to accept personal checks when that customer has tendered two or more nonsufficient-funds checks within the last twelve months.

(9) **Billing companies.** A company may bill regulated telecommunications charges only for companies properly registered to provide service within the state of Washington or for billing agents. The company must, in its contractual relationship with the billing agent, require the billing agent to certify that it will submit charges only on behalf of properly registered companies; and that it will, upon request of the company, provide a current list of all companies for which it bills, including the name and telephone number of each company. The company must provide a copy of this list to the commission for its review upon request.

(10) **Crediting customer payments.** Unless otherwise specified by the customer, payments that are less than the total bill balance must be credited first to basic service, with any remainder credited to any other charges on the bill.

For purposes of this subsection, basic service includes associated fees and surcharges such as FCC access charges. Basic service does not include ancillary services such as caller identification and custom calling features.

(11) **Exemptions from this rule.** Prepaid calling card services (PPCS) are exempt from subsections (1) through (10) of this section.

[Statutory Authority: RCW 80.36.010, 80.36.110, 80.36.320, 80.36.330, 80.36.333, 80.36.338, 80.01.040, 80.04.160 and chapter 80.04 RCW. 07-08-027 and 07-10-017 (Docket UT-060676, General Order R-540), § 480-120-161, filed 3/27/07 and 4/20/07, effective 4/27/07 and 5/21/07. Statutory Authority: RCW 80.01.040 and 80.04.160. 05-03-031 (Docket No. UT 040015, General Order No. R-516), § 480-120-161, filed 1/10/05, effective 2/10/05; 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-161, filed 12/12/02, effective 7/1/03.]

WAC 480-120-162 Cash and urgent payments. (1) Each local exchange company (LEC) must establish and maintain payment agencies for receipt of cash and urgent payments. For purposes of this section, a payment agency may be a business office of the company that accepts customer payments. An urgent payment is a payment that the company requires upon threat of discontinuation of service. Each LEC must use the following criteria when determining the number of payment agencies required:

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

(b) Exchanges serving twenty-five thousand to seventy-five thousand access lines must have a minimum of one payment agency within the exchange.

(c) LECs that do not have exchanges that meet the criteria in (a) or (b) of this subsection must have at least one payment agency.

(2) The payment agency must clearly post and maintain regular business hours and may be supported by the same personnel as the business office or customer service center. It must not assess a charge from the applicant or customer for processing a transaction. Companies may not contract with a payment agent that charges a fee, surcharge, or any other similar charge to customers for the provided services and transactions required by subsection (1) of this section. Companies may contract with additional payment agents to process required transactions and may permit those additional agents to charge customers not more than $1.00 for processing a transaction.

(3) A LEC may request a waiver of subsection (1) of this section. At a minimum, as a condition for waiver, the petitioner must demonstrate that applicants and customers have a reasonable opportunity to make cash and urgent payments.

(4) At least thirty days before a planned closure of any payment agency, business office, or customer service center that accepts cash and urgent payments and does not charge a fee for processing bill payments, a LEC must provide the commission, in writing, the exchange(s) and communities affected by the closing, the date of the closing, a list of other methods and locations available for making cash and urgent payments, and a list of other methods and locations for obtaining business office and customer service center services.

A LEC may not close a payment location under this subsection until alternatives for making cash and urgent payments have been provided to affected customers.

(5) When a LEC is made aware of the fact that a payment agency that does not charge a fee for processing bill payments has either closed without company knowledge or is refusing to accept company payments, it must provide alternatives for making cash and urgent payments until a replacement station has been established. The LEC must establish a replacement station within the same geographic area within sixty days. If it is unable to do so, it must advise the commission of its efforts and progress to date every thirty days thereafter until a replacement is established.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-162, filed 12/12/02, effective 7/1/03.]

WAC 480-120-163 Refunding an overcharge. A company must refund overcharges to the customer with interest, retroactive to the time of the overcharge, up to a maximum of

two years, as set forth in RCW 80.04.230 and 80.04.240. This rule does not limit other remedies available to customers.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-163, filed 12/12/02, effective 7/1/03.]

WAC 480-120-164 Pro rata credits. Every telecommunications company must provide pro rata credits to customers of a service whenever that service is billed on a monthly basis and is not available for more than a total of twenty-four hours in a billing cycle. The minimum amount of pro rata credit a company must provide is the monthly cost of service divided by thirty, then multiplied by the number of days or portions of days during which service was not provided.

For example:

$$\frac{\textbf{(Cost of Service)}}{\textbf{(Thirty)}} \times \textbf{(Number of days or portions of days without service)} = \textbf{Pro Rata Credit}$$

Pro rata credits are not required when force majeure, customer premises equipment, or inside wiring is the proximate cause for the unavailability of a service. If a company provides a credit amount for unavailable service that is equal to or greater than the credit amount required by this rule, the amount of credit required by this rule need not be provided.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-164, filed 12/12/02, effective 7/1/03.]

WAC 480-120-165 Customer complaints. (1) Each company must have adequate personnel available during regular business days to address customer complaints.

(2) When a company receives an oral or written complaint from an applicant or customer regarding its service or regarding another company's service for which it provides billing, collection, or responses to inquiries, the company must acknowledge the complaint as follows:

(a) Provide the name of the company's contact to the complainant;

(b) Investigate the complaint promptly;

(c) Report the results of the investigation to the complainant;

(d) Take corrective action, if warranted, as soon as appropriate under the circumstances;

(e) Inform the complainant that the decision may be appealed to a supervisor at the company; and

(f) Inform the complainant, if still dissatisfied after speaking to a supervisor, of the right to file a complaint with the commission and provide the commission address and toll-free telephone number.

(2) When a company receives a complaint from an applicant or customer regarding another company's service for which it provides only billing service, the company must provide the complainant a toll-free number to reach the appropriate office for the other company that is authorized to investigate and take corrective action to resolve the dispute or complaint.

(3) The company must insure that records and information about complaints and disputes are used only for the purposes of resolving the complaint or dispute and improving service and practices.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-165, filed 12/12/02, effective 7/1/03.]

WAC 480-120-166 Commission-referred complaints. (1) Each company must keep a record of all complaints concerning service or rates for at least two years and, on request, make them readily available for commission review. The records must contain complainant's name and address, date and the nature of the complaint, action taken, and final result.

(2) Each company must have personnel available during regular business days to respond to commission staff.

(3) Applicants, customers, or their authorized representatives, may file with the commission an informal complaint as described in WAC 480-07-910 (Informal complaints) or a formal complaint against a company when there are alleged violations of statutes, administrative rules, or tariffs as provided by WAC 480-07-370 (Pleadings—General).

(4) When the commission staff refers an informal complaint to a company, the company must:

(a) Stop any pending action involving the issues raised in the complaint provided any amounts not in dispute are paid when due (e.g., if the complaint involves a disconnect threat or collection action, the disconnect or collection must be stopped);

(b) Thoroughly investigate all issues raised in the complaint and provide a complete report of the results of its investigation to the commission, including, if applicable, information that demonstrates that the company's action was in compliance with commission rules; and

(c) Take corrective action, if warranted, as soon as appropriate under the circumstances.

(5) Commission staff will ask the customer filing the informal complaint whether the customer wishes to speak directly to the company during the course of the complaint, and will relay the customer's preference to the company at the time staff opens the complaint.

(6) Unless another time is specified in this rule or unless commission staff specifies a later date, the company must report the results of its investigation of service-affecting informal complaints to commission staff within two business days from the date commission staff passes the complaint to the company. Service-affecting complaints include, but are not limited to, nonfunctioning or impaired services (i.e., disconnected services or those not functioning properly).

(7) Unless another time is specified in this rule or unless commission staff specifies a later date, the company must report the results of its investigation of nonservice-affecting informal complaints to commission staff within five business days from the date commission staff passes the complaint to the company. Nonservice-affecting complaints include, but are not limited to, billing disputes and rate quotes.

(8) Unless another time is specified in this rule or unless commission staff specifies a later date, the company must provide complete responses to requests from commission staff for additional information on pending informal complaints within three business days.

(9) The company must keep commission staff informed when relevant changes occur in what has been previously communicated to the commission and when there is final resolution of the informal complaint.

(10) An informal complaint opened with the company by commission staff may not be considered closed until commission staff informs the company that the complaint is closed.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 05-03-031 (Docket No. UT 040015, General Order No. R-516), § 480-120-166, filed 1/10/05, effective 2/10/05; 03-24-028 (General Order R-510, Docket No. A-010648), § 480-120-166, filed 11/24/03, effective 1/1/04; 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-166, filed 12/12/02, effective 7/1/03.]

WAC 480-120-167 Company responsibility. When a customer informs the commission that the customer has identified a problem with service or billing or other matters and the customer has been told by two or more companies that the problem is not the responding company's responsibility but another company's responsibility, commission staff will inform the companies.

Once the commission has contacted the companies, the companies must confer with each other within three business days and determine which company will take the lead responsibility to resolve the customer's problem. The company accepting lead responsibility must contact the commission and begin resolution of the problem on the first business day following the three business days allotted by this subsection for a conference between the companies.

Companies must confer, allocate responsibility between the companies, and the company with lead responsibility must contact the commission, as required by this section. After conferring, if the companies cannot resolve the matter and neither one will accept the lead, each company must contact the commission and report the status of the dispute within five days of the date commission staff contacted the companies. The report must contain detailed explanations of the company's position.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-167, filed 12/12/02, effective 7/1/03.]

PART IV. DISCONTINUING AND RESTORING SERVICE

WAC 480-120-171 Discontinuing service—Customer requested. (1) This section applies to residential, business, and resale services discontinued at the customer's request. The customer must notify the company of the date the customer wishes to discontinue service. If the customer moves from the service address and fails to request discontinuation of service, the customer must pay for service taken at the service address until the company can confirm that the customer has vacated the premises or a new party has taken responsibility for the service.

(2) A company must stop a customer's monthly recurring or minimum charges effective on the requested discontinuation date. The customer may be held responsible for use charges incurred after the requested discontinuation date when the company can prove that the calls were made or authorized by the customer of record. This section does not preclude a company from collecting minimum service commitment penalties when a customer disconnects service prior to fulfilling the tariff or contract commitment.

(3) The company must discontinue service as follows:

(a) For services that do not require a field visit, the company must discontinue service not later than one business day from the date requested by the customer; and

(b) For services that require a premises visit to complete the request, the company must disconnect service no later than two business days from the date requested by the customer.

(4) When a customer directs the local exchange company (LEC) to discontinue service, the LEC must either notify the customer's presubscribed interLATA and intraLATA toll carriers of the discontinuation or inform the customer that it is the customer's obligation to contact those carriers directly.

[Statutory Authority: RCW 80.36.010, 80.36.110, 80.36.320, 80.36.330, 80.36.333, 80.36.338, 80.01.040 and 80.04.160. 07-08-027 (Docket UT-060676, General Order R-540), § 480-120-171, filed 3/27/07, effective 4/27/07. Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-171, filed 12/12/02, effective 7/1/03.]

WAC 480-120-172 Discontinuing service—Company initiated. (1) A company may discontinue service without notice or without further notice when after conducting a thorough investigation, it finds the customer has used deceptive means to initiate or continue service including, but not limited to:

(a) Tampering with the company's property;

(b) Using service through an illegal connection; or

(c) Unlawfully using service or using service for unlawful purposes.

(2)(a) A company may discontinue service without notice or without further notice when after conducting a thorough investigation, it determines the customer has:

(i) Vacated the premises without informing the company;

(ii) Paid a delinquent balance in response to a delinquency notice as described in subsection (7) of this section with a check or electronic payment that is subsequently dishonored by the bank or other financial institution; or

(iii) Failed to keep payment arrangements agreed upon in response to a delinquency notice as described in subsection (7) of this section.

(b) The company must restore service once the customer has corrected the reason for discontinuance as described in subsection (2)(a) of this section.

(c) The company may require a deposit from a customer that it has disconnected due to the reasons described in subsection (2)(a) of this section.

(3) A company may discontinue service after providing proper notice, or may issue a discontinuation notice, if, and only if:

(a) The company determines the customer has violated a rule, statute, service agreement, filed tariff, or rates, terms and conditions of competitively classified services;

(b) The company determines the customer has used customer-owned equipment that adversely affects the company's service to its other customers;

(c) The company determines the customer has not paid regulated charges or has not paid a deposit as provided in the tariff or rates, terms and conditions of competitively classified services of the company or another company with which it has a billing and collection agreement, except for nonpayment of charges incurred from information delivery services as provided for in WAC 480-120-254 (Telephone solicitation) or disputed third party-billed charges;

(d) The company is unable to substantiate the identity of the individual requesting service:

(i) Companies must allow the applicant to substantiate identity with one piece of identification chosen from a list, provided by the company, of at least four sources of identification. The list must include a current driver's license or other picture identification;

(ii) Company business offices and payment agencies, required under WAC 480-120-132 (Business offices) and 480-120-162 (Cash and urgent payments), must provide a means for applicants to provide identification at no charge to the applicant;

(e) The company determines the customer has received service from the company by providing false information, including false statements of credit references or employment, false statement of premises address, use of an alias or false name with intent to deceive, or rotation of service among roommates or persons living together for the purpose of avoiding the debts of one or more persons; or

(f) The company determines the customer is receiving service at an address where a former customer is known to reside with an overdue, unpaid prior obligation to the same company for the same class of service at that address and there is evidence that the applicant lived at the address while the overdue, unpaid prior obligation was incurred and helped incur the obligations. However, a company may not deny service if a former customer with an overdue, unpaid prior obligation has permanently vacated the address.

(4) Except as provided in subsections (1), (2), and (3) of this section, a company may discontinue:

(a) Basic service only for nonpayment of basic service charges;

(b) Ancillary services only for nonpayment of ancillary charges or if the company properly discontinues basic service;

(c) Interexchange access only for nonpayment of interexchange charges or if the company properly discontinues basic service:

(i) At its discretion, the company may permit access to toll-free numbers while a customer's interexchange access service is discontinued or restricted;

(ii) The company may not charge fees for toll restriction when it has discontinued or restricted the customer's interexchange access service under this section;

(d) A company must not shift a rate plan as a discontinuation method.

(5) When a company discontinues service to a customer, it must also discontinue billing for service as of the date of the discontinuation.

(6) **Medical emergencies.**

(a) When a local exchange company (LEC) has cause to discontinue residential basic service or has discontinued service, it must postpone total service discontinuation or reinstate toll-restricted basic service that permits both making and receiving calls and access to E911 for a grace period of five business days after receiving either oral or written notice of the existence of a medical emergency, as described in (b) of this subsection. The LEC must reinstate service during the same day if the customer contacts the LEC prior to the close of the business day and requests a same-day reconnection. Otherwise, the LEC must restore service by 12:00 p.m. the next business day. When service is reinstated, the LEC cannot require payment of a reconnection charge or deposit before reinstating service but may bill the charges at a later date.

(b) The LEC may require that the customer submit written certification from a qualified medical professional, within five business days, stating that the discontinuation of basic service or restricted basic service would endanger the physical health of a resident of the household. "Qualified medical professional" means a licensed physician, nurse practitioner, or physician's assistant authorized to diagnose and treat the medical condition without supervision of a physician. Nothing in this subsection precludes a company from accepting other forms of certification, but the maximum the company can require is written certification. If the company requires written certification, it may require only:

(i) The address of the residence;

(ii) An explanation of how discontinuation of basic service or restricted basic service would endanger the physical health of the resident;

(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.

(c) The medical certification is valid only for the length of time the medical professional certifies the resident's health would be endangered, but no longer than ninety days unless renewed.

(d) A medical emergency does not excuse a customer from paying delinquent and ongoing charges. The company may require that, within the five-day grace period, the customer pay a minimum of twenty-five percent of the delinquent basic service balance or ten dollars, whichever is greater, and enter into an agreement to pay the remaining delinquent basic service balance within ninety days, and agree to pay subsequent bills when due.

Nothing in this subsection precludes the company from agreeing to an alternate payment plan, but the company must not require the customer to pay more than this section prescribes and must send a notice to the customer confirming the payment arrangements within two business days.

(e) The company may discontinue basic service or restrict basic service without further notice if, within the five-day grace period, the customer fails to provide an acceptable medical certificate or pay the amount required under (d) of this subsection. The company may discontinue basic service

or restrict basic service, without further notice, if the customer fails to abide by the terms of the payment agreement.

(f) The company must ensure that the records of medical emergencies are used or disclosed only for the purposes provided for in this section.

(7) **Discontinuation notice requirements.** The company must provide the customer notice before discontinuing service in accordance with (a) through (c) of this subsection, except as provided in subsection (1) of this section, and except as provided in WAC 480-120-122(8).

(a) Each company must provide a written discontinuation notice to the customer either by first class mail, personal delivery to the customer's service address, or electronically delivered when the company has the technical capability and the customer consents to this delivery method. A company must provide delivered notice by handing the notice to a person of apparent competence in the residence; to a person employed at the place of business of the customer if it is a business account; or attached to the primary door of the residential unit or business office where service is provided if no person is available to receive notice. The discontinuation notice must include, at a minimum:

(i) A discontinuation date that is not less than eight business days after the date the notice is mailed, transmitted electronically, or personally delivered;

(ii) The amount(s) owing for the service(s) that is subject to discontinuation or restriction;

(iii) A statement that clearly indicates the amount a customer must pay to maintain basic service or restricted basic service, regardless of the full amount owed by the customer;

(iv) Instructions on how to correct the problem to avoid the discontinuation;

(v) Information about any discontinuation or restoration charges that may be assessed;

(vi) Information about how a customer can avoid disconnection under the medical emergency rules described in subsection (6) of this section; and

(vii) The company's name, address, toll-free number, and TTY number where the customer may contact the company to discuss the pending discontinuation of service.

(b) If the company discovers that the information provided on the notice failed to meet the requirements of (a) of this subsection, or if the company discovers it provided incorrect information on the notice, the company must restore service and issue a second notice with accurate information as described in this section.

(c) If the company has not discontinued service within ten business days of the first day the discontinuation may be implemented, the discontinuation notice is void, unless the customer and the company have entered into a mutually acceptable payment agreement with payment dates that exceed the ten-day period. Upon a void notice, the company must provide a new discontinuation notice to the customer if the company intends to discontinue service at a later date.

(8) In addition to the notice required in subsection (7) of this section, a company must attempt to make personal contact with a customer prior to discontinuing service. Any of the following methods will satisfy the personal contact requirement:

(a) **Delivered notice.** A company must provide delivered notice handing the notice to a person of apparent competence in the residence; to a person employed at the place of business of the customer if it is a business account; or attached to the primary door of the residential unit or business office where service is provided if no person is available to receive notice. The notice must state a scheduled discontinuation date that is not earlier than 5:00 p.m. of the next business day after the date of delivery;

(b) **Electronically issued notice.** If the company has the technical capability to provide electronic notice and the customer has agreed to receive notice in electronic form, the notice sent by the company must state a scheduled discontinuation date that is not earlier than 5:00 p.m. of the second business day after the date of delivery;

(c) **Mailed notice.** The notice mailed by the company may not include a scheduled discontinuation date that is earlier than 5:00 p.m. of the third business day after the date of mailing. The date of mailing is not the first day of the notice period; or

(d) **Telephone notice.** The company must attempt at least two times to contact the customer during regular business hours. If the company is unable to reach the customer on the first attempt, the company must attempt to contact the customer using any business or message number provided by the customer as a contact number. The company must keep a log or record of the calls 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. The disconnection must not take place before 5:00 p.m. of the next business day after the phone calls or attempts.

(e) A company need not attempt personal contact as provided for in (a) through (d) of this subsection when the company has had cause, in any two previous billing periods during a consecutive twelve-month period, to attempt such contact and the company has notified the customer in writing that such contact will not be attempted in the future before effecting a discontinuation of services.

(9) Except in case of danger to life or property, companies may not discontinue service on days that it is not fully staffed to discuss discontinuation and reestablish service to the customer on the same or the following day.

(10) When the company has reasonable grounds to believe that service is to other than the party of record, the company must make reasonable efforts to inform the occupants at the service address of the impending discontinuation. Upon request of one or more service users, the company must allow a minimum period of five business days to permit the service user to arrange for continued service.

The company is not required to allow the additional five days when a thorough investigation indicates there is deceptive activity at the service address.

(11) LECs must provide notice of pending local service discontinuation to the secretary, Washington state department of social and health services, and to the customer, where it provides service to a facility with resident patients including, but not limited to, hospitals, medical clinics, or nursing homes. Upon request from the secretary or a designee, the company must allow a delay in discontinuation of no less than five business days from the date of notice so that the department may take whatever steps are necessary in its view to protect the interests of patients living within the facilities.

(12) **Remedy and appeals.** The company must not discontinue or restrict service while a customer is pursuing any remedy or appeal provided for by these rules, if the customer pays any amounts not in dispute when due and the customer corrects any conditions posing a danger to health, safety, or property. The company must inform the customer of these provisions when the customer is referred to a company's supervisor or the commission.

During a dispute a company may, upon authorization from commission staff, discontinue service when a customer's toll charges substantially exceed the amount of any deposit or customary use and it appears the customer may incur excessive, uncollectible toll charges while an appeal is being pursued. A customer whose service is subject to discontinuation may maintain service pending resolution of any dispute upon payment of outstanding toll charges subject to refund if the dispute is resolved in the customer's favor.

(13) **Payment at a payment agency.** Payment of any past-due amounts to a designated payment agency of the company constitutes payment to the company when the customer informs the company of the payment and the company verifies the payment.

[Statutory Authority: RCW 80.36.010, 80.36.110, 80.36.320, 80.36.330, 80.36.333, 80.36.338, 80.01.040 and 80.04.160. 07-08-027 (Docket UT-060676, General Order R-540), § 480-120-172, filed 3/27/07, effective 4/27/07. Statutory Authority: RCW 80.01.040 and 80.04.160. 05-03-031 (Docket No. UT 040015, General Order No. R-516), § 480-120-172, filed 1/10/05, effective 2/10/05; 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-172, filed 12/12/02, effective 7/1/03.]

WAC 480-120-173 Restoring service after discontinuation. (1) A company must restore a discontinued service when:

(a) The causes of discontinuation not related to a delinquent balance have been removed or corrected. In the case of deceptive means, as described in WAC 480-120-172(1), this means the customer has corrected the deception and has paid the estimated amount of service that was taken through deceptive means, all costs resulting from the deception, any applicable deposit, and any delinquent balance owed to the company by that customer for the same class of service. A company may require a deposit from a customer that has obtained service deceptively as described in WAC 480-120-172(1). A company is not required to allow six-month arrangements on a delinquent balance as provided for in WAC 480-120-174(1) when it can demonstrate that a customer obtained service through deceptive means in order to avoid payment of a delinquent amount owed to that company;

(b) Payment or satisfactory arrangements for payment of all proper charges due from the applicant, including any proper deposit and reconnection fee, have been made as provided in WAC 480-120-122 (Establishing credit—Residential services) and 480-120-174 (Payment arrangements); or

(c) The commission staff directs restoration pending resolution of any dispute between the company and the applicant or customer over the propriety of discontinuation.

(2) After the customer notifies the company that the causes for discontinuation have been corrected, and the company has verified the correction, the company must restore service(s) within the following periods:

(a) Service(s) that do not require a premises visit for reconnection must be restored within one business day; and

(b) Service(s) that require a premises visit for reconnection must be restored within two business days. Companies must offer customers a four-hour window during which the company will arrive to complete the restoration.

(c) For purposes of this section Saturdays are considered business days.

(3) A company may refuse to restore service to a customer who has been discontinued twice for deceptive means as described in WAC 480-120-172(1) for a period of five years from the date of the second disconnection, subject to petition by the customer to the commission for an order requiring restoration of service based on good cause.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 05-03-031 (Docket No. UT 040015, General Order No. R-516), § 480-120-173, filed 1/10/05, effective 2/10/05; 03-01-065 and 03-03-090 (Docket No. UT-990146, General Order No. R-507 and 507A), § 480-120-173, filed 12/12/02 and 1/16/03, effective 7/1/03.]

WAC 480-120-174 Payment arrangements. (1) **General.** Applicants or customers, excluding telecommunications companies as defined in RCW 80.04.010, are entitled to, and a company must allow, an initial use, and then, once every five years dating from the customer's most recent use of the option, an option to pay a prior obligation over not less than a six-month period. The company must restore service upon payment of the first installment if an applicant is entitled to the payment arrangement provided for in this section and, if applicable, the first installment of a deposit is paid as provided for in WAC 480-120-122 (Establishing credit—Residential services).

(2) **Restoring service based on Washington telephone assistance program (WTAP) or federal enhanced tribal lifeline program eligibility.** Local exchange companies (LECs) must restore service for any customer who has had basic service discontinued for nonpayment under WAC 480-120-172 (Discontinuing service—Company initiated) if the customer was not a participant in either the Washington telephone assistance program (WTAP) or the federal enhanced tribal lifeline program at the time service was discontinued and if the customer is eligible to participate in WTAP or the federal enhanced tribal lifeline program at the time the restoration of service is requested. To have service restored under this subsection, a customer must establish eligibility for either WTAP or the federal enhanced tribal lifeline program, agree to continuing participation in WTAP or the federal enhanced tribal lifeline program, agree to pay unpaid basic service and ancillary service amounts due to the LEC at the monthly rate of no more than one and one-half times the telephone assistance rate required to be paid by WTAP participants as ordered by the commission under WAC 480-122-020 (Washington telephone assistance program rate), agree to toll restriction, or ancillary service restriction, or both, if the company requires it, until the unpaid amounts are paid. Companies must not charge for toll restriction when restoring service under this section.

In the event a customer receiving service under this subsection fails to make a timely payment for either monthly basic service or for unpaid basic service or ancillary service,

the company may discontinue service pursuant to WAC 480-120-172.

(3) Nothing in this rule precludes the company from entering into separate payment arrangements with any customer for unpaid toll charges or over a longer period than described in this rule as long as both the company and the customer agree to the payment arrangement. Longer payment arrangements as described in this subsection satisfy the requirements in subsection (1) or (2) of this section.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 05-03-031 (Docket No. UT 040015, General Order No. R-516), § 480-120-174, filed 1/10/05, effective 2/10/05; 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-174, filed 12/12/02, effective 7/1/03.]

PART V. POSTING AND PUBLICATION NOTICE

WAC 480-120-193 Posting of tariffs for public inspection and review. Each company offering intrastate telecommunications service under tariff must make available for public inspection and review all tariffs governing its provision of service, as required by RCW 80.36.100. To comply with this requirement, a company must fulfill the provisions of either subsection (1) or (2) of this section.

(1) **Web, telephone, and mail access.** The company must:

(a) Maintain a complete copy of its tariff or tariffs and all proposed tariff changes on an Internet web site accessible to the public using generally available browser software;

(b) Provide a toll-free telephone number by which customers and applicants can obtain assistance during normal business hours from a company agent qualified to assist the customer in locating, interpreting, and applying tariff provisions;

(c) Upon written or oral request by any customer or applicant, deliver at no charge a copy of any current, proposed or most recently canceled tariff page that relates to the customer's or applicant's service; and

(d) Include on each customer bill and notice the address of the tariff web site and the toll-free telephone number.

(2) **Physical access.** The company must make available for public inspection and copying a complete copy of its tariff or tariffs, all most recently canceled tariff sheets, and all proposed tariff changes at one or more offices in each county where it offers service, except that: A single office may serve more than one county if the office is within twenty miles of all customers in the county where no tariff is posted. The company must provide at each office either an agent qualified to assist the customer in locating, interpreting, and applying tariff provisions or access to such an agent by a toll-free telephone number.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-120-193, filed 5/14/02, effective 6/17/02.]

WAC 480-120-194 Publication of proposed tariff changes to increase charges or restrict access to services. Each company offering intrastate telecommunications service under tariff must publish all proposed changes to its tariff for at least thirty days, as required by RCW 80.36.110. For any proposed tariff change that would increase recurring or per-occurrence charges or restrict access to services (e.g., discontinue a service, or limit access to service by imposing a new usage level on existing services), a company must fulfill the requirements of subsection (1), (2), or (3) of this section. For any other proposed tariffs, the company must fulfill the requirements of WAC 480-120-195. The company will not be required to accomplish publication under this section if it has agreed to suspend its tariff filing and to provide notice as provided under WAC 480-120-197.

(1) **Thirty-day notice to individual customers.** To comply under this method, the company must, at least thirty days before the stated effective date of the proposed change, mail the posting to each customer that would be affected by the proposed change. The posting must include the information listed in subsection (4) of this section.

(2) **Published notice.** To comply under this method, the company must, at least thirty days before the stated effective date of the proposed change, publish notice of the proposed change within the geographical areas where it offers service. To meet minimum publication requirements, a company must:

(a) Distribute copies of the published notice to community agencies and organizations in the geographic area where the company offers service for posting and publication by the agency or organization. The company must include in its distribution list any agency or organization that requests these notices;

(b) Cause to be printed in large print, as a paid advertisement, a complete copy of the published notice in the daily newspaper of general circulation with the greatest number of subscribers in each geographic area or each of the areas affected by the proposed tariff;

(c) Provide to the news editor of every newspaper, television station, and radio station, in the geographic area within which it offers service a news release or public service announcement summarizing the published notice. The release or announcement must include a toll-free number that customers can use to obtain more information from the company. The commission will maintain a list of area newspapers, television and radio stations and will provide it on request to any company; and

(d) Post a complete copy of the published notice on an Internet web site accessible to the public using generally available browser software.

(3) **Reduced publication with shortened notice to individual customers.** To comply under this method, the company must:

(a) Mail the posting to each customer that would be affected by the proposed change at least fifteen days before the stated effective date of the proposed change;

(b) At the time of the company's filing with the commission, distribute copies of the published notice in the same manner as provided in subsection (2)(a) of this section;

(c) At the time of the company's filing with the commission, provide news media notice in the same manner as provided in subsection (2)(c) of this section; and

(d) At the time of the company's filing with the commission, post a complete copy of the published notice in the same manner as provided in subsection (2)(d) of this section.

(4) **Content of postings.** The published notice required by this rule must include, when applicable:

(a) The date the notice is issued;

(b) The company's name and address;

(c) A brief explanation of the reason(s) the company has requested the rate change (e.g., increase in labor costs, recovery of new plant investment, and increased office expenses, such as postage and customer billing);

(d) A comparison of current and proposed rates by service;

(e) An example showing the monthly increase of the average customer's bill based on the proposed rates (e.g., "based on the proposed rates, a typical telephone customer using an average of twenty minutes of local toll service would see an average monthly increase of $0.85.");

(f) When the rates will be billed (i.e., monthly or bimonthly);

(g) The requested effective date and, if different, the implementation date;

(h) A statement that the commission has the authority to set final rates that may vary from the company's request, which may be either higher or lower depending on the results of the investigation;

(i) A description of how customers may contact the company if they have specific questions or need additional information about the proposal; and

(j) Public involvement language. A company may choose from:

(i) Commission-suggested language that is available from the commission's designated public affairs officer; or

(ii) Company-developed language that must include the commission's mailing address, toll-free number, and docket number, if known, and a brief explanation of:

(A) How to participate in the commission's process by mailing or faxing a letter, or submitting an e-mail; and

(B) How to contact the commission for process questions or to be notified of the scheduled open meeting at which the proposal will be considered by the commission.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-120-194, filed 5/14/02, effective 6/17/02.]

WAC 480-120-195 Notice of tariff changes other than increases in recurring charges and restrictions in access to services. (1) This section applies to tariff changes for other than those that are subject to WAC 480-120-194.

(2) A company that files a tariff change to increase any charge that a customer may incur without being quoted a rate or price (e.g., late payment fees, insufficient fund charges, or a one-time charge) must provide notice to each affected customer on or with the first bill after the change becomes effective.

(a) At a minimum, the notice must include the effective date, a clear description of changes to rates or services and a company contact number where customers may seek additional information.

(b) Methods of notice permitted include a bill insert, bill message, printing on the billing envelope, a separate mailing to all affected customers or, if the company has the capability and the customer has authorized, by e-mail.

(3) A company that files a tariff change that decreases rates, including promotions that temporarily waive recurring or nonrecurring charges, or that changes terms or conditions without restricting access to the service, must publish the change in the manner it posts tariffs under WAC 480-120-193.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-120-195, filed 5/14/02, effective 6/17/02.]

WAC 480-120-197 Adjudicative proceedings where public testimony will be taken. (1) For adjudicated proceedings, when scheduling a hearing to take testimony from the public, the timing, location, and amount of notice to the public or to customers will be addressed in the prehearing conference order.

(2) The notice must include all information contained in WAC 480-120-194(4), except the public involvement information in WAC 480-120-194 (4)(j). A company must include either of the following public involvement language:

(a) Commission-suggested language that is available from the commission's designated public affairs officer; or

(b) Company-developed language that must include the commission's mailing address, toll-free number, docket number, and a brief explanation:

(i) How to participate in the commission's process by mailing or faxing a letter, or submitting an e-mail;

(ii) How to contact the commission for process questions; and

(iii) The date, time and location of the public hearing.

(3) Methods of notice permitted include a bill insert, bill message, printing on the billing envelope, a separate mailing to all affected customers or, if the company has the capability and the customer has authorized, by e-mail.

(4) In addition to each affected customer, a company must notify at least one newspaper of general circulation, and at least one radio station and at least one television station in the area or each of the areas affected.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-120-197, filed 5/14/02, effective 6/17/02.]

WAC 480-120-198 Notice verification and assistance. (1) Within ten days of making a filing requiring posting, publication, or customer notice under WAC 480-120-194, 480-120-195, or 480-120-197, but no sooner than when the tariff is filed with the commission, a company must file a statement with the commission's records center that the required notice has been posted, published, and/or mailed. The declaration must include:

(a) The methods used to post, publish, and/or give notice to customers;

(b) When and how the notice was posted, published, and/or issued to customers;

(c) How many customers are affected; and

(d) A copy of the notice.

(2) A company may request assistance from the commission's designated public affairs officer with efforts to comply with WAC 480-120-193 through 480-120-197.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-120-198, filed 5/14/02, effective 6/17/02.]

WAC 480-120-199 Other customer notice. The commission may require notice to customers of tariff changes other than those described in these rules when the commission determines that additional customer education is needed.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-120-199, filed 5/14/02, effective 6/17/02.]

PART VI. CUSTOMER INFORMATION

WAC 480-120-202 Customer proprietary network information. (1) The commission adopts by reference the Federal Communications Commission's rules codified at sections 64.2003 through 64.2009 of Title 47 of the Code of Federal Regulations (47 CFR §§ 64.2003 through 64.2009), concerning protection of Customer Proprietary Network Information, for application to all telecommunications carriers providing wireline, intrastate telecommunications service in Washington. The effective date for these sections is stated in WAC 480-120-999 (Adoption by reference).

(2) Telecommunications carriers providing wireline, intrastate telecommunications service in Washington shall provide the commission with the same notice that carriers are required to provide the Federal Communications Commission under 47 CFR § 64.2009(f).

[Statutory Authority: RCW 80.01.040 and 80.04.160. 05-03-031 (Docket No. UT 040015, General Order No. R-516), § 480-120-202, filed 1/10/05, effective 2/10/05.]

WAC 480-120-217 Using privacy listings for telephone solicitation. (1) A local exchange company may not make telephone solicitation or telemarketing calls using its list of customers with nonpublished or unlisted numbers unless it has notified each such customer at least once in the past year that the company makes such calls to its customers with nonpublished or unlisted numbers and that the customer has a right to direct that the company make no such calls.

(2) When the company provides the notice required in subsection (1) of this section in writing, the notice must include a toll-free number and an electronic mail address the customer may use to state that solicitation should not be made.

(3) When the company provides the notice in subsection (1) of this section by phone call, the customer must be informed that inclusion in a solicitation list may be declined and if declined, the company must not make any additional solicitation.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-23-004 (General Order No. R-505, Docket No. UT-990146), § 480-120-217, filed 11/7/02, effective 1/1/03.]

WAC 480-120-218 Using subscriber list information for purposes other than directory publishing. If a company uses or provides subscriber list information for purposes other than directory publishing or compliance with 47 U.S.C. § 251 (b)(3), it must exclude from use or disclosure the subscriber list information of any customer who subscribes to a privacy listing, including a nonpublished or unlisted number, or who directs the company to exclude subscriber list information relating to his or her service.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-23-004 (General Order No. R-505, Docket No. UT-990146), § 480-120-218, filed 11/7/02, effective 1/1/03.]

WAC 480-120-219 Severability. If any provision of sections 201 through 218 of this chapter or their application to any person or circumstance is held invalid, the remainder of sections 201 through 218 or the application of the provision to other persons or circumstances is not affected.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-23-004 (General Order No. R-505, Docket No. UT-990146), § 480-120-219, filed 11/7/02, effective 1/1/03.]

PART VII. TELECOMMUNICATIONS SERVICES

WAC 480-120-251 Directory service. (1) A local exchange company (LEC) must ensure that a telephone directory is regularly published for each local exchange it serves, listing the name, address (unless omission is requested), and primary telephone number for each customer who can be called in that local exchange and for whom subscriber list information has been provided.

(2) Any residential customer may request from the LEC a dual-name primary directory listing that contains, in addition to the customer's surname, the customer's given name or initials (or combination thereof) and either one other person with the same surname who resides at the same address or a second name, other than surname, by which the customer is also known, including the married name of a person whose spouse is deceased.

(3) A LEC must provide each customer a copy of the directory for the customer's local exchange area. If the directory provided for in subsection (1) of this section does not include the published listing of all exchanges within the customer's local calling area, the LEC must, upon request, provide at no charge a copy of the directory or directories that contain the published listing for the entire local calling area.

(4) Telephone directories published at the direction of a LEC must be revised at least once every fifteen months, except when it is known that impending service changes require rescheduling of directory revision dates. To keep directories correct and up to date, companies may revise the directories more often than specified.

(5) Each LEC that publishes a directory, or contracts for the publication of a directory, must print an informational listing (LEC name and telephone number) when one is requested by any other LEC providing service in the area covered by the directory. The LEC to whom the request is made may impose reasonable requirements on the timing and format of informational listings, provided that these requirements do not discriminate between LECs.

(6) Telephone directories published at the direction of the LEC must include a consumer information guide that details the rights and responsibilities of its customer. The guide must describe the:

(a) Process for establishing credit and determining the need and amount for deposits;

(b) Procedure by which a bill becomes delinquent;

(c) Steps that must be taken by the company to disconnect service;

(d) Washington telephone assistance program (WTAP);

(e) Federal enhanced tribal lifeline program, if applicable; and

(f) Right of the customer to pursue any dispute with the company, including the appropriate procedures within the company and then to the commission by informal or formal complaint.

[Statutory Authority: RCW 80.01.040 and 80.04.106. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-251, filed 12/12/02, effective 7/1/03.]

WAC 480-120-252 Intercept services. (1) Directory error. In the event of an error in the listed number of any customer, the customer's local exchange company (LEC) must, until a new directory is published, intercept all calls to the incorrectly listed number to give the calling party the correct number of the called party, provided it is permitted by existing central office equipment and the incorrectly listed number is not a number currently assigned to another customer. In the event of an error or omission of a customer's white page listing, the company must maintain the customer's correct name and telephone number in the files of its directory assistance operator or, if applicable, provide the corrected information to its directory assistance contractor. A company or its contractor must furnish the correct name and telephone number to a calling party upon request. The company may not charge a customer for intercept services under these circumstances.

(2) Company-directed telephone number change. When a company must change a customer's telephone number, for any reason after a directory is published, and the change is made at the LEC's direction, the LEC must, at no charge, intercept all calls to the former number, if existing central office equipment will permit, for the shorter of thirty days or until a new directory is published that reflects the customer's new number. During that period, the company must provide a calling party the new number for that customer unless the customer has requested that such referral not be made.

(3) Number changes related to changes in service. When a company must change a telephone number to complete a move, change, addition, or deletion of service, except as provided for in this subsection, the LEC must intercept all calls to the former number at no charge, if existing central office equipment will permit, for a minimum period of thirty days or until a new directory is published. The company must provide a calling party the new number for that customer unless the customer has requested that such referral not be made.

Companies are not required to provide intercept service at no charge when the change is requested by a customer at the customer's existing address for reasons other than harassing or misdirected calls.

(4) A company may provide and may bill for intercept services, other than those described in subsections (1) through (3) of this section, that are requested by the customer.

(5) When the company schedules additions or changes to plant or records that necessitate a large group of number changes that are not addressed by a specific commission order, the company must give a minimum of six months' notice to all customers then of record and so affected even though the additions or changes may coincide with a new directory being issued.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-252, filed 12/12/02, effective 7/1/03.]

WAC 480-120-253 Automatic dialing-announcing device (ADAD). (1) An automatic dialing and announcing device (ADAD) is a device that automatically dials telephone numbers and plays a recorded message once a connection is made.

(2) "Commercial solicitation" means an unsolicited initiation of a telephone conversation for the purpose of encouraging a person to purchase property, goods, or services.

(3) This rule regulates the use of ADADs for purposes other than commercial solicitation. RCW 80.36.400 prohibits the use of an ADAD for purposes of commercial solicitation intended to be received by telephone customers within the state.

(4) This rule does not apply to the use of ADADs by government agencies to deliver messages in emergency situations.

(5) Except for emergency notification as provided for in subsection (6) of this section, an ADAD may be used for calls to telephone customers within the state only if:

(a) The recorded message states the nature of the call, identifies the individual, business, group, or organization for whom the call is being made, and telephone number to which a return call can be placed;

(b) The ADAD automatically disconnects the telephone connection within two seconds after the called party hangs up the receiver; and

(c) The ADAD does not dial designated public service emergency telephone numbers as listed in published telephone directories, or any telephone number before 8:00 a.m. or after 9:00 p.m.

(6) An emergency ADAD may be connected to the telephone network and used only if:

(a) The ADAD contains sensors that will react only to a steady tone of at least four seconds duration, broadcasts only on frequencies allocated by the FCC for emergency services, and is designed to prevent accidental triggering of emergency calls;

(b) The ADAD provides some audible tone or message that alerts the user that the device has been activated and will automatically dial the preprogrammed emergency number unless manually deactivated within thirty to forty-five seconds;

(c) The ADAD provides for disconnection within two seconds when the called party performs a predetermined function;

(d) The ADAD satisfies applicable state safety requirements; and

(e) The user registers the instrument with, and receives written approval for, its use from the emergency service entity to which an automatic call would be directed, secures from such entity an approved telephone number or numbers to be programmed into the instrument, and does not program the instrument to dial unlisted numbers, law enforcement numbers, or E911 emergency response numbers.

(7) Before any ADAD may be operated while connected to the telephone network, the potential ADAD user, unless it is a facilities-based LEC using its own facilities, must notify,

in writing, the LEC whose facilities will be used to originate calls. The notice must include the intended use of the ADAD equipment, the calendar days and clock hours during which the ADADs will be used, an estimate of the expected traffic volume in terms of message attempts per hour and average length of completed message, and written certification that the equipment can effectively preclude calls to unlisted telephone numbers, designated public service emergency numbers, or any number or series of numbers on a list of telephone customers that may be in the future designated by tariff, regulation, or statute, as customers who are not to receive ADAD calls.

(a) The ADAD user must notify the LEC in writing within thirty days of any changes in the ADAD operation that would result in either an increase or decrease in traffic volume.

(b) For new applications for ADADs, the LEC must review the statement of intended use of ADAD equipment to determine whether there is a reasonable probability that use of the equipment will overload its facilities and may refuse to provide connections for the ADADs or may provide them subject to conditions necessary to prevent an overload.

(8) A LEC may suspend or terminate service to an ADAD user if the LEC determines that the volume of calling originated by the ADAD is degrading the service furnished to others. The LEC must provide at least five days' notice before suspending or terminating service, unless the ADAD creates an overload in the LEC's switching office, in which case it may terminate service immediately, with no prior notice.

(9) If a LEC learns that a customer is using an ADAD in violation of the provisions of this rule, the LEC must suspend or terminate the service of any ADAD user five days after the ADAD user receives a termination notice or immediately, with no prior notice, if use of the ADAD creates overloading in a LEC's switching office.

(10) Each LEC must maintain records of any ADAD equipment a user reports to the LEC as being connected to its facilities. If requested by the commission, the LEC must provide the name of the individual business, group, or organization using the ADAD, their address, and the telephone number or numbers associated with the ADAD.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 05-03-031 (Docket No. UT 040015, General Order No. R-516), § 480-120-253, filed 1/10/05, effective 2/10/05; 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-253, filed 12/12/02, effective 7/1/03.]

WAC 480-120-254 Telephone solicitation. (1) Local exchange companies (LECs) must notify customers of their rights under RCW 80.36.390 with respect to telephone solicitation.

(2) For purposes of this section, "telephone solicitation" means the unsolicited initiation of a telephone call by a commercial or nonprofit company to a residential customer for the purpose of encouraging that person to purchase property, goods, or services or soliciting donations of money, property, goods, or services. "Telephone solicitation" does not include:

(a) Calls made in response to a request or inquiry by the called party. This includes calls regarding an item that has been purchased by the called party from the company or organization during a period not longer than twelve months prior to the telephone contact;

(b) Calls made by a not-for-profit organization to its own list of bona fide or active members of the organization;

(c) Calls limited to polling or soliciting the expression of ideas, opinions, or votes; or

(d) Business-to-business contacts.

(3) Each LEC must provide notice by annual bill inserts mailed to its residential customers or by conspicuous publication of the notice in the consumer information pages of its directories that clearly informs customers, at a minimum, of at least the following rights under the law:

(a) Within the first thirty seconds, solicitors must identify themselves, the company or organization on whose behalf the call is being made, and the purpose of the call;

(b) Under Washington law residential customers have the right to keep telephone solicitors from calling back. If, at any time during the conversation, the customer requests to not be called again and to have the customer's name and telephone number removed from the calling list used by the company or organization making the telephone solicitation, the then:

The company or organization must not allow a solicitor to call the customer on its behalf for at least one year; and

(c) Companies. The company or organizations must not sell or give the customer's name and or telephone number to another company or organization; and

(d) The office of the attorney general is authorized to enforce this law. In addition, individuals may sue the solicitor for a minimum of one hundred dollars per violation. If the lawsuit is successful, the individual may also recover court and attorney's fees.

(i) To file a complaint, or request more information on the law, the customer may write to the Consumer Protection Division of the Attorney General's Office at 900 Fourth Ave., Suite 2000, Seattle, Washington 98164-1012 or by e-mail at protect@atg.wa.gov. Consumers may also call the division weekdays between 9:00 a.m. and 4:00 p.m. at 1-800-551-4636.

(ii) When the customer files a complaint, the customer should include the name and address of the individual, business, group, or organization, the time the calls were received, the nature of the calls, and any additional information available.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-254, filed 12/12/02, effective 7/1/03.]

WAC 480-120-255 Information delivery services. (1) For purposes of this section:

"Information-delivery services" means telephone recorded messages, interactive programs, or other information services that are provided for a charge to a caller through an exclusive telephone number prefix.

"Information provider" means the persons or corporations that provide the information, prerecorded message, or interactive program for the information-delivery service.

"Interactive program" means a program that allows a caller, once connected to the information provider's announcement machine, to access additional information by using the caller's telephone.

(2) Local exchange companies (LECs) offering access to information-delivery services must provide each residential

customer the opportunity to block access to all information delivery services offered by that company. Companies must fulfill an initial request for blocking free of charge. Companies may charge a rate set forth in the tariff or in the rates, terms and conditions of competitively classified services for subsequent blocking requests (i.e., if a customer has unblocked his or her access).

(3) The LEC must inform residential customers of the blocking service through a single-topic bill insert and publication of a notice in a conspicuous location in the consumer information pages of the local white pages telephone directory. The LEC must include in the notice and bill insert the residential customers' rights under the law, the definition of "information delivery services" as defined in subsection (1) of this section, and a statement that these services often are called "900" numbers. The LEC must include notice that customers have the right under Washington law to request free blocking of access to information-delivery services on their residential telephone lines, that blocking will prevent access to information-delivery services from their residential telephone line, that customers may request free blocking of access to information-delivery services on their residential telephone lines by calling the LEC at a specified telephone number, that the Washington utilities and transportation commission is authorized under RCW 80.36.500 to enforce this law, and that customers may contact the commission for further information. The LEC must include the commission's address, toll-free telephone number, and web site:

Washington Utilities and Transportation Commission
Consumer Affairs Section
1300 South Evergreen Park Drive, SW
P.O. Box 47250
Olympia, WA 98504-7250
1-800-562-6150
www.wutc.wa.gov

(4) Any company that provides billing, customer service, or collection services for an information provider must require, as a part of its contract for that service, that the information provider include in any advertising or promotion a prominent statement of the cost to the customer of the information service.

[Statutory Authority: RCW 80.36.010, 80.36.110, 80.36.320, 80.36.330, 80.36.333, 80.36.338, 80.01.040 and 80.04.160. 07-08-027 (Docket UT-060676, General Order R-540), § 480-120-255, filed 3/27/07, effective 4/27/07. Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-255, filed 12/12/02, effective 7/1/03.]

WAC 480-120-256 Caller identification service. (1) The company that provides caller identification service must provide its retail customers the capability of blocking the delivery of their numbers, names, or locations both on a per call basis and on a per line basis. The company must not charge a monthly fee or per call fee for caller identification blocking. The company must not charge a nonrecurring fee for caller identification blocking:

(a) When the service is requested at the time an access line is connected;

(b) The first time the service is added to an access line; or

(c) The first time the service is removed from an access line.

(2) At least ninety days before offering caller identification services the company must send notice to its customers. The notice must explain caller identification per call blocking, caller identification line blocking, a customer's right to have the numbers blocked one-time free of charge, and an explanation that call blocking does not apply to the delivery of caller numbers, name, or locations to a 911 or enhanced 911 service, other emergency service, or a customer-originated trace. The notice must include an explanation that call blocking will not work on all services, including, but not limited to, 800 and 900 numbers, long distance, and primary rate interface service.

For purposes of this section, "primary rate interface services" means an ISDN service that uses a digital rate of one thousand five hundred forty-four Mbits per second, whether used like business trunks for digital PBXs with up to twenty-four circuits at a rate of sixty-four kbits per second per circuit, or used as a single circuit at the DS1 rate. A company may offer caller identification service if the company complies with this section.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-256, filed 12/12/02, effective 7/1/03.]

WAC 480-120-257 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 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-257, filed 12/12/02, effective 7/1/03.]

WAC 480-120-261 Operator services. (1) An operator service provider must protect the confidentiality of all communications it carries, processes, or transmits unless otherwise authorized by law.

(2) Each operator service provider must develop procedures its employees must follow to provide operator assistance to customers, ensure that when automated operator services are provided by it, customers can access a live operator, ensure that call timing for operator-assisted calls provided by its operators is accurately recorded, and ensure that its operators receiving 0- and E911 calls are capable of routing calls in a manner that will allow access to the proper local emergency service agency and connecting calls twenty-four hours a day.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-261, filed 12/12/02, effective 7/1/03.]

WAC 480-120-262 Operator service providers (OSPs). (1) Only for the purpose of this section:

"Consumer" means the party paying for a call using operator services. For collect calls, a consumer is both the originating party and the party who receives the call.

"Customer" means the call aggregator or pay phone service provider (PSP) contracting with an operator service provider (OSP) for service, such as hotel, motel, hospital, correctional facility, prison, campus, or similar entity.

"Operator service provider (OSP)" means any corporation, company, partnership, or person providing a connection to intrastate or interstate long-distance or to local services from locations of call aggregators.

"Operator services" means any telecommunications service provided to a call aggregator location that includes automated or live assistance to consumers in billing or completing (or both) telephone calls, other than those billed to the number from which the call originated or those completed through an access code used to bill a consumer's account previously established with the company.

This section applies to OSPs providing operator services from pay phones and other call aggregator locations. Each OSP must maintain a current list of the customers it serves in Washington and the locations and telephone numbers where the service is provided.

(2) **Posted disclosure.** OSPs must post clearly, legibly, and unobstructed, on or near the front of the pay phone the presubscribed OSP's name, address, and toll-free number, as registered with the commission. This information must be updated within thirty days after a change of OSPs. OSPs must post a notice to consumers that they can access other long distance companies and, in contrasting colors, the commission compliance number for consumer complaints and the following information:

> "If you have a complaint about service from this pay phone and are unable to resolve it by calling the repair or refund number or operator, please call the commission at 1-888-333-WUTC (9882)."

(3) **Oral disclosure of rates.** This subsection applies to all calls from pay phones or other call aggregator locations, including, but not limited to, prison phones and store-and-forward pay phones or "smart" phones. When a collect call is placed, both the consumer placing the call and the consumer receiving the call must be given the rate quote options required by this section.

(a) **Oral rate disclosure message required.** Before an operator-assisted call from a call aggregator location can be connected by an OSP (whether by a presubscribed or other provider), the OSP must first provide an oral rate disclosure message to the consumer. If the charges to the consumer do not exceed the benchmark rate in (f) of this subsection, the oral rate disclosure message must comply with the requirements of (b) of this subsection. In all other instances, the oral rate disclosure message must comply with the requirements of (c) of this subsection.

(b) **Rate disclosure method when charges do not exceed benchmark.** The oral rate disclosure message must state that the consumer may receive a rate quote and explain the method of obtaining the quote. The method of obtaining the quote may be by pressing a specific key or keys, but no more than two keys, or by staying on the line. If the consumer follows the directions to obtain the rate quote, the OSP must state all rates and charges that will apply if the consumer completes the call.

(c) **Rate disclosure method when rates exceed benchmark.** The oral rate disclosure message must state all rates and charges that will apply if the consumer completes the call.

(d) **Charge must not exceed rate quote.** If the OSP provides a rate quote pursuant to either (b) or (c) of this subsection, the charges to the user must not exceed the quoted rate. If a consumer complains to the commission that the charges exceeded the quoted rate, and the consumer states the exact amount of the quote, there will be a rebuttable presumption that the quote provided by the complaining consumer was the quote received by the consumer at the time the call was placed or accepted.

(e) **Completion of call.** Following the consumer's response to any of the above, the OSP must provide oral information advising that the consumer may complete the call by entering the consumer's calling card number.

(f) **Benchmark rates.** An OSP's charges for a particular call exceed the benchmark rate if the sum of all charges, other than taxes and fees required by law to be assessed directly on the consumer, would exceed, for any duration of the call, the sum of fifty cents multiplied by the duration of the call in minutes plus fifty cents. For example, an OSP's charges would exceed the benchmark rate if any of these conditions were true:

(i) Charges for a one-minute call exceeded one dollar;

(ii) Charges for a five-minute call exceeded three dollars; or

(iii) Charges for a ten-minute call exceeded five dollars and fifty cents.

(4) **Access.** Pay phones must provide access to the services identified in WAC 480-120-263(3).

(5) **Branding.** The OSP must identify audibly and distinctly the OSP providing the service at the beginning of every call, including an announcement to the called party on collect calls. The OSP must ensure that the call begins no later than immediately following the prompt to enter billing information on automated calls and on live and automated operator calls, when the call is initially routed to the operator. The OSP must state the name of the company as registered with the commission (or its registered "doing business as" name) whenever referring to the OSP. When not necessary to identify clearly the OSP, the company may omit terms such

as "company," "communications," "incorporated," or "of the Northwest."

(6) **Billing.** The OSP must provide to the billing company applicable call detail necessary for billing purposes and an address and toll-free number for consumer inquiries. The OSP must ensure that consumers are not billed for calls that are not completed. For billing purposes calls must be itemized, identified, and rated from the point of origination to the point of termination. An OSP may not transfer a call to another company unless the call can be billed from the point of origin. The OSP must provide specific call detail upon request, in accordance with WAC 480-120-161 (Form of bills). Charges billed to a credit card need not conform to the call detail requirements of that section.

(7) **Operational capabilities.** The OSP must answer at least ninety percent of all calls within ten seconds of the time the call reaches the company's switch. The OSP must maintain adequate facilities in all locations so the overall blockage rate for lack of facilities, including the facilities for access to consumers' preferred interexchange companies, does not exceed one percent in the time-consistent busy hour. Should excessive blockage occur, the OSP must determine what caused the blockage and take immediate steps to correct the problem. The OSP must reoriginate calls to another company upon request and without charge when technically able to accomplish reorigination with screening and allow billing from the point of origin of the call. If reorigination is not available, the OSP must provide dialing instructions for the consumer's preferred company.

(8) **Fraud protection.**

(a) A company may not bill a call aggregator for:

(i) Charges billed to a line for originating calls using company access codes, toll-free access codes, or originating calls that otherwise reach an operator position if the originating line subscribed to outgoing call screening or pay phone specific ANI coding digits and the call was placed after the effective date of the outgoing call screening or pay phone specific ANI coding digits order; or

(ii) Collect or third-number-billed calls if the line serving the call that was billed had subscribed to incoming call screening (also termed "billed number screening") and if the call was placed after the effective date of the call screening service order.

(b) The access line provider must remove from the call aggregator's bill any calls billed through the access line provider in violation of this subsection. If investigation by the access line provider determines that the pertinent call screening or pay phone specific ANI coding digits was operational when the call was made, the access line provider may return the charges for the call to the company as not billable.

(c) Any call billed directly by an OSP, or through a billing method other than the access line provider, which is billed in violation of this subsection, must be removed from the call aggregator's bill. The company providing the service may request an investigation by the access line provider. If the access line provider determines that call screening or pay phone specific ANI coding digits (which would have prevented the call) was subscribed to by the call aggregator and was not operational at the time the call was placed, the OSP must bill the access line provider for the call.

(9) **Suspension.** The commission may suspend the registration of any company providing operator services if the company fails to meet minimum service levels or to provide disclosure to consumers of protection available under chapter 80.36 RCW and pertinent rules.

Except as required by federal law, no provider of pay phone access line service may provide service to any OSP whose registration is suspended.

[Statutory Authority: RCW 80.01.040, 80.04.160. 07-18-009 (Docket UT-070199, General Order R-543), § 480-120-262, filed 8/23/07, effective 9/23/07; 05-03-031 (Docket No. UT 040015, General Order No. R-516), § 480-120-262, filed 1/10/05, effective 2/10/05; 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-262, filed 12/12/02, effective 7/1/03.]

WAC 480-120-263 Pay phone service providers (PSPs). (1) A local exchange company (LEC) within the state of Washington must allow pay phone service providers (PSPs) to connect pay phones to its network, and a LEC must file a tariff with the commission to include the rates and conditions applicable to providing service to pay phones via its network. For services provided to pay phones pursuant to competitive classification, information about such services must be made available in accordance with WAC 480-120-266 (Information about telecommunications services provided pursuant to competitive classification).

(2) **Registration and application of rules.**

(a) PSPs operating a pay phone within the state of Washington must register by:

(i) Submitting a master business application to the master license service, department of licensing; and

(ii) Obtaining a unified business identifier (UBI) number. A PSP that already has a UBI number need not reapply.

(b) Except where pay phone services or PSPs are specifically referenced, the rules of general applicability to public service companies or telecommunications companies do not apply to pay phone services. This does not exempt PSPs from rules applicable to complaints and disputes (WAC 480-120-165), or remedies or sanctions for violations of rules applicable to PSP operations.

(3) **Access.** At no charge to the calling party, pay phones must provide access to:

(a) Dial tone;

(b) Emergency services by dialing 911 without the use of a coin or entering charge codes;

(c) Operator;

(d) Telecommunications relay service calls for the hearing-impaired;

(e) All available toll-free services; and

(f) All available interexchange companies, including the LEC.

(4) **Disclosure.** PSPs must post clearly and legibly, in an unobstructed location on or near the front of the pay phone:

(a) The rate for local calls, including any restrictions on the length of calls in thirty point or larger type print or a different and contrasting color;

(b) Notice that directory assistance charges may apply, and to ask the operator for rates;

(c) Notice that the pay phone does not make change, if applicable;

(d) The emergency number (E911);

(e) The name, address, phone number, and unified business identifier (UBI) number of the owner or operator;

(f) A toll-free number to obtain assistance if the pay phone malfunctions, and procedures for obtaining a refund;

(g) The name, address, and toll-free number of all presubscribed operator service providers (OSPs), as registered with the commission. This information must be updated within thirty days of a change in the OSP. Refer to WAC 480-120-262 for OSP definition and rules;

(h) Notice to callers that they can access other long distance companies;

(i) The phone number of the pay phone, including area code. When the pay phone is in an area that has had an area code change, the area code change must be reflected on the pay phone within thirty days of the area code conversion; and

(j) In contrasting colors, the commission compliance number for customer complaints, to include the following information:

> "If you have a complaint about service from this pay phone and are unable to resolve it by calling the repair or refund number or operator, please call the commission at 1-888-333-WUTC (9882)."

(5) **Operation and functionality.** A PSP must order a separate public access line (PAL) for each pay phone installed. The commission may waive this requirement if a company demonstrates that technology accomplishes the same result as a one-to-one ratio by means other than through a PAL, that the service provided to customers is fully equivalent, and that all emergency calling requirements are met. This PAL must pass the appropriate screening codes to the connecting company to indicate that the call is originating from a pay phone. In addition:

(a) The pay phone, if coin operated, must return coins to the caller in the case of an incomplete call and must be capable of receiving nickels, dimes, and quarters.

(b) Pay phone keypads must include both numbers and letters.

(c) Where enhanced 911 is operational, the address displayed to the public safety answering point (PSAP) must be that of the phone instrument if different from the public access line demarcation point and the phone number must be that of the pay phone. To comply with this subsection, PSPs must provide an emergency response location (ERL) to the LEC supplying the PAL within two working days of establishing the location, or changed location, of the phone instrument. The ERL must provide sufficient information to aid emergency personnel in the rapid location of the phone instrument, e.g., building floor number, compass quadrant (e.g., northeast corner), and room number.

(d) Extension telephones may be connected to a PAL only for the purpose of monitoring emergency use. The pay phone must be clearly labeled to indicate that "911 calls are monitored locally." An extension phone must be activated only when 911 is dialed from the pay phone, and must be equipped with a "push to talk" switch or other mechanism to prevent inadvertent interruption of the caller's conversation with the PSAP.

(e) Cordless and tabletop pay phones may be connected to the telephone network only when the bill is presented to the user before leaving the premise where the bill was incurred, unless the customer requests that the call be alternatively billed.

(f) Pay phones may not restrict the number of digits or letters that can be dialed.

(g) Pay phones may provide credit-only service, or coin and credit service.

(h) Pay phones must provide two-way service, and no charge may be imposed by the PSP for incoming calls. Exceptions to two-way service are allowed under the following circumstances:

(i) Service provided to hospitals and libraries where a telephone ring might cause undue disturbance;

(ii) Service provided within a building on the premises of a private business establishment, at the discretion of the business owner. For purposes of this section, premises where people have access to public transportation such as airports, bus and train stations are not considered private business establishments; and

(iii) Service at locations where local governing jurisdictions or law enforcement find that incoming calls may be related to criminal or illicit activities and have provided proper notice under subsection (6) of this section. Each pay phone restricted to one-way service must be clearly marked on or near the front of the pay phone with information detailed in subsection (6) of this section.

(6) **Restrictions.** A PSP may only limit the operational capabilities of a pay phone when a local governing jurisdiction or other governmental agency submits a notice to the commission using prescribed forms a minimum of ten days prior to the restriction. Restrictions may include, but are not limited to, blocking incoming calls, limiting touch-tone capabilities, and coin restriction during certain hours. The notice must be signed by an agent of the local governing jurisdiction in which the pay phone is located who has authority to submit the request, and must state the jurisdiction's reasons for the restriction. A copy of the notice must also be served on the PSP no later than ten days prior to the restriction.

The requestor must post a notice prominently visible at the pay phone(s) ten days prior to the proposed restriction. The notice must explain what is proposed and how to file an objection with the governing agency.

Once the restriction is in place, the PSP must post on or near each restricted pay phone, in legible and prominent type, a description of each limitation in effect, the times when the restrictions will be in effect, and the name and toll-free number of the governmental agency recommending the restriction.

(7) **Telephone directories.** The provider of the PAL must furnish without charge one current telephone directory each year for each PAL. The PSP must ensure that a current directory is available at every pay phone.

(8) **Malfunctions and rule violations.** The PSP must correct, within five days, malfunctions of the pay phone or rule violations reported to the repair or refund number or the commission.

[Statutory Authority: RCW 80.36.010, 80.36.110, 80.36.320, 80.36.330, 80.36.333, 80.36.338, 80.01.040 and 80.04.160. 07-08-027 (Docket UT-060676, General Order R-540), § 480-120-263, filed 3/27/07, effective 4/27/07. Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-263, filed 12/12/02, effective 7/1/03.]

WAC 480-120-264 Prepaid calling services. (1) For the purposes of this section, prepaid calling services (PPCS) means any transaction in which a customer pays for service prior to use and applies only to those services where the number of available minutes decreases as the customer uses the service. Prepaid calling services do not include flat-rated basic local service that is billed in advance of use.

(a) PPCS may require the use of an access number or authorization code.

(b) This section excludes credit cards and cash equivalent cards. Services provided at pay telephones using these cards are regulated under the provisions of WAC 480-120-263 (Pay phone service providers (PSPs)).

(2) PPCS providers must provide customers a without-charge telephone number staffed by personnel capable of:

(a) Responding to technical problems or questions related to their service twenty-four hours a day, seven days a week;

(b) Responding to general account-related questions during regular business hours; and

(c) Providing the commission's toll-free number and address to dissatisfied customers as required by WAC 480-120-165 (Customer complaints).

(3) Billing requirements for PPCS.

(a) A PPCS provider may charge only for the actual time a circuit is open for conversation. The tariff and presale document must define billing increments. The provider must not round up the length of conversation time for less than a full billing increment beyond that full increment.

(i) If a PPCS provider uses an increment based on a time measurement, the increment must not exceed one minute.

(ii) If a PPCS provider bills usage in "unit" measurements, it must clearly define units using both equivalent dollar amounts and time measurement. Unit billing increments cannot exceed the equivalent one minute rate.

(b) At the customer's request, a PPCS provider may add additional time to an existing account in exchange for an additional payment at a rate not to exceed those on file on tariff with the commission or at rates, terms and conditions pursuant to competitive classification. The PPCS provider must inform the customer of the new rates at the time of the recharge request.

(4) PPCS providers must maintain the following call-data for a minimum of twenty-four months:

(a) Dialing and signaling information that identifies the inbound access number called or the access identifier;

(b) The number of the originating phone when the information is passed to the PPCS provider;

(c) The date and time the call was originated;

(d) The duration or termination time of the call;

(e) The called number; and

(f) The personal identification number (PIN), or account number.

(5) Disclosure requirements - Prepaid calling services.

(a) A PPCS provider must disclose, prior to the sale, the following information:

(i) The PPCS provider's name as registered with the commission;

(ii) The "doing business as" name as registered with the commission, if applicable;

(iii) The maximum charge per billing increment. A PPCS provider charging varying rates for intrastate and interstate calls must disclose all applicable rates;

(iv) Charges for all services, including any applicable surcharges, fees, or taxes, and the method of application;

(v) Expiration date, if applicable. If a card expires after a set period of time from activation, the PPCS provider must specify the expiration date on the card. If an expiration date is not disclosed on the card it will be considered unexpired indefinitely; and

(vi) Recharge policy, if applicable. If a PPCS provider does not disclose the expiration date at the time service is recharged, the service will be considered unexpired indefinitely.

(b) A PPCS provider must disclose, at the time of purchase, the following information:

(i) The without-charge telephone number(s) a customer may use to resolve technical problems, service-related questions, and general account-related questions; and

(ii) Authorization code, if required, to access the service or, if applicable, the without-charge telephone number used to establish access capability.

(c) If the PPCS provider is not the entity that packages the services for sale to the public, it must require the company that does so, through a written agreement, to comply with the disclosure requirements of this section.

(6) Time of use disclosure requirements. The PPCS provider must:

(a) Announce at the beginning of each call the time remaining on the prepaid account or prepaid calling card; and

(b) Announce the time remaining at least one minute before the prepaid account balance is depleted.

(7) When a PPCS provider has failed to provide service at rates disclosed prior to the sale or quoted at the time an account is recharged, or the PPCS provider has failed to meet performance standards, it must provide refunds for any unused service or provide equivalent service credit when requested by a customer. Refunds or credits must equal the value remaining on the prepaid calling account. The customer may choose either the refund or equivalent service credit option.

(8) Performance standards for prepaid calling services. Each PPCS provider must ensure that:

(a) Customers can complete a minimum of ninety-eight percent of all call attempts to the called party's number. The PPCS provider will consider any busy signals or unanswered calls as completed calls.

(b) Customers can complete a minimum of ninety-eight percent of all call attempts to the PPCS provider. The PPCS provider will not consider any busy signals or unanswered calls as completed calls.

[Statutory Authority: RCW 80.36.010, 80.36.110, 80.36.320, 80.36.330, 80.36.333, 80.36.338, 80.01.040 and 80.04.160. 07-08-027 (Docket UT-060676, General Order R-540), § 480-120-264, filed 3/27/07, effective 4/27/07. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. 03-22-046 (Docket No. A-030832, General Order No. R-509), § 480-120-264, filed 10/29/03, effective 11/29/03. Statutory Authority: RCW 80.01.040 and 80.04.160. 02-11-080 (General Order No. R-499, Docket No. UT-991922), § 480-120-264, filed 5/14/02, effective 6/17/02.]

WAC 480-120-265 Local calling areas. (1) Customers must make requests for expanded local calling areas under RCW 80.04.110 (the commission's complaint statute).

(2) The commission will order expansion of local calling areas only for compelling reasons. The commission will generally rely on long distance competition, local competition, and optional calling plans that assess additional charges only to participating customers, to meet customer demand for alternate or expanded calling.

In evaluating requests for expanded local calling, the commission will consider whether the local calling area is adequate to allow customers to call and receive calls from community medical facilities, police and fire departments, city or town government, elementary and secondary schools, libraries, and a commercial center.

The commission will consider the overall community-of-interest of the entire exchange, and may consider other pertinent factors such as customer calling patterns, the availability and feasibility of optional calling plans, and the level of local and long distance competition.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-265, filed 12/12/02, effective 7/1/03.]

WAC 480-120-266 Information about telecommunications services provided pursuant to competitive classification. (1) Rates, terms and conditions for telecommunications services offered pursuant to competitive classification must conform to all applicable laws, rules, and orders.

(a) The commission does not review or approve rates, terms and conditions of services offered pursuant to competitive classification.

(b) The commission will, when appropriate, investigate or complain against a rate, term or condition provided pursuant to competitive classification.

(c) If the commission determines that a rate, term or condition for service offered pursuant to competitive classification is ambiguous, there is a rebuttable presumption that the ambiguity should be construed in the favor of the customer unless the rate, term or condition was not proposed by the company.

(2) Following an inquiry or complaint from the public concerning rates, terms and conditions for competitive telecommunications services, a carrier shall specify where to obtain pertinent information, and how to contact the commission.

(3) The rates, charges, and prices of services classified as competitive under RCW 80.36.330 must cover the cost of providing the service. Costs must be determined using a long-run incremental cost analysis, including as part of the incremental cost, the price charged by the offering company to other telecommunications companies for any essential function used to provide the service, or any other commission-approved cost method.

[Statutory Authority: RCW 80.36.010, 80.36.110, 80.36.320, 80.36.330, 80.36.333, 80.36.338, 80.01.040, 80.04.160 and chapter 80.04 RCW. 07-08-027 and 07-10-017 (Docket UT-060676, General Order R-540), § 480-120-266, filed 3/27/07 and 4/20/07, effective 4/27/07 and 5/21/07.]

PART VIII. FINANCIAL RECORDS AND REPORTING RULES

Subpart A: General Rules

WAC 480-120-325 Definitions. The definitions in this section apply to Part VIII of this chapter.

"Affiliated interest" means a person or corporation as defined in RCW 80.16.010.

"Control" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a company, whether through the ownership of voting shares, by contract, or otherwise.

"Subsidiary" means any company in which the telecommunications company owns directly or indirectly five percent or more of the voting securities, unless the telecommunications company demonstrates it does not have control.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-120-325, filed 2/28/05, effective 3/31/05.]

WAC 480-120-331 Filing information. (1) **Filing.** The commission records center will accept any filing under WAC 480-120-365 (Issuing securities) delivered in person, by mail, telefacsimile, or electronic mail message. The commission records center will accept all other reports required in Part VIII in person, by mail, or when procedures are in place, electronic mail message.

(2) **Commission may require additional information.** The commission may require pertinent information in addition to that specified by statute or in this chapter.

(3) **Information by reference.** When any information required to support a filing is on file with the commission, it is sufficient to make specific reference to the information indicating the proceeding, report, or other filing that contains the referenced information.

(4) **When information is unavailable.** If any required information is unavailable at the time of the filing, the filing must include the reason why the information is not available and state when it will be available.

[Statutory Authority: RCW 80.01.040, 80.04.160, and 81.04.160. 05-17-026 (Docket No. A-021178 and TO-030288, General Order No. R-522), § 480-120-331, filed 8/5/05, effective 9/5/05. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-120-331, filed 2/28/05, effective 3/31/05.]

Subpart B: Accounting Requirements

WAC 480-120-335 Additional reports. Part VIII 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, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-120-335, filed 2/28/05, effective 3/31/05.]

WAC 480-120-339 Streamlined filing requirements for Class B telecommunications company rate increases. (1) A Class B company, as defined in WAC 480-120-021 (Definitions), may use the streamlined treatment described in this section for seeking a general rate increase, as an alterna-

tive to the requirements in WAC 480-07-510 (General rate proceedings—Electric, natural gas, pipeline, and telecommunications companies).

(2) **General information required.** A Class B company seeking streamlined treatment for a proposed general rate increase must submit the following information at the time of filing or prior to its first notice to customers, whichever occurs first:

(a) A copy of its customer notice as specified in subsection (6) of this section.

(b) A results-of-operations statement, on a commission basis, demonstrating that the company is not presently exceeding a reasonable level of earnings. If the company is exceeding a reasonable level of earnings, the proposed increase must be reduced accordingly.

(c) All supporting documentation used to develop the results-of-operations statement, including supporting documentation for all adjustments.

(d) The results-of-operations statement filed under this subsection must include Washington intrastate results of operations. If a company cannot provide Washington intrastate results of operations with reasonable accuracy, the commission may consider the total Washington results of operations including the interstate jurisdiction.

(3) **Adjustments provided for in the results of operations.**

(a) The results-of-operations statement must provide restating actual adjustments and pro forma adjustments in accordance with (b) of this subsection.

(b) Before the achieved return is calculated, a company must adjust the booked results of operations for restating actual and pro forma adjustments, including the following:

(i) Nonoperating items;

(ii) Extraordinary items;

(iii) Nonregulated operating items; and

(iv) All other items that materially distort the test period.

(4) **Rate of return.** The authorized overall rate-of-return (for purposes of this section only) is eleven and twenty-five one-hundredths percent.

(5) **Rate design.** A Class B company filing pursuant to this section must clearly describe the basis for allocating any revenue requirement change proposed by customer class (e.g., residential, business, and interexchange).

(6) **Customer notice.** The company must notify customers consistent with the manner outlined in WAC 480-120-194 (Publication of proposed tariff changes to increase charges or restrict access to services), and must include the following information:

(a) The proposed increase expressed in:

(i) Total dollars and average percentage terms; and

(ii) The average monthly increases the customers in each category or subcategory of service might reasonably expect;

(b) The name and mailing address of the commission and public counsel;

(c) A statement that customers may contact the commission or public counsel with respect to the proposed rate change; and

(d) The date, time, and place of the public meeting, if known.

(7) **Public meeting(s).** The commission will ordinarily hold at least one public meeting in the area affected by the rate increase within forty-five days after the date of filing.

(8) **Final action.** The commission will ordinarily take final action on a filing under this section within ninety days after the date of filing.

(9) The commission may decline to apply the procedures outlined in this section if it has reason to believe that:

(a) The quality of the company's service is not consistent with its public service obligations; or

(b) A more extensive review is required of the company's results of operations or proposed rate design.

(10) Nothing in this rule will be construed to prevent any company, the commission, any customer, or any other party from using any other procedures that are otherwise permitted by law.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-120-339, filed 2/28/05, effective 3/31/05.]

WAC 480-120-344 Expenditures for political or legislative activities. (1) The commission will not allow either direct or indirect expenditures for political or legislative activities for ratemaking 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, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-120-344, filed 2/28/05, effective 3/31/05.]

WAC 480-120-349 Retaining and preserving 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 80.01.040 and 80.04.160. 05-03-031 (Docket No. UT 040015, General Order No. R-516), § 480-120-349, filed 1/10/05, effective 2/10/05.]

WAC 480-120-352 Washington Exchange Carrier Association (WECA). (1) The Washington Exchange Carrier Association (WECA) may:

(a) File petitions with the commission;

(b) Publish and file tariffs with the commission; and

(c) Represent before the commission those members that so authorize. WECA's rules of procedure are on file with the commission under Docket No. UT-920373, and may be obtained by contacting the commission's records center.

(2) Subject to all the procedural requirements and protections associated with company filings before the commission, WECA must submit to the commission:

(a) All initial WECA tariffs; and

(b) All changes to the tariffs.

(3) A member of WECA may file directly with the commission:

(a) Tariffs and contracts;

(b) Revenue requirement computations;

(c) Revenue objectives;

(d) Universal service support cost calculations;

(e) Total service long run incremental cost studies;

(f) Competitive classification petition;

(g) Other reports; or

(h) Any other item it or the commission deems necessary.

(4) The commission has the authority to supervise the activities of WECA. However, such supervision will not compromise the independent evaluation by the commission of any filing or proposal that must be submitted to the commission for approval.

(5) To the extent that WECA is involved in the collection and redistribution of funds under commission orders authorizing certain revenue sharing arrangements under common tariff, it must maintain, provide, and report to the commission annual financial reports, by July 1 of each year, relating to the arrangements. Annual financial reports must include:

(a) Actual fund collections and distributions to each member company;

(b) The basis upon which the collection and distribution is made;

(c) Board membership;

(d) Special committee membership; and

(e) The status and description of any open WECA docket proceedings.

(6) Each local exchange company in the state of Washington has the option of using WECA as its filing agent, tariff bureau, or both. Companies using WECA collectively may file intrastate rates, tariffs, or service proposals.

(7) Nothing in this section will be construed as amending or modifying WECA's current methods of administration. WECA's access charge pooling administration plan is on file with the commission and may be obtained by contacting the commission's records center and requesting the "Ninth Supplemental Order in Docket No. UT-971140 with Attachment" dated June 28, 2000.

[Statutory Authority: RCW 80.36.010, 80.36.110, 80.36.320, 80.36.330, 80.36.333, 80.36.338, 80.01.040 and 80.04.160. 07-08-027 (Docket UT-060676, General Order R-540), § 480-120-352, filed 3/27/07, effective 4/27/07. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-120-352, filed 2/28/05, effective 3/31/05.]

WAC 480-120-355 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 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-120-355, filed 2/28/05, effective 3/31/05.]

WAC 480-120-359 Companies not classified as competitive. (1)(a) For accounting purposes, each company not classified as competitive must use the *Uniform System of Accounts (USOA) for Class A and Class B Telephone Companies* published by the Federal Communications Commission (FCC) and designated as Title 47, Code of Federal Regulations, Part 32 (47 CFR 32, or Part 32). The effective date for Part 32 is stated in WAC 480-120-999 (Adoption by reference). Each company not classified as competitive wishing to adopt changes to the USOA made by the FCC after the date specified in WAC 480-120-999, must petition for and receive commission approval. The petition must include the effect of each change for each account and subaccount on an annual basis for the most recent calendar year ending December 31. If the petition is complete and accurate the commission may choose to grant such approval through its consent agenda.

(b) Class B companies may use Class A accounting, but Class A companies must not use Class B accounting.

(2) The commission modifies Part 32 as follows:

(a) Any reference in Part 32 to "Commission," "Federal Communications Commission," or "Common Carrier Bureau" means the Washington utilities and transportation commission.

(b) Each company not classified as competitive must keep subsidiary records to reflect Washington intrastate differences when the commission imposes accounting or ratemaking treatment different from the accounting methods required in subsection (2) of this section. Each company not classified as competitive must maintain subsidiary accounting records for:

(i) Residential basic service revenues;

(ii) Business basic service revenues;

(iii) Access revenues for each universal service rate element;

(iv) Special access revenues; and

(v) Switched access revenues.

(c) Part 32 section 24, compensated absences, is supplemented as follows:

(i) Each company not classified as competitive must record a liability and charge the appropriate expense accounts for sick leave in the year in which the employees use the sick leave.

(ii) Each company not classified as competitive must keep records for:

(A) Compensated absences that are actually paid; and

(B) Compensated absences that are deductible for federal income tax purposes.

(d) Each company not classified as competitive that has multistate operations must keep accounting records that provide Washington results of operations. The methods used to

determine Washington results of operations must be acceptable to the commission.

(e) Part 32 section 32.11(a) is replaced by WAC 480-120-034 (Classification of local exchange companies as Class A or Class B).

(f) Part 32 section 32.11 (d) and (e) are replaced by WAC 480-120-034.

(g) Any reference in Part 32 to "Class A" or "Class B" means the classification as set out in WAC 480-120-034.

(3) The commission does not require Part 32 section 32.2000 (b)(4). This rule does not supersede any accounting requirements specified in a commission order, nor will it be construed to limit the commission's ability to request additional information on a company specific basis. This rule does not dictate intrastate ratemaking.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 05-03-031 (Docket No. UT 040015, General Order No. R-516), § 480-120-359, filed 1/10/05, effective 2/10/05.]

Subpart C: Financial Reporting Requirements

WAC 480-120-365 Issuing securities. For the purpose of this section:

"Securities" means stocks, stock certificates, other evidence of interest or ownership, bonds, notes other than those notes exempted from reporting under RCW 80.08.043, or other evidence of indebtedness, or any obligation or liability as guarantor subject to reporting under RCW 80.08.130.

(1) Before a telecommunications company subject to the provisions of chapter 80.08 RCW issues a security, it must file with the commission:

(a) A description of the purposes for which the issuance will be made, including a certification by an officer authorized to do so, that the proceeds from any such financing is for one or more of the purposes allowed by RCW 80.08.030;

(b) A description of the proposed issuance, including the terms of financing; and

(c) A statement as to why the transaction is in the public interest.

(2) A commission order is not required for such a filing. The company may request a written order affirming that the company has complied with the requirements of RCW 80.08.040. The company must submit the request for a commission order, along with the information required in subsection (1) of this section, at least fifteen business days before the requested effective date for the order. Requests for supplemental orders may be exempt from the fifteen business day requirement.

(3) Filing a Registration Statement with the Securities and Exchange Commission using a shelf registration process does not constitute issuance of a security, and therefore a filing with the commission is not required under the provisions of RCW 80.08.040. A shelf registration filing is defined under the General Rules and Regulations promulgated under the Securities Act of 1933, Rule 415 - Delayed or Continuous Offering and Sale of Securities.

(4) An authorized representative must sign and date the filing and include a certification or declaration that the information is true and correct under penalty of perjury as set forth in chapter 9A.72 RCW. The certificate or declaration must be in substantially the following form:

"I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct."

(5) Filings under this section may be submitted with portions designated confidential pursuant to WAC 480-07-160 (Confidential information).

(6) Within sixty days after the issuance of any securities, except for dividend reinvestment and employee benefit plans, a company must file with the commission a verified statement:

(a) Outlining the final terms and conditions of the transaction; and

(b) Setting forth actual proceeds from the issuance and, to the extent known, the disposition of proceeds stating the final amount to be used for each purpose allowed by RCW 80.08.030.

[Statutory Authority: RCW 80.01.040, 80.04.160, and 81.04.160. 05-17-026 (Docket No. A-021178 and TO-030288, General Order No. R-522), § 480-120-365, filed 8/5/05, effective 9/5/05.]

WAC 480-120-369 Transferring cash or assuming obligations. This section does not apply to a company classified as competitive pursuant to RCW 80.36.320, or to a local exchange company that serves less than two percent of the access lines in the state of Washington.

(1) At least five business days before a telecommunications company whose corporate/issuer rating is not in one of the four highest rating categories of either Standard & Poor's L.L.C. or Moody's Investors Service, Inc., or its subsidiary transfers cash to any of its affiliated interests or subsidiaries or assumes an obligation or liability of any of its affiliated interests or any of its subsidiaries, the company must report to the commission an estimate of the amount to be transferred and the terms of the transaction when the transaction will exceed thresholds as described in (a) or (b) of this subsection.

(a) The company must report if the cumulative transactions to a subsidiary or affiliated interest for the prior twelve months exceed a threshold of five percent, which is based on the prior calendar year gross operating revenue from Washington intrastate operations subject to commission jurisdiction.

(b) When the threshold in (a) of this subsection has been reached, the company must report each subsequent transaction exceeding a threshold of one percent for the prior twelve-month period, which is based on the prior calendar year gross operating revenue from Washington intrastate operations subject to commission jurisdiction.

(2) The reporting requirements in subsection (1) of this section do not include payments for:

(a) Federal and state taxes;

(b) Goods, services, or commodities;

(c) Transactions, attributed to the regulated entity, previously approved or ordered by the commission, other regulatory agencies, or the court;

(d) Dividends to the extent the level of such dividends over a twelve-month period does not exceed the larger of:

(i) Net income during such period; or

(ii) The average level of dividends over the preceding three years; or

(e) Sweep or cash management accounts used to transfer funds to or from a subsidiary or affiliate as part of the customary and routine cash management functions between or among the company and its subsidiary or affiliate.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353 [used in WSR 05-06-051 filing only]. 05-06-051 and 05-08-018 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-120-369, filed 2/28/05 and 3/28/05, effective 3/31/05.]

WAC 480-120-375 Affiliated interests—Contracts or arrangements. Prior to the effective date of any contract or arrangement described in RCW 80.16.020, each telecommunications company subject to the provisions of chapter 80.16 RCW must file a verified copy or a verified summary, if unwritten, of contracts or arrangements, except for transactions provided at tariff rates, with any affiliated interest. Prior to the effective date of any modification or amendment, the company must file verified copies of the modifications or amendments to the contracts or arrangements. If the contract or arrangement is unwritten, the company must file a verified summary of any modification or amendment. The commission may institute an investigation and disapprove the contract or arrangement if the commission finds the company has failed to prove that it is reasonable and consistent with the public interest.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-120-375, filed 2/28/05, effective 3/31/05.]

WAC 480-120-379 Transfers of property. Before selling, leasing, or assigning any of its property or facilities which are necessary or useful in the performance of its duties to the public, or before acquiring property or facilities of another public utility, a telecommunications company subject to the provisions of chapter 80.12 RCW must obtain from the commission an order authorizing such transaction in accordance with chapters 80.12 RCW (Transfers of property) and 480-143 WAC (Commission general—Transfers of property).

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-120-379, filed 2/28/05, effective 3/31/05.]

WAC 480-120-382 Annual report 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 1 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;

(4) Provide revenues for Washington and Washington intrastate operations subject to commission jurisdiction; and

(5) **Regulatory fees.** The telecommunications annual regulatory fee is set by statute at one-tenth of one percent of the first fifty thousand dollars of gross intrastate operating revenue plus two-tenths of one percent of any gross intrastate operating revenue in excess of fifty thousand dollars.

(a) The maximum regulatory fee is assessed each year, unless the commission issues an order establishing the regulatory fee at an amount less than the statutory maximum.

(b) The minimum regulatory fee that a company must pay is twenty dollars.

(c) The twenty-dollar minimum regulatory fee is waived for any company with less than twenty thousand dollars in gross intrastate operating revenue.

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

(e) If a company does not pay its regulatory fee by May 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.

(f) The commission may take action to revoke a company's registration certificate if it fails to pay its regulatory fee.

[Statutory Authority: RCW 80.01.040(4), 81.04.160, and 34.05.353. 06-08-057 (Docket A-060085, General Order No. R-531), § 480-120-382, filed 3/31/06, effective 5/1/06. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-120-382, filed 2/28/05, effective 3/31/05.]

WAC 480-120-385 Annual report and quarterly results of operations reports for companies not classified as competitive. (1) Annual reports for companies not classified as competitive. The commission will distribute an annual report form as specified in (c)(i), (ii), and (iii) of this subsection, and a regulatory fee form. A company not classified as competitive must:

(a) Complete both forms, file them with the commission, and pay its regulatory fee, no later than May 1 of each year;

(b) Provide total number of access lines as required on the annual report form; and

(c) Provide income statement and balance sheet for total company and results of operations for Washington and Washington intrastate.

(i) Class A companies that the FCC classified as Tier 1 telecommunications companies in Docket No. 86-182 must file annual report forms adopted by the FCC.

(ii) All other Class A companies must file annual reports on the form prescribed by the commission.

(iii) Class B companies must file annual reports as prescribed by RCW 80.04.530(2).

(2) Quarterly reports for companies not classified as competitive:

(a) All Class A companies must file results of operations quarterly.

(b) Each report will show monthly and twelve-months-ended data for each month of the quarter reported.

(c) The reports are due ninety days after the close of the period being reported, except for the fourth-quarter report which is due no later than May 1 of the following year.

(3) Methods used to determine Washington intrastate results of operations must be acceptable to the commission.

(4) This rule does not supersede any reporting requirements specified in a commission rule or order, or limit the commission's authority to request additional information.

(5) **Regulatory fees.** The telecommunications annual regulatory fee is set by statute at one-tenth of one percent of

the first fifty thousand dollars of gross intrastate operating revenue plus two-tenths of one percent of any gross intrastate operating revenue in excess of fifty thousand dollars.

(a) The maximum regulatory fee is assessed each year, unless the commission issues an order establishing the regulatory fee at an amount less than the statutory maximum.

(b) The minimum regulatory fee that a company must pay is twenty dollars.

(c) The twenty-dollar minimum regulatory fee is waived for any company with less than twenty thousand dollars in gross intrastate operating revenue.

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

(e) If a company does not pay its regulatory fee by May 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.

[Statutory Authority: RCW 80.01.040(4), 81.04.160, and 34.05.353. 06-08-057 (Docket A-060085, General Order No. R-531), § 480-120-385, filed 3/31/06, effective 5/1/06. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-120-385, filed 2/28/05, effective 3/31/05.]

WAC 480-120-389 Securities report. (1) Each telecommunications company subject to the provisions of chapter 80.08 RCW that has issued securities during the prior year, must file with the commission by April 1 of each year an annual securities transaction report for the period January 1 through December 31 of the preceding year. At a minimum, the report must contain:

(a) A description of the final agreements;

(b) A description of the use of proceeds stating the amounts used for each purpose allowed by RCW 80.08.030;

(c) The level of expenses for each of the securities transactions;

(d) Information to determine the individual and collective impact on capital structure; and

(e) The pro forma cost of money for the securities transactions.

(2) The company may provide by reference the information required in subsection (1)(a), (b), and (c) of this section if the information has previously been filed with the commission.

[Statutory Authority: RCW 80.01.040, 80.04.160, and 81.04.160. 05-17-026 (Docket No. A-021178 and TO-030288, General Order No. R-522), § 480-120-389, filed 8/5/05, effective 9/5/05.]

WAC 480-120-395 Affiliated interest and subsidiary transactions report. (1) By June 1 of each year, each telecommunications company subject to the provisions of chapter 80.16 RCW must file a report summarizing all transactions, except for transactions provided at tariff rates, that occurred between the company and its affiliated interests, and the company and its subsidiaries, during the period January 1 through December 31 of the preceding year.

(2) The information required in this subsection must be for total company, total state of Washington, and Washington intrastate. The report must include a corporate organization chart of the company and its affiliated interests and subsidiaries.

(3) When total company transactions with an affiliated interest or a subsidiary are less than one hundred thousand dollars for the reporting period, the company must provide the name of the affiliated interest or subsidiary participating in the transactions and the total dollar amounts of the transactions. When total company transactions with an affiliated interest or subsidiary equal or exceed one hundred thousand dollars for the reporting period, the company must provide:

(a) A balance sheet and income statement for such affiliated interest;

(b) A description of the products or services provided to or from the company and each such affiliated interest or subsidiary;

(c) A description of the pricing basis or costing method, and procedures for allocating costs for such products or services, and the amount and accounts charged during the year;

(d) A description of the terms of any loans between the company and each such affiliated interest or subsidiary and a listing of the year-end loan amounts and maximum loan amounts outstanding during the year;

(e) A description of the terms and total amount of any obligation or liability assumed by the company for each such affiliated interest or subsidiary;

(f) A description of the activities of each such affiliated interest or subsidiary with which the company has transactions; and

(g) A list of all common officers and directors between the company and each such affiliated interest or subsidiary, along with their titles in each organization.

(3) The report required in this section supersedes the reporting requirements contained in previous commission orders authorizing affiliated interest transactions pursuant to chapter 80.16 RCW.

(4) The company is obligated to file verified copies of affiliated interest contracts and arrangements as stated in WAC 480-120-375 (Affiliated interests—Contracts or arrangements).

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-120-395, filed 2/28/05, effective 3/31/05.]

WAC 480-120-399 Access charge and universal service reporting. Intrastate mechanism reporting.

(1) Until legislation creating a new universal service fund is adopted and effective and commission rules to implement the legislation are adopted and effective, each Class A company in the state of Washington and the Washington Exchange Carrier Association, must provide annually:

(a) The actual demand units for the previous calendar year for each switched access tariff rate element (or category of switched access tariff rate elements, both originating and terminating) it has on file with the commission.

(b) Primary toll carriers (PTCs) must file, in addition to the information required in (a) of this subsection, the annual imputed demand units for the previous calendar year that the company would have had to purchase from itself if it had been an unaffiliated toll carrier using feature group D switched access service (including intraLATA and interLATA, both originating and terminating demand units). For purposes of this subsection, a PTC means a local exchange company offering interexchange service(s) to retail custom-

ers using feature group C switched access service for the origination or termination of any such service(s).

(2) The report containing the information required in subsection (1) of this section must be filed by July 1 of each year.

(3) Each company providing information required by this section must include complete work papers and sufficient data for the commission to review the accuracy of the report.

[Statutory Authority: RCW 80.01.040, 80.04.160, 80.36.600, and 80.36.610. 06-14-051 (Docket No. UT-053021, General Order No. R-534), § 480-120-399, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-120-399, filed 2/28/05, effective 3/31/05.]

PART IX. SAFETY AND STANDARDS RULES

WAC 480-120-401 Network performance standards. (1) All companies must meet the applicable network performance standards set forth in this section. The standards applied to each service quality measurement are the minimum acceptable quality of service under normal operating conditions. All performance standards apply to each central office individually and must be measured at or below that level. The performance standards do not apply to abnormal conditions, including, but not limited to work stoppage directly affecting provision of service in the state of Washington, holidays, force majeure, or major outages caused by persons or entities other than the local exchange company (LEC) or its agents.

(2) **Switches.** End-office switches, in conjunction with remote switches where deployed, must meet the following standards:

(a) **Dial service.** For each switch, companies must meet the following minimum standards during the switch's average busy-hour of the average busy season:

(i) Dial tone must be provided within three seconds on at least ninety-eight percent of calls placed; and

(ii) Ninety-eight percent of calls placed must not encounter an intraswitch blocking condition within the central office, or blocking in host-remote, or interoffice local trunks.

(b) **Intercept.** Central office dial equipment must provide adequate access to an operator or to a recorded announcement intercept to all vacant codes and numbers. Less than one percent of intercepted calls may encounter busy or no-circuit-available conditions during the average busy-hour, of the busy-season.

(3) **Interoffice facilities.** Blocking performance during average busy-hour for ninety-nine percent of trunk groups for any month must be less than one-half of one percent for intertoll and intertandem facilities and less than one percent for local and EAS interoffice trunk facilities. The blocking standard for E911 dedicated interoffice trunk facilities must be less than one percent during average busy-hour of the average busy season. Two consecutive months is the maximum that a single trunk group may be below the applicable standard.

(4) **Outside plant.**

(a) **Local loops.** Each LEC must design, construct, and maintain subscriber loops to the standard network interface or demarcation point as follows:

(i) For voice grade, local exchange service loops must meet all performance characteristics specified in Section 4 of the Institute of Electrical and Electronic Engineers (IEEE) Standard Telephone Loop Performance Characteristics. Information about this standard regarding the version adopted and where to obtain it is set forth in WAC 480-120-999.

(ii) For voice grade service, the circuit noise level on customer loops measured at the customer network interface must be equal to or less than 20.0 dBrnC, except that digitized loops and loops in excess of 18,000 feet must have a noise level objective of less than 25.0 dBrnC, and noise levels must not exceed 30 dBrnC.

(b) **Special circuits.** Off-premise station circuit loss must not exceed 5.0 dB at 1004 Hz when measured between the customer switch demarcation and the customer station demarcation. LECs with over fifty thousand access lines must maintain design criteria for special circuits. Companies must make channel performance criteria available to customers upon request.

(c) **Digital services.** LECs must meet the availability objectives for digital private line circuit performance specified in the American National Standards for Telecommunications, "Network Performance Parameters for Dedicated Digital Services - Specifications." Information about this standard regarding the version adopted and where to obtain it is set forth in WAC 480-120-999. Upon request of a customer, a LEC may provide to that customer digital services that do not meet the performance standards set forth in (b) of this subsection.

(5) **Service to interexchange carriers.** LECs must provide service to interexchange carriers at the grade of service ordered by the interexchange carrier. At a minimum, each interexchange carrier must order sufficient facilities from each LEC such that no more than two percent of all calls are blocked at the LEC's switch.

(6) Companies must monitor the network performance of the equipment they own, operate, or share at frequent intervals so that adequate facilities can be designed, engineered and placed in service when needed to meet the standards of this section.

(7) Each Class A LEC must arrange and design incoming trunks to the primary repair service center so that traffic overflows during service interruptions can be redirected or forwarded to an alternate repair or maintenance service center location.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-401, filed 12/12/02, effective 7/1/03.]

WAC 480-120-402 Safety. The plant and all facilities of utilities must be constructed and installed in conformity with good engineering practice and comply with the minimum standards as set out in the National Electric Safety Code. Information about this standard regarding the version adopted and where to obtain it is set forth in WAC 480-120-999 (Adoption by reference). All instrumentalities and equipment must be installed and maintained with due consideration to the safety of the customers, employees and general public. Hazardous conditions endangering persons, property, or the continuity of service when found, reported or known to exist, must be expeditiously corrected.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 05-03-031 (Docket No. UT 040015, General Order No. R-516), § 480-120-402, filed 1/10/05, effective 2/10/05; 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-402, filed 12/12/02, effective 7/1/03.]

WAC 480-120-411 Network maintenance. (1) Each local exchange company (LEC) must:

(a) Provide adequate maintenance to ensure that all facilities are in safe and serviceable condition;

(b) Correct immediately hazardous conditions endangering persons, property, or the continuity of service when found, reported, or known to exist;

(c) Promptly repair or replace broken, damaged, or deteriorated equipment, when found to be no longer capable of providing adequate service; and

(d) Correct promptly transmission problems on any channel when located or identified, including noise induction, cross-talk, or other poor transmission characteristics.

(2) Each LEC must install and maintain test apparatus at appropriate locations to determine the operating characteristics of network systems and provide sufficient portable power systems to support up to the largest remote subscriber carrier site. For the safe and continuous operation of underground cables, each LEC must establish air pressurization policies and an air pressurization alarm-monitoring program where appropriate.

(3) Central offices equipped with automatic start generators must have three hours' reserve battery capacity. Central offices without automatic start generators must have a minimum of five hours' reserve battery capacity. Central offices without permanently installed emergency power facilities must have access to readily connectable mobile power units with enough power capacity to carry the load and that can be delivered within one half of the expected battery reserve time.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-411, filed 12/12/02, effective 7/1/03.]

WAC 480-120-412 Major outages. (1) All companies must make reasonable provisions to minimize the effects of major outages, including those caused by force majeure, and inform and train pertinent employees to prevent or minimize interruption or impairment of service.

(2) **Notice to commission and public safety answering point (PSAP).** When a company receives notice of or detects a major outage, it must notify the commission and any PSAP serving the affected area as soon as possible.

(3) **Notice to county and state emergency agencies and coordination of efforts.** When a major outage affects any emergency response facility, a company must notify immediately the county E911 coordinator and the state emergency management authorities, and provide periodic updates on the status of the outage. The company must coordinate service restoration with the state emergency management authorities if it requests it, and, if requested to do so by the commission, report daily to it the progress of restoration efforts until the company achieves full network recovery.

(4) **Major outages repair priorities.**

(a) Outages affecting PSAPs and emergency response agencies must receive attention first and be repaired as soon as possible.

(b) Companies must restore other services within twelve hours unless conditions beyond a company's reasonable ability to control prevent service restoration within twelve hours.

(c) Companies must restore outages to their facilities affecting intercompany trunk and toll trunk service within four hours after the problem is reported unless conditions beyond a company's reasonable ability to control prevent service restoration within four hours. If the problem is not corrected within four hours, the company must keep all other affected companies advised of the status of restoration efforts on a twice-daily basis.

(5) **Information to public.** Unless heightened security concerns exist, during major outage recovery efforts all companies must implement procedures to disseminate information to the public, public officials, and news media. All companies must provide a statement about the major outage that includes the time, the cause, the general location and approximate number of affected access lines, and the anticipated duration.

(6) **Notice of intentional outage.** When a company intends to interrupt service to such an extent that it will cause a major outage, it must make a reasonable effort to notify all customers who will have their telephone service affected and the state emergency management authorities not less than seven days in advance if circumstances permit or as soon as it plans to interrupt service if circumstances do not permit seven days' advance notice. A notice is not required for planned service interruptions that have a duration of less than five minutes and occur between the hours of 12:00 a.m. and 5:00 a.m.

(7) **Records.** All companies must keep a record of each major outage and a statement about the interruption that includes the time, the cause, the location and number of affected access lines, and the duration.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-412, filed 12/12/02, effective 7/1/03.]

WAC 480-120-414 Emergency operation. (1) Each company 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 80.01.040 and 80.04.160. 05-03-031 (Docket No. UT 040015, General Order No. R-516), § 480-120-414, filed 1/10/05, effective 2/10/05; 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-414, filed 12/12/02, effective 7/1/03.]

WAC 480-120-436 Responsibility for drop facilities and support structure. (1) **Initial provision of service to a premise with no existing drop facilities.** Companies are responsible for designating the route of the drop facility and the type of support structure.

(a) Provision of drop facilities. The company is responsible for all work and materials associated with drop facilities.

(b) Provision of support structure. The company may require the applicant to provide a support structure that meets company standards. Once the company provides service, the company is responsible for maintenance and repair of the existing drop facilities and support structure as provided for in WAC 480-120-437.

(c) Nothing in this rule prohibits the company from offering the applicant an alternative to pay the company a tariffed rate or rate pursuant to competitive classification for provision of the support structure.

(2) **Requests for initial service or additional service at a premise where all existing pairs within a drop facility are not in use.** A company is responsible for all work and materials associated with the drop facilities and if applicable the support structure so long as the total number of lines requested by the customer does not exceed the original capacity of the drop facility.

Any work or materials associated with repair of abandoned or defective pairs is considered maintenance and repair under WAC 480-120-437.

(3) **Requests for additional service to premises where all existing pairs within a drop facility are not in use or where the total number of lines requested by a customer exceeds the original capacity of the existing drop facility.**

(a) The company is responsible for all costs, including the costs of work and materials, associated with placement of additional drop facilities.

(b) The company may require the applicant to provide a support structure for placement of the new drop facility.

(c) A company must use an existing support structure for placement of the new drop facility when:

(i) The support structure it is large enough to support placement of the new facility; and

(ii) It follows a path which remains suitable to the company; and

(iii) The customer makes the support structure accessible to the company (e.g., uncovers the entry to the conduit and removes any items that would impede the use of the conduit, such as tree roots).

[Statutory Authority: RCW 80.36.010, 80.36.110, 80.36.320, 80.36.330, 80.36.333, 80.36.338, 80.01.040 and 80.04.160. 07-08-027 (Docket UT-060676, General Order R-540), § 480-120-436, filed 3/27/07, effective 4/27/07. Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-436, filed 12/12/02, effective 7/1/03.]

WAC 480-120-437 Responsibility for maintenance and repair of facilities and support structures. (1)(a) Companies are responsible for all work, materials, and costs associated with reinforcing existing distribution plant, and repairing and maintaining existing distribution and drop facilities and support structures up to and including the standard network interface (SNI).

(b) The customer is responsible for maintaining facilities on the customer's side of the SNI.

(2) A company, in its sole discretion, may determine to replace or reinforce any existing facilities or support structures for which it is responsible for maintenance or repair. If the company decides to replace existing facilities or support structures, all the work and materials associated with the installation of facilities and support structures is considered repair and maintenance, and not new construction.

(3) With respect to cost, subsection (1)(a) of this section does not apply when damage has been caused by a customer or third party, in which case, the company may charge that individual the cost of repair, maintenance, or replacement of company facilities and, if applicable, support structure. Nothing in this subsection is intended to limit the company's ability to recover damages as otherwise permitted by law.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-437, filed 12/12/02, effective 7/1/03.]

WAC 480-120-438 Trouble report standard. Trouble reports by central office must not exceed four trouble reports per one hundred access lines per month for two consecutive months, or per month for four months in any one twelve-month period. This standard does not apply to trouble reports related to customer premise equipment, inside wiring, force majeure, or outages of service caused by persons or entities other than the local exchange company.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-438, filed 12/12/02, effective 7/1/03.]

WAC 480-120-439 Service quality performance reports. (1) **Class A companies.** Each Class A company must report monthly the information required in subsections (3), (4), and (6) through (10) of this section. Each company must report within thirty days after the end of the month in which the activity reported on takes place (e.g., a report concerning missed appointments in December must be reported by January 30).

(2) **Class B companies.** Class B companies need not report to the commission as required by subsection (1) of this section. However, these companies must retain, for at least three years from the date they are created, all records that would be relevant, in the event of a complaint or investigation, to a determination of the company's compliance with the service quality standards established by WAC 480-120-105 (Company performance standards for installation or activation of access lines), 480-120-112 (Company performance for orders for nonbasic services), 480-120-133 (Response time for calls to business office or repair center during regular business hours), 480-120-401 (Network performance standards), 480-120-411 (Network maintenance), and 480-120-440 (Repair standards for service interruptions and impairments, excluding major outages).

(3) **Missed appointment report.** The missed appointment report must state the number of appointments missed, the total number of appointments made, and the number of appointments excluded under (b), (c), or (d) of this subsection. The report must state installation and repair appointments separately.

(a) A LEC is deemed to have kept an appointment when the necessary work in advance of dispatch has been com-

pleted and the technician arrives within the appointment period, even if the technician then determines the order cannot be completed until a later date. If the inability to install or repair during a kept appointment leads to establishment of another appointment, it is a new appointment for purposes of determining under this subsection whether it is kept or not.

(b) When a LEC notifies the customer at least twenty-four hours prior to the scheduled appointment that a new appointment is necessary and a new appointment is made, then the appointment that was canceled is not a missed appointment for purposes of this subsection. A company-initiated changed appointment date is not a change to the order date for purposes of determining compliance with WAC 480-120-105 (Company performance standards for installation or activation of access lines) and 480-120-112 (Company performance for orders for nonbasic services).

(c) A LEC does not miss an appointment for purposes of this subsection when the customer initiates a request for a new appointment.

(d) A LEC does not miss an appointment for purposes of this subsection when it is unable to meet its obligations due to force majeure, work stoppages directly affecting provision of service in the state of Washington, or other events beyond the LEC's control.

(4) **Installation or activation of basic service report.** The report must state the total number of orders taken, by central office, in each month for all orders of up to the initial five access lines as required by WAC 480-120-105 (Company performance standards for installation or activation of access lines). The report must include orders with due dates later than five days as requested by a customer. The installation or activation of basic service report must state, by central office, of the total orders taken for the month, the number of orders that the company was unable to complete within five business days after the order date or by a later date as requested by the customer.

(a) The company must file a separate report each calendar quarter that states the total number of orders taken, by central office, in that quarter for all orders of up to the initial five access lines as required by WAC 480-120-105 (Company performance standards for installation or activation of access lines). The installation or activation of basic service ninety-day report must state, of the total orders taken for the quarter, the number of orders that the company was unable to complete within ninety days after the order date.

(b) The company must file a separate report each six months that states the total number of orders taken, by central office, in the last six months for all orders of up to the initial five access lines as required by WAC 480-120-105 (Company performance standards for installation or activation of access lines). The installation or activation of basic service one hundred eighty day report must state, of the total orders taken for six months, the number of orders that the company was unable to complete within one hundred eighty days.

(c) A company may exclude from the total number of orders taken and the total number of uncompleted orders for the month:

(i) Orders for which customer-provided special equipment is necessary;

(ii) When a later installation or activation is permitted under WAC 480-120-071 (Extension of service);

(iii) When a technician arrives at the customer's premises at the appointed time prepared to install service and the customer is not available to provide access; or

(iv) When the commission has granted an exemption under WAC 480-120-015 (Exemptions from rules in chapter 480-120 WAC), from the requirement for installation or activation of a particular order.

(d) For calculation of the report of orders installed or activated within five business days in a month, a company may exclude from the total number of orders taken and from the total number of uncompleted orders for the month, orders that could not be installed or activated within five days in that month due to force majeure if the company supplies documentation of the effect of force majeure upon the order.

(5) **Major outages report.** Notwithstanding subsections (1) and (2) of this section, any company experiencing a major outage that lasts more than forty-eight hours must provide a major outage report to the commission within ten business days of the major outage. The major outages report must include a description of each major outage and a statement that includes the time, the cause, the location and number of affected access lines, and the duration of the interruption or impairment. When applicable, the report must include a description of preventive actions to be taken to avoid future outages. This reporting requirement does not include company-initiated major outages that are in accordance with the contract provisions between the company and its customers or other planned interruptions that are part of the normal operational and maintenance requirements of the company.

The commission staff may request oral reports from companies concerning major outages at any time and companies must provide the requested information.

(6) **Summary trouble reports.** Each month companies must submit a report reflecting the standard established in WAC 480-120-438 (Trouble report standard). The report must include the number of reports by central office and the number of lines served by the central office. In addition, the report must include an explanation of causes for each central office that exceeds the service quality standard established in WAC 480-120-438. The reports, including repeated reports, must be presented as a ratio per one hundred lines in service. The reports caused by customer-provided equipment, inside wiring, force majeure, or outages of service caused by persons or entities other than the local exchange company should not be included in this report.

(7) **Switching report.** Any company experiencing switching problems in excess of the standard established in WAC 480-120-401 (2)(a) (Switches—Dial service), must report the problems to the commission. The report must identify the location of every switch that is performing below the standard.

(8) **Interoffice, intercompany and interexchange trunk blocking report.** Each company that experiences trunk blocking in excess of the standard in WAC 480-120-401 (3) (Interoffice facilities) and (5) (Service to interexchange companies) must report each trunk group that does not meet the performance standards. For each trunk group not meeting the performance standards, the report must include the peak percent blocking level experienced during the preceding month, the number of trunks in the trunk group, the busy hour when peak blockage occurs, and whether the prob-

lem concerns a standard in WAC 480-120-401 (3) or (5). The report must include an explanation of steps being taken to relieve blockage on any trunk groups that do not meet the standard for two consecutive months.

(9) **Repair report.**

(a) For service-interruption repairs subject to the requirements of WAC 480-120-440 (Repair standards for service interruptions and impairments, excluding major outages), each company must report the number of service interruptions reported each month, the number repaired within forty-eight hours, and the number repaired more than forty-eight hours after the initial report. In addition, a company must report the number of interruptions that are exempt from the repair interval standard as provided for in WAC 480-120-440.

(b) For service-impairment repairs subject to the requirements of WAC 480-120-440, each company must report the number of service impairments reported each month, the number repaired within seventy-two hours, and the number repaired more than seventy-two hours after the initial report. In addition, a company must report the number of impairments that are exempt from the repair interval standard as provided for in WAC 480-120-440.

(10) **Business office and repair answering system reports.** When requested, each company must report compliance with the standard required in WAC 480-120-133 (Response time for calls to business office or repair center during regular business hours). If requested, each company must provide the same reports to the commission that company managers receive concerning average speed of answer, transfers to live representatives, station busies, and unanswered calls.

(11) The commission may choose to investigate matters to protect the public interest, and may request further information from companies that details geographic area and type of service, and such other information as the commission requests.

(12) If consistent with the purposes of this section, the commission may, by order, approve for a company an alternative measurement or reporting format for any of the reports required by this section, based on evidence that:

(a) The company cannot reasonably provide the measurement or reports as required;

(b) The alternative measurement or reporting format will provide a reasonably accurate measurement of the company's performance relative to the substantive performance standard; and

(c) The ability of the commission and other parties to enforce compliance with substantive performance standard will not be significantly impaired by the use of the alternative measurement or reporting format.

(13) Subsection (12) of this section does not preclude application for an exemption under WAC 480-120-015 (Exemptions from rules in chapter 480-120 WAC).

[Statutory Authority: RCW 80.01.040 and 80.04.160. 05-03-031 (Docket No. UT 040015, General Order No. R-516), § 480-120-439, filed 1/10/05, effective 2/10/05. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. 03-22-046 (Docket No. A-030832, General Order No. R-509), § 480-120-439, filed 10/29/03, effective 11/29/03. Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-439, filed 12/12/02, effective 7/1/03.]

WAC 480-120-440 Repair standards for service interruptions and impairments, excluding major outages. (1) A company must repair all out-of-service interruptions within forty-eight hours, unless the company is unable to make the repair because it is physically obstructed from doing so or because of force majeure, in which case the repair must be made as soon as practicable. The forty-eight hour requirement does not apply to out-of-service interruptions that are part of a major outage under WAC 480-120-412.

For purposes of this section an out-of-service interruption is defined as a condition that prevents the use of the telephone exchange line for purposes of originating or receiving a call and does not include trouble reported for nonregulated services such as voice messaging, inside wiring, or customer premises equipment.

(2) A company must repair all other regulated service interruptions within seventy-two hours, unless the company is unable to make the repair because it is physically obstructed from doing so or because of force majeure, in which case the repair must be made as soon as practicable. The seventy-two hour requirement does not apply to out-of-service interruptions that are part of a major outage under WAC 480-120-412.

(3) The forty-eight-hour and seventy-two-hour standards do not apply during company work stoppages directly affecting provision of service in the state of Washington.

(4) When the company informs the customer that repair requires on-premises access by the company with the customer present, the company must offer the customer an opportunity for an installation appointment that falls within a four-hour period.

(5) A company is considered to have met its obligations under this rule if it conducts tests during the prescribed period that indicates that the customer's service is operating within industry standards. The company must make all test information available to the commission upon request.

(6) A company is considered to have met its obligations under this rule if it conducts tests during the prescribed period which demonstrate that the reported problem may only be cleared from within the customer's premises and the company is either unable to reach the customer to arrange access or is refused access by the customer. The company must make all test information and customer contact logs available to the commission upon request.

(7) For the purposes of this section, Sundays and legal holidays are not considered working days and are therefore excluded from the forty-eight-hour and seventy-two-hour periods.

(8) In instances when repair requires construction work, the forty-eight-hour and seventy-two-hour periods begin when a company has received appropriate authorization from the applicable governing body associated with the repair (e.g., utility location services are completed and, if applicable, a permit is granted). A company must contact the appropriate authorities to request applicable utility location services and permits when the company determines that a repair situation requires construction work to correct. Upon receiving any repair report that requires construction work, a company must contact the appropriate authorities as soon as practicable to request utility location services and permits, if applicable.

(9) When a company plans a service interruption, it must make reasonable efforts to notify customers that it determines service will be affected not less than seven days in advance or, if seven days' notice is not possible, as soon as the interrupted service is planned. A notice is not required for planned service interruptions that have a duration of less than five minutes and occur between the hours of 12:00 a.m. and 5:00 a.m.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-440, filed 12/12/02, effective 7/1/03.]

WAC 480-120-450 Enhanced 9-1-1 (E911) obligations of local exchange companies. "Private branch exchange (PBX)" means customer premises equipment installed on the customer's premises that functions as a switch, permitting the customer to receive incoming calls, to dial any other telephone on the premises, to access a tie trunk leading to another PBX or to access an outside trunk to the public switched telephone network.

"Data base management system (DBMS)" means a data base used by local exchange companies (LECs) to provide automatic location information (ALI) to public safety answering points (PSAPs).

"Emergency location identification number (ELIN)" means a telephone number that is used to route the call to a PSAP and is used to retrieve the automatic location information (ALI) for a PSAP.

"Emergency response location (ERL)" means a location to which a 911 emergency response team may be dispatched.

(1) Local exchange companies (LECs) must provide enhanced 9-1-1 (E911) services including:

(a) For single line service, the ability for customers to dial 911 with the call and caller's ELIN transmitted to the E911 selective router serving the location associated with the ERL for that line;

(b) For multiline customers, the ability for customers to dial 911 with common signal protocols available which permit the call and caller's ELIN to be transmitted to the E911 selective router serving the location associated with the ERL for that line;

(c) For pay phones served by pay phone access lines (PALs) the ability for customers to dial 911 with the call and the ELIN transmitted to the E911 selective router serving the location of the ERL for that line. The ELIN must be that of the pay phone.

(2)(a) LECs that provide or make available E911 data base management, whether directly or through contract, must provide to all PBX owners or their agents (including LECs) a simple, internet-based method to maintain customer records in the E911 data base, and the LEC may provide an option of a secure dial up access method for the PBX owner or agent to maintain customer records in the E911 data base. The method must use a generally accepted national format for customer record information.

(b) LECs that provide or make available E911 data base management, whether directly or through contract, must provide or make available to all other LECs a simple, internet-based method to maintain customer records in the E911 data base for their non-PBX customers, and the LEC may provide an option of a secure dial up access or direct data link method for LECs to maintain customer records in the E911 data base. The LEC may offer methods for maintaining station location information that are not internet-based in addition to the required internet-based method.

(c) LECs that provide pay phone access lines must maintain customer record information, including ELIN and ERL information, for those access lines using a method required by (b) of this subsection. The LEC must forward the records to the data base manager within one business day of a record's posting to the company records system.

(d) For single line services, PBX main station lines, and pay phone lines, LECs must transmit updated location information records to the data base management system (DBMS) within one business day of those records being posted to the company record system.

The LEC must correct records that do not post to the DBMS because of address errors within two working days. If modifications are necessary to the audit tables of the master street address guide, the LEC must resubmit the record within one business day of notification that the master street address guide has been updated.

(e) The LEC or its agent administering the data base must resolve E911 data base errors and inquiries, including selective routing errors, reported by county E911 data base coordinators or PSAPs within five working days of receipt.

(3) LECs choosing to provide E911 services including selective routing, data base management and transmission of the call to a PSAP must file with the commission tariffs and supporting cost studies that specify the charges and terms for E911 services.

(4)(a) The LEC must permit PBX customers who choose to maintain their own E911 data base or contract that maintenance to a third party, if the customer maintains the data in a generally accepted national format for customer record information.

(b) PBX customers who choose to not use LEC data base management may transmit, or have a third-party transmit, customer record information to their LEC's national data service gateway at no additional charge.

[Statutory Authority: RCW 80.36.010, 80.36.110, 80.36.320, 80.36.330, 80.36.333, 80.36.338, 80.01.040 and 80.04.160. 07-08-027 (Docket UT-060676, General Order R-540), § 480-120-450, filed 3/27/07, effective 4/27/07. Statutory Authority: RCW 80.01.040 and 80.04.160. 05-03-031 (Docket No. UT 040015, General Order No. R-516), § 480-120-450, filed 1/10/05, effective 2/10/05; 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-450, filed 12/12/02, effective 7/1/03.]

WAC 480-120-451 Local exchange carrier contact number for use by public safety answering points (PSAPs). All local exchange carriers (LECs) must provide a telephone number, which may include a number for a paging device, that public safety answering points (PSAPs) may use to reach a company representative with questions related to the accuracy of station location records. LECs must accept calls to the provided number at all times. LECs that provide a number for the paging device must respond within three minutes of the page.

All LECs must provide an E911 data base maintenance contact who is available during business day hours to the county E911 data base coordinators in those counties in which they provide service.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-451, filed 12/12/02, effective 7/1/03.]

WAC 480-120-452 Reverse search by enhanced 9-1-1 (E911) public safety answering point (PSAP) of ALI/DMS data base—When permitted. (1) A public safety answering point (PSAP) may make a reverse search of information in the automatic location identification (ALI/DMS) data base when, in the judgment of the PSAP representative, an immediate response to the location of the caller or to the location of another telephone number reported by the caller is necessary because of an apparent emergency.

(2) Absent a judicial order, reverse search must not be used for criminal or legal investigations or other nonemergency purposes.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-452, filed 12/12/02, effective 7/1/03.]

WAC 480-120-540 Terminating access charges. (1)(a) Except for any universal service rate allowed pursuant to subsection (1)(b) of this section, the rates charged by a local exchange company for terminating access service offered by tariff must not exceed the lowest rate charged by the local exchange company for the comparable local interconnection service (in each exchange), such as end office switching or tandem switching. If a local exchange company does not provide local interconnection service (or does so under a bill and keep arrangement), the rates charged for terminating access must not exceed the cost of the terminating access service being provided.

(b) If a local exchange company is authorized by the commission to recover any costs for support of universal access to basic telecommunications service through access charges, it shall recover such costs as an additional, explicit universal service rate element applied to terminating access service.

(2) The rates charged by a local exchange company for terminating access services that are classified as competitive pursuant to RCW 80.36.320 or 80.36.330 must not exceed the rates charged by the incumbent local exchange company for terminating access service in the comparable geographic area. For purposes of this subsection, the rates charged by the incumbent local exchange company include any universal service rate charged pursuant to subsection (1)(b) of this section.

(3) The cost of the terminating access must be determined based on the total service long-run incremental cost of terminating access service plus a reasonable contribution to common or overhead costs. Local loop costs are considered "shared" or "joint" costs and must not be included in the cost of terminating access. However, nothing in this rule prohibits recovery of local loop costs through originating access charges (including switched, special, and dedicated as defined in subsection (4)(a) of this section).

(4) Definitions.

(a) "Access charge" means a rate charged by a local exchange company to an interexchange company for the origination, transport, or termination of a call to or from a customer of the local exchange company. Such origination, transport, and termination may be accomplished either through switched access service or through special or dedicated access service.

(b) "Terminating access service" includes transport only to the extent that the transport service is bundled to the end office or tandem switching service. Dedicated transport unbundled from switching services is not subject to subsection (1) of this section.

(c) "Bill and keep" (also known as "mutual traffic exchange" or "payment in kind") is a compensation mechanism where traffic is exchanged among companies on a reciprocal basis. Each company terminates the traffic originating from other companies in exchange for the right to terminate its traffic on that company's network.

(5) The requirement of subsection (1) of this section that any terminating rate be based on cost must not apply to any local exchange company that is a small business, or to any local exchange company that is competitively classified, if it concurs in the terminating rate of any local exchange company that has filed a terminating rate that complies with the requirements of subsection (1) of this section. For the purposes of this subsection, "small business" has the same meaning as it does in RCW 19.85.020.

(6) Any local exchange company that is required to lower its terminating access rates to comply with this rule may file tariffs or to increase or restructure its originating access charges. The commission will approve the revision as long as it is consistent with this rule, in the public interest and the net effect is not an increase in revenues.

[Statutory Authority: RCW 80.36.010, 80.36.110, 80.36.320, 80.36.330, 80.36.333, 80.36.338, 80.01.040 and 80.04.160. 07-08-027 (Docket UT-060676, General Order R-540), § 480-120-540, filed 3/27/07, effective 4/27/07. Statutory Authority: RCW 80.01.040 and 80.04.160. 05-03-031 (Docket No. UT 040015, General Order No. R-516), § 480-120-540, filed 1/10/05, effective 2/10/05. Statutory Authority: RCW 80.01.040, 80.04.160 and 80.36.140. 98-19-147 (Order R-450, Docket No. UT-970325), § 480-120-540, filed 9/23/98, effective 12/21/98.]

WAC 480-120-560 Collocation. (1) Definitions.

"CLEC" means a competing local exchange carrier that orders collocation from an ILEC.

"Collocation" means the ability of a CLEC to place equipment, including microwave equipment, within or upon an ILEC's premises.

"Deliver" or "delivery date" means the point when the ILEC turns the collocation space and related facilities over to the CLEC and the space and facilities are ready for service. Deliver or delivery includes, but is not necessarily limited to, providing the CLEC with access to the collocation space for collocation other than virtual collocation, as well as providing power, telephone service, and other services and facilities ordered by the CLEC for provisioning by the delivery date.

"ILEC" means an incumbent local exchange carrier that is required to provide collocation.

"ILEC premises" means an ILEC wire center, central office, or any other location owned and/or controlled by the ILEC at which interconnection with the ILEC's network or access to ILEC unbundled network elements is technically feasible.

"Points of interface (POI)" means the demarcation between the networks of an ILEC and a CLEC. The POI is the point where the exchange of traffic takes place.

(2) ILEC response to CLEC order for collocation. Within ten calendar days of receipt of an order for collocation, an ILEC must notify the CLEC whether sufficient space exists in the ILEC premises to accommodate the CLEC's collocation requirements. As part of that notification, the ILEC must also notify the CLEC of any circumstance that may delay delivery of the ordered collocation space and related facilities.

(3) Provisioning collocation. If the ILEC notifies a CLEC that sufficient space exists to accommodate the CLEC's order for collocation, the following procedures apply:

(a) Within twenty-five calendar days of receipt of the order, the ILEC must provide the CLEC with a written quote detailing the nonrecurring and recurring charges applicable to provisioning the ordered collocation. After providing the written quote and upon reasonable notice of a request by the CLEC, the ILEC must permit the CLEC at least one accompanied site visit to the designated collocation space without charge to the CLEC, to enable the CLEC to verify and inspect the space the ILEC offers for collocation. The CLEC's acceptance of the written quote and payment of one-half of the nonrecurring charges specified in the quote must be within seven calendar days and does not preclude the CLEC from later disputing the accuracy or reasonableness of those charges.

(b) If the ordered collocation space was included in a periodic forecast submitted by the CLEC to the ILEC at least three months in advance of the order, the ILEC must complete construction of, and deliver, the ordered collocation space and related facilities within forty-five calendar days after the CLEC's acceptance of the written quote and payment of one-half of the nonrecurring charges specified in the quote.

(c) If the ordered collocation space was not included in a periodic forecast submitted by the CLEC to the ILEC at least three months in advance of the order, the commission declines to apply the forty-five calendar day interval in (3)(b) and the national standards adopted by the FCC shall apply.

(d) Following any initial notification as required in section (2) above, the ILEC must notify the CLEC of any change in circumstances as soon as the ILEC is aware of those circumstances and must take all reasonable steps to avoid or minimize any delays caused by those circumstances, including but not limited to joint provisioning of collocation elements by the ILEC and CLEC, or sole construction by the CLEC, through a mutually acceptable third party contractor.

(e) If the ILEC fails to deliver the collocation space by the required delivery date, the ILEC must credit the CLEC in an amount equal to one-tenth of the total nonrecurring charge for the ordered collocation for each week beyond the required delivery date. Recurring charges will not begin to accrue for any element until the ILEC delivers that element to the CLEC. To the extent that a CLEC self-provisions any collocation element, the ILEC may not impose any charges for provisioning that element.

(f) The ILEC must provide periodic notices to the CLEC during construction of the CLEC's collocation space, including scheduled completion and delivery dates. At least thirty calendar days prior to the scheduled delivery date, the ILEC must provide the CLEC with sufficient information to enable the ILEC and the CLEC to establish firm Common Language Location Identifier (CLLI) codes and any other codes necessary to order interconnection and cross-connection circuits for the equipment the CLEC intends to collocate, and the ILEC must accept and process CLEC orders for such circuits. The ILEC must provision points of interface (POIs) and other circuits concurrent with delivery of the collocation space and related facilities, unless the CLEC agrees to a later date.

(g) The ILEC must conduct an inspection with the CLEC of the collocation space at least five business days prior to completion of construction of the collocation space. The ILEC must correct any deviations to the CLEC's original or jointly amended requirements after the inspection, at the ILEC's sole expense.

(h) Upon order of the CLEC and concurrent with delivery of the collocation space and related facilities, the ILEC must provide basic telephone service to the collocation space under the rates, terms, and conditions of the ILEC's current tariff offering for the service ordered. The ILEC must also provide CLEC employees, contractors, and representatives with reasonable access to basic facilities, such as restroom facilities and parking, while at the ILEC premises.

(4) Denial of order for collocation. If the ILEC notifies a CLEC that insufficient space exists to accommodate the CLEC's order for collocation, the following procedures apply:

(a) As part of its notification of lack of space, the ILEC must notify the CLEC if any space is available for collocation and, if so, how much space is available. The ILEC must also verify that the ILEC cannot reclaim space for collocation by consolidating or removing inactive or underutilized equipment.

(b) The ILEC must permit the CLEC to tour the ILEC premises within fourteen calendar days of the CLEC's written request.

(c) If the CLEC notifies the ILEC that it contests the denial of an order for collocation, the ILEC must, within twenty-five calendar days of the notification, file a petition asking the commission to determine that the space requested by the CLEC is not available. Upon request and execution of an appropriate confidentiality agreement, the ILEC must also provide a copy of the petition to the CLEC. The ILEC must prepare the petition at its sole expense, and the petition must include the following information:

(i) Central Office CLLI, where applicable;

(ii) Ordering CLEC, including the amount of space sought by the CLEC;

(iii) Written inventory of active, inactive, and underutilized equipment, including the signatures of ILEC personnel certifying the accuracy of the information provided;

(iv) Color-coded floor plans that identify office space work areas, provide spatial dimensions to calculate the square footage for each area, and locate inactive and underutilized equipment;

(v) Narrative of the central office floor space use;

(vi) Total amount of space occupied by interconnecting collocators for the sole purpose of interconnection;

(vii) Total amount of space occupied by third parties for purposes other than interconnection, and a narrative of the space use;

(viii) The number of central office employees employed and job titles;

(ix) Description of central office renovation/expansion plans and time frames for completion;

(x) Description of conversion of administrative, maintenance, equipment, and storage space plans and time frames for completion; and

(xi) Description of any internal policies for conversion of administrative, maintenance, equipment, and storage space in central offices.

(d) The commission will decide any petition filed under subsection (4)(c) through an expedited proceeding conducted in accordance with the relevant procedural requirements and time lines established in WAC 480-07-650. The ILEC bears the burden to prove to the commission that the ordered collocation is not practical for technical reasons or because of space limitations. The ILEC may be relieved of its obligation to provide collocation at a particular ILEC premises only to the extent expressly provided by commission order.

(e) Each ILEC must maintain a list of all of its central offices in Washington in which insufficient space exists to accommodate one or more types of collocation. The list must specify which types of collocation are unavailable in each office and whether the commission has approved the ILEC's denial of collocation in that office. The ILEC must post this list on its publicly accessible web site and provide a copy of the list to any CLEC upon request. The ILEC must update this list within ten business days of (i) denying a CLEC's order for collocation; (ii) the service date of any order from the commission approving or disapproving such a denial; (iii) providing notice to CLECs previously denied collocation that space has become available in a central office; or (iv) obtaining knowledge through any other means that space for one or more types of collocation is no longer available or has become available in a particular central office.

(f) Each ILEC must maintain for each central office a waiting list of all unfilled orders for collocation space and the date of each order. After an ILEC has announced that one or more types of collocation space are not available in an office, any CLEC may submit a letter of intent to order collocation space in lieu of a collocation order, and this letter of intent must be included on the waiting list. If space for collocation becomes available in any central office, the ILEC must inform all CLECs, that ordered collocation or submitted a letter of intent to order collocation, of the availability of that space and must provide each such CLEC with fifteen calendar days to renew its original collocation order. The ILEC must provision collocation to these CLECs on a first-come, first-served basis according to the dates on which each ordered collocation or submitted a letter of intent to collocate in that central office.

[Statutory Authority: RCW 80.36.010, 80.36.110, 80.36.320, 80.36.330, 80.36.333, 80.36.338, 80.01.040 and 80.04.160. 07-08-027 (Docket UT-060676, General Order R-540), § 480-120-560, filed 3/27/07, effective 4/27/07. Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-120-560, filed 11/24/03, effective 1/1/04; 00-24-047 (Order R-475, Docket No. UT-990582), § 480-120-560, filed 11/30/00, effective 12/31/00.]

PART X. ADOPTION BY REFERENCE

WAC 480-120-999 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) **American National Standards for Telecommunications -** "*Network Performance Parameters for Dedicated Digital Services - Specifications*" (ANSI T1.510-1999) is published by the American National Standards Institute (ANSI).

(a) The commission adopts the version in effect on December 29, 1999, and reaffirmed 2004.

(b) This publication is referenced in WAC 480-120-401 (Network performance standards).

(c) The American National Standards for Telecommunications "*Network Performance Parameters for Dedicated Digital Services - Specifications*" is a copyrighted document. Copies are available from ANSI in Washington, D.C. and from various third-party vendors.

(2) **The Institute of Electrical And Electronic Engineers (IEEE) Standard Telephone Loop Performance Characteristics** (ANSI/IEEE Std 820-1984) is published by the ANSI and the IEEE.

(a) The commission adopts the version in effect as published in 2005.

(b) This publication is referenced in WAC 480-120-401 (Network performance standards).

(c) *The IEEE Standard Telephone Loop Performance Characteristics* is a copyrighted document. Copies are available from ANSI and IEEE in Washington, D.C. and from various third-party vendors.

(3) **The National Electrical Safety Code** is published by the IEEE.

(a) The commission adopts the version in effect on January 1, 2002.

(b) This publication is referenced in WAC 480-120-402 (Safety).

(c) *The National Electrical Safety Code* is a copyrighted document. Copies are available from IEEE in Washington, D.C. and from various third-party vendors.

(4) **Title 47 Code of Federal Regulations,** cited as 47 CFR, is published by the United States Government Printing Office, except sections 64.2003 through 64.2009.

(a) The commission adopts the version in effect on October 1, 1998.

(b) This publication is referenced in WAC 480-120-359 (Accounting requirements for companies not classified as competitive) and WAC 480-120-349 (Retaining and preserving records and reports).

(c) Copies of Title 47 Code of Federal Regulations are available from the U.S. Government Online Bookstore, http://bookstore.gpo.gov/, and from various third-party vendors.

(5) Sections 64.2003 through 64.2009 of **Title 47 of the Code of Federal Regulations,** cited as 47 CFR §§ 64.2003 through 64.2009, are published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, 2008.

(b) This publication is referenced in WAC 480-120-202 (Customer Proprietary Network Information).

(c) Copies of Sections 64.2003 through 64.2009 of Title 47 of the Code of Federal Regulations are available from the U.S. Government Online Bookstore, http://bookstore.gpo.gov/, and from third-party vendors.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.-353. 09-01-171 (Docket A-081419, General Order R-554), § 480-120-999, filed 12/23/08, effective 1/23/09; 06-17-087 (Docket A-060475, General Order No. R-537), § 480-120-999, filed 8/14/06, effective 9/14/06; 05-21-022 (Docket No. A-050271, General Order No. R-521), § 480-120-999, filed 10/10/05, effective 11/10/05. Statutory Authority: RCW 80.01.040 and 80.04.160. 05-03-031 (Docket No. UT 040015, General Order No. R-516), § 480-120-999, filed 1/10/05, effective 2/10/05; 03-01-065 (Docket No. UT-990146, General Order No. R-507), § 480-120-999, filed 12/12/02, effective 7/1/03.]

Chapter 480-121 WAC

REGISTRATION AND COMPETITIVE CLASSIFICATION OF TELECOMMUNICATIONS COMPANIES

WAC

480-121-011 Application of rules.
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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-121-010 Filing of registration application, competitive classification petition, and price list. [Statutory Authority: RCW 80.01.040. 99-13-097 (Order R-464, Docket No. UT-980083), § 480-121-010, filed 6/15/99, effective 7/16/99. Statutory Authority: RCW 80.01.040. 85-20-002 (Order R-237, Cause No. U-85-43), § 480-121-010, filed 9/19/85.] Repealed by 02-11-080 (General Order No. R-499, Docket No. UT-991922), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-121-023 When a supplemental application is required. [Statutory Authority: RCW 80.01.040. 99-13-097 (Order R-464, Docket No. UT-980083), § 480-121-023, filed 6/15/99, effective 7/16/99.] Repealed by 02-11-080 (General Order No. R-499, Docket No. UT-991922), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-121-030 Additional information. [Statutory Authority: RCW 80.01.040. 99-13-097 (Order R-464, Docket No. UT-980083), § 480-121-030, filed 6/15/99, effective 7/16/99. Statutory Authority: RCW 80.01.040. 85-20-002 (Order R-237, Cause No. U-85-43), § 480-121-030, filed 9/19/85.] Repealed by 02-11-080 (General Order No. R-499, Docket No. UT-991922), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-121-050 Cancellations. [Statutory Authority: RCW 80.01.040. 99-13-097 (Order R-464, Docket No. UT-980083), § 480-121-050, filed 6/15/99, effective 7/16/99. Statutory Authority: RCW 80.01.040. 85-20-002 (Order R-237, Cause No. U-85-43), § 480-121-050, filed 9/19/85.] Repealed by 02-11-080 (General Order No. R-499, Docket No. UT-991922), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-121-070 Petition for competitive classification. [Statutory Authority: RCW 80.01.040. 99-13-097 (Order R-464, Docket No. UT-980083), § 480-121-070, filed 6/15/99, effective 7/16/99.] Repealed by 02-11-080 (General Order No. R-499, Docket No. UT-991922), filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040 and 80.04.160.

WAC 480-121-011 Application of rules. (1) The rules in this chapter apply to any telecommunications company that is subject to the jurisdiction of the commission as to rates and services under the provisions of RCW 80.01.040 and chapters 80.04 and 80.36 RCW.

(2) Any affected person may ask the commission to review the interpretation of these rules by a telecommunications company or customer by posing an informal complaint under WAC 480-07-910 (Informal complaints) or by filing a formal complaint under WAC 480-07-370 (Pleadings—General).

(3) 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 80.36.010, 80.36.110, 80.36.320, 80.36.330, 80.36.333, 80.36.338, 80.01.040 and 80.04.160. 07-08-027 (Docket UT-060676, General Order R-540), § 480-121-011, filed 3/27/07, effective 4/27/07. Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-121-011, filed 11/24/03, effective 1/1/04; 02-11-080 (General Order No. R-499, Docket No. UT-991922), § 480-121-011, filed 5/14/02, effective 6/17/02.]

WAC 480-121-015 Exemptions from rules in chapter 480-121 WAC. (1) The commission may grant an exemption from the provision of any rule in this chapter, if consistent with the public interest, with the purposes underlying regulation and with 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 480-07 WAC.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-121-015, filed 11/24/03, effective 1/1/04; 02-11-080 (General Order No. R-499, Docket No. UT-991922), § 480-121-015, filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040. 99-13-097 (Order R-464, Docket No. UT-980083), § 480-121-015, filed 6/15/99, effective 7/16/99.]

WAC 480-121-016 Additional requirements. (1) These rules do not relieve any telecommunications 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 telecommunications company in appropriate circumstances, consistent with the requirements of law.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-11-080 (General Order No. R-499, Docket No. UT-991922), § 480-121-016, filed 5/14/02, effective 6/17/02.]

WAC 480-121-017 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. 02-11-080 (General Order No. R-499, Docket No. UT-991922), § 480-121-017, filed 5/14/02, effective 6/17/02.]

WAC 480-121-018 Delivery of a filing. (1) The commission will accept application for registration as a telecommunications company and petition for competitive classification filings delivered in person, by mail, fax, or (when procedures are in place) electronic means. The commission will stamp a filing received on Saturdays, Sundays, and state holidays, or after 5:00 p.m., Pacific time, as received on the next business day.

(2) In person or by mail.

(a) In order to be deemed received on a given day, the commission records center must receive an original and two copies of the filing by 5:00 p.m., Pacific time.

(b) A filing delivered by mail must be free from all charges for postage. The commission records center will return any postage-due filing to the sender.

(3) Fax filing.

(a) The commission must receive an original and two copies of the filing the following business day.

(b) The commission will use the date and time the fax filing is received and printed at the records center as the official file date.

(c) The commission records center must receive a faxed filing in its entirety by 5:00 p.m., Pacific time, Monday through Friday, except on state holidays, to be considered received on that business day.

(4) Electronic filing.

(a) An electronic filing must conform to commission procedures for electronic filing.

(b) After accepting an electronic filing, the commission will return an electronic mail message noting the receipt date.

[Statutory Authority: RCW 80.36.010, 80.36.110, 80.36.320, 80.36.330, 80.36.333, 80.36.338, 80.01.040 and 80.04.160. 07-08-027 (Docket UT-060676, General Order R-540), § 480-121-018, filed 3/27/07, effective 4/27/07. Statutory Authority: RCW 80.01.040 and 80.04.160. 02-11-080 (General Order No. R-499, Docket No. UT-991922), § 480-121-018, filed 5/14/02, effective 6/17/02.]

WAC 480-121-020 Requirements for applications for registration and petitions for competitive classification. (1) Applications for registration and petitions for competitive classification must be in the form prescribed by the commission.

(2) Applications for registration:

(a) Must be filed with a petition for competitive classification unless applicant will not be subject to effective competition;

(b) Must comply with the rules set forth in chapters 480-80 and 480-120 WAC;

(c) Must be filed at the office of the commission in Olympia, Washington; and

(d) Will be assigned a docket number. All documents subsequently filed in the matter must bear that docket number.

(3) The commission may require, with or without hearing, that an applicant for registration clearly show:

(a) Adequate financial resources to provide the proposed service;

(b) Adequate technical competence to provide the proposed service; and

(c) Compliance with all applicable federal, state, and local telecommunications technical and business regulations.

(4) The commission may request that an applicant provide information regarding the applicant's regulatory performance in other states where it operates.

[Statutory Authority: RCW 80.36.010, 80.36.110, 80.36.320, 80.36.330, 80.36.333, 80.36.338, 80.01.040 and 80.04.160. 07-08-027 (Docket UT-060676, General Order R-540), § 480-121-020, filed 3/27/07, effective 4/27/07. Statutory Authority: RCW 80.01.040 and 80.04.160. 02-11-080 (General Order No. R-499, Docket No. UT-991922), § 480-121-020, filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040. 99-13-097 (Order R-464, Docket No. UT-980083), § 480-121-020, filed 6/15/99, effective 7/16/99. Statutory Authority: RCW 80.01.040. 85-20-002 (Order R-237, Cause No. U-85-43), § 480-121-020, filed 9/19/85.]

WAC 480-121-026 Rejecting a filing. The commission may reject any filing that does not comply with commission rules.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-11-080 (General Order No. R-499, Docket No. UT-991922), § 480-121-026, filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040. 99-13-097 (Order R-464, Docket No. UT-980083), § 480-121-026, filed 6/15/99, effective 7/16/99.]

WAC 480-121-040 Granting or denying petitions for registration. (1) The commission secretary may grant an application for registration without hearing when the application is on a form prescribed by the commission and contains the following:

(a) The name and address of the company;

(b) The name and address of its registered agent, if any;

(c) Name, address, and title of each officer or director;

(d) The most current balance sheet;

(e) The latest annual report, if any; and

(f) A description of the telecommunications services it offers or intends to offer.

(2) The commission may deny an application for registration if, after hearing, the commission finds that the application is not consistent with the public interest or that the applicant:

(a) Failed to provide the information required by RCW 80.36.350;

(b) Failed to provide the performance bond described in RCW 80.36.350 and WAC 480-120-127, if required;

(c) Does not possess adequate financial resources to provide the proposed service; or

(d) Does not possess adequate technical competency to provide the proposed service.

(3) The commission may deny an application for registration submitted by an alternate operator services company if, after hearing, the commission finds that the services or charges offered by the company are not consistent with the public convenience and advantage.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-11-080 (General Order No. R-499, Docket No. UT-991922), § 480-121-040, filed 5/14/02, effective 6/17/02; . Statutory Authority: RCW 80.01.040. 99-13-097 (Order R-464, Docket No. UT-980083), § 480-121-040, filed 6/15/99, effective 7/16/99. Statutory Authority: RCW 80.01.040 and chapter 80.36 RCW. 90-24-090 (Order R-332, Docket No. UT-900733), § 480-121-040, filed 12/5/90, effective 1/5/91. Statutory Authority: RCW 80.01.040. 85-20-002 (Order R-237, Cause No. U-85-43), § 480-121-040, filed 9/19/85.]

WAC 480-121-060 Revoking a registration. (1) The commission may revoke a registration, after notice and opportunity for a hearing, for good cause. Good cause includes, but is not limited to, failure to:

(a) File an annual report;

(b) Pay regulatory fees;

(c) Provide adequate service;

(d) Maintain the telecommunications company's current address and telephone number; or

(e) Comply with all applicable federal, state, and local telecommunications business and technical regulations.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-11-080 (General Order No. R-499, Docket No. UT-991922), § 480-121-060, filed 5/14/02, effective 6/17/02. Statutory Authority: RCW 80.01.040. 99-13-097 (Order R-464, Docket No. UT-980083), § 480-121-060, filed 6/15/99, effective 7/16/99.]

WAC 480-121-061 General requirements to classify a telecommunications company as competitive or to classify a service provided by a telecommunications company as competitive. (1) Initiation of classification proceedings. A telecommunications company requesting competitive classification must file a petition with the commission. The petition must state the effective date of the requested classification, which must be at least thirty days after the filing date. The commission may initiate a competitive classification proceeding on its own motion by order instituting investigation.

(2) Intervention. Any person desiring to participate in a competitive classification proceeding may petition to intervene as provided in WAC 480-07-355.

(3) Additional parties. In any competitive classification proceeding the commission may require all regulated telecommunications companies potentially affected by the proceeding to appear as parties to determine the proper classification of the affected companies.

(4) Burden of proof. In any competitive classification proceeding, the telecommunications company has the burden of demonstrating that the company or specific service(s) is subject to effective competition.

(5) Effective competition. Effective competition means that customers of the service(s) have reasonably available alternatives and that the company does not have a significant captive customer base for the service(s). The commission will consider the factors outlined in RCW 80.36.320 (1)(a) through (d) when determining whether a company is competitive.

(6) The competitive classification becomes effective on the stated effective date unless the commission suspends the proposed classification. If the commission suspends a proposed classification, it will enter a final order within six months from the date the petition was filed.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-121-061, filed 11/24/03, effective 1/1/04; 02-11-080 (General Order No. R-499, Docket No. UT-991922), § 480-121-061, filed 5/14/02, effective 6/17/02; 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 Requirements for filing a petition for competitive classification of a telecommunications service. A petition for competitive classification of a telecommunications service must, at a minimum, include:

(1) The name and address of the petitioning company;

(2) The name and telephone number of regulatory contact;

(3) A description of the services it offers;

(4) The names and addresses of any entities that would be classified as "affiliated interests" of the petitioner as defined in RCW 80.16.010; and

(5) A description of the service the petitioner proposes to classify as competitive. With respect to each service, the petitioner must provide the following information:

(a) A description of all functionally equivalent or substitute services in the relevant market;

(b) The names and addresses of all providers of the services known or reasonably knowable to the petitioner;

(c) The prices, terms, and conditions under which the services are offered by competitors to the extent known or reasonably knowable to the petitioner;

(d) A geographical description of the relevant market;

(e) An estimate of the petitioner's market share;

(f) A description of ease of entry into the market; and

(g) A statement of whether the petitioner has a significant captive customer base and the basis for any contention that it does not.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-11-080 (General Order No. R-499, Docket No. UT-991922), § 480-121-062, filed 5/14/02, effective 7/16/02; 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 Regulatory requirements that may be waived for competitively classified telecommunications companies. (1) The following regulatory requirements are waived for competitively classified companies:

(a) RCW 80.04.300 (Budgets to be filed by companies—Supplementary budgets);

(b) RCW 80.04.310 (Commission's control over expenditures);

(c) RCW 80.04.320 (Budget rules);

(d) RCW 80.04.330 (Effect of unauthorized expenditure—Emergencies);

(e) RCW 80.04.360 (Earnings in excess of reasonable rate—Consideration in fixing rates);

(f) RCW 80.04.460 (Investigation of accidents);

(g) RCW 80.04.520 (Approval of lease of utility facilities);

(h) RCW 80.36.100 (Tariff schedules to be filed and open to public);

(i) RCW 80.36.110 (Tariff changes—Statutory notice—Exception);

(j) Chapter 80.08 RCW (Securities) (except RCW 80.08.140, State not obligated);

(k) Chapter 80.12 RCW (Transfers of property);

(l) Chapter 80.16 RCW (Affiliated interests);

(m) WAC 480-80-101 Tariff requirements through WAC 480-80-143 Special contracts for gas, electric, and water companies;

(n) Chapter 480-140 WAC (Commission general—Budgets);

(o) Chapter 480-143 WAC (Commission general—Transfers of property);

(p) WAC 480-120-102 (Service offered);

(q) WAC 480-120-339 (Streamlined filing requirements for Class B telecommunications company rate increases);

(r) WAC 480-120-399 (Access charge and universal service reporting);

(s) WAC 480-120-344 (Expenditures for political or legislative activities);

(t) WAC 480-120-352 (Washington Exchange Carrier Association (WECA));

(u) WAC 480-120-369 (Transferring cash or assuming obligation);

(v) WAC 480-120-375 (Affiliated interests—Contracts or arrangements);

(w) WAC 480-120-389 (Securities report); and

(x) WAC 480-120-395 (Affiliated interest and subsidiary transactions report).

This rule supersedes all waivers of regulatory requirements for competitively classified companies granted by the commission at the time of a company's competitive classification. However, subsequent to the adoption of this rule, the commission may revoke the waiver of any regulatory requirement set forth in (a) through (x) of this subsection or may waive any regulatory requirement not included in (a) through (x) of this subsection.

(2) The commission may by order revoke waivers of regulatory requirements if it determines that revocation is necessary to protect the public interest.

(3) In addition, the commission may waive regulatory requirements for telecommunications companies that it has classified as competitive if it determines that competition with the regulatory waiver will serve the same purposes as public interest regulation.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. 06-17-087 (Docket A-060475, General Order No. R-537), § 480-121-063, filed 8/14/06, effective 9/14/06. RCW 80.01.040, 80.04.160 and 81.04.160. 05-17-026 (Docket No. A-021178 and TO-030288, General Order No. R-522), § 480-121-063, filed 8/5/05, effective 9/5/05. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-121-063, filed 2/28/05, effective 3/31/05; 03-22-046 (Docket No. A-030832, General Order No. R-509), § 480-121-063, filed 10/29/03, effective 11/29/03. Statutory Authority: RCW 80.01.040 and 80.04.160. 02-11-080 (General Order No. R-499, Docket No. UT-991922), § 480-121-063, filed 5/14/02, effective 6/17/02; 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 Reclassifying a competitive telecommunications company or service. After notice and hearing, the commission may reclassify any competitive telecommunications company or service if it determines that reclassification would protect the public interest. The telecommunications company must demonstrate that the existing competitive classification is proper and consistent with the public interest.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-11-080 (General Order No. R-499, Docket No. UT-991922), § 480-121-064, filed 5/14/02, effective 6/17/02; 01-09-002 (Docket No. U-991301, General Order No. R-481), § 480-121-064, filed 4/4/01, effective 5/5/01.]

WAC 480-121-065 Customer notice requirements—Petition for competitive classification of a service. (1) When a telecommunications company petitions for competitive classification of a telecommunications service(s), the company must provide notice to each affected customer at least thirty days before the requested effective date.

(2) Each customer notice must include, at a minimum:

(a) The date the notice is issued and the proposed effective date of the competitive classification;

(b) The company name and address;

(c) A clear explanation of the proposal to give customers the basis for understanding the proposal and the potential impact of the change. The company may satisfy this requirement with its own explanation or by using commission-developed language available from the commission's designated public affairs officer;

(d) A description of how customers may contact the company if they have specific questions or need additional information about the proposal; and

(e) Public involvement language. A company may choose from:

(i) Commission-suggested language that is available from the commission's designated public affairs officer; or

(ii) Company-developed language that must include the commission's mailing address, toll-free number, and docket number, if known, and a brief explanation of:

(A) How to participate in the commission's process by mailing or faxing a letter, or submitting an e-mail; and

(B) How to contact the commission for process questions or to be notified of the scheduled open meeting at which the proposal will be considered by the commission.

(3) Methods of notice permitted include a bill insert, bill message, printing on the billing envelope, a separate mailing to all affected customers or, if the company has the capability and the customer has authorized, by e-mail.

(4) Within ten days of making a filing requiring posting, publication, or customer notice, a company must file a declaration with the commission's records center that the required

notice has been posted, published, and/or mailed. The declaration must include:

(a) The methods used to post, publish, and/or give notice to customers;

(b) When the notice was first posted, published, and/or issued to customers;

(c) How many customers are affected; and

(d) A copy of the notice.

(5) A company may request assistance from the commission's designated public affairs officer with efforts to comply with this section.

(6) The commission may require notice to customers other than those described in this rule when the commission determines that additional customer education is needed.

[Statutory Authority: RCW 80.01.040 and 80.04.180. 02-11-081 (Docket No. U-991301, General Order No. R-498), § 480-121-065, filed 5/14/02, effective 6/17/02.]

Chapter 480-122 WAC

WASHINGTON TELEPHONE ASSISTANCE PROGRAM

WAC

480-122-010 Definitions.
480-122-020 Washington telephone assistance program rate.
480-122-050 Other charges.
480-122-080 Accounting.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-122-030 Connection fees. [Statutory Authority: RCW 80.01.040. 90-19-020 (Order R-328, Docket No. UT-900462), § 480-122-030, filed 9/11/90, effective 10/12/90; 87-20-043 (Order R-277, Cause No. U-87-1102-R), § 480-122-030, filed 10/1/87.] Repealed by 02-03-017 (Docket No. UT-003074, General Order No. R-492), filed 1/4/02, effective 2/28/02. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-122-040 Deposit waiver. [Statutory Authority: RCW 80.01.040. 87-20-043 (Order R-277, Cause No. U-87-1102-R), § 480-122-040, filed 10/1/87.] Repealed by 02-03-017 (Docket No. UT-003074, General Order No. R-492), filed 1/4/02, effective 2/28/02. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-122-060 Telephone assistance excise tax. [Statutory Authority: RCW 80.01.040 and 80.04.160. 02-03-017 (Docket No. UT-003074, General Order No. R-492), § 480-122-060, filed 1/4/02, effective 2/28/02. Statutory Authority: RCW 80.01.040. 92-20-031 (Docket No. UT 040015, General Order No. R-516) (Order R-377, Docket No. UT-920696), § 480-122-060, filed 9/28/92, effective 10/29/92; 90-19-020 (Order R-328, Docket No. UT-900462), § 480-122-060, filed 9/11/90, effective 10/12/90; 89-11-020 (Order R-300, Docket No. U-89-2754-R), § 480-122-060, filed 5/11/89; 87-20-043 (Order R-277, Cause No. U-87-1102-R), § 480-122-060, filed 10/1/87.] Repealed by 05-03-031 (Docket No. UT 040015, General Order No. R-516), filed 1/10/05, effective 2/10/05. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-122-070 Recovery of costs. [Statutory Authority: RCW 80.01.040. 98-18-106 (Order R-449, Docket No. UT-971664), § 480-122-070, filed 9/2/98, effective 10/3/98; 90-19-020 (Order R-328, Docket No. UT-900462), § 480-122-070, filed 9/11/90, effective 10/12/90; 87-20-043 (Order R-277, Cause No. U-87-1102-R), § 480-122-070, filed 10/1/87.] Repealed by 02-03-017 (Docket No. UT-003074, General Order No. R-492), filed 1/4/02, effective 2/28/02. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-122-090 Administration. [Statutory Authority: RCW 80.01.040. 90-19-020 (Order R-328, Docket No. UT-900462), § 480-122-090, filed 9/11/90, effective 10/12/90; 87-20-043 (Order R-277, Cause No. U-87-1102-R), § 480-122-090, filed 10/1/87.] Repealed by 02-03-017 (Docket No. UT-003074, General Order No. R-492), filed 1/4/02, effective 2/28/02. Statutory Authority: RCW 80.01.040 and 80.04.160.

WAC 480-122-010 Definitions. For purposes of this chapter:

(1) "Local exchange company" means a telecommunications company providing local exchange telecommunications service.

(2) "Department" means the department of social and health services.

(3) "Washington telephone assistance program" means the program of local exchange service discounts administered by the department.

(4) "Switched access line" means, for the purpose of applying the telephone assistance program excise tax, a communication facility extending from a serving central office to a customer's premises to provide access to and from the switched telecommunications network for message toll service and local calling. When used with PBX or Centrex-CU a switched access line may also be referred to as a trunk.

(5) Radio communications service company has the meaning found in RCW 80.04.010, except that for the purposes of this section it includes only those companies providing two-way voice communication as a common carrier.

(6) "Eligible telecommunications carrier" (ETC) means a carrier designated as an ETC pursuant to 47 U.S.C. 214(e).

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-03-017 (Docket No. UT-003074, General Order No. R-492), § 480-122-010, filed 1/4/02, effective 2/28/02. Statutory Authority: RCW 80.01.040. 90-19-020 (Order R-328, Docket No. UT-900462), § 480-122-010, filed 9/11/90, effective 10/12/90; 87-20-043 (Order R-277, Cause No. U-87-1102-R), § 480-122-010, filed 10/1/87.]

WAC 480-122-020 Washington telephone assistance program rate. The commission will set by order the telephone assistance rate to be paid by program participants for local service. Every eligible telecommunications company (ETC) must offer the telephone assistance rates and discounts in accordance with RCW 80.36.410 through 80.36.475.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 05-03-031 (Docket No. UT 040015, General Order No. R-516), § 480-122-020, filed 1/10/05, effective 2/10/05; 02-03-017 (Docket No. UT-003074, General Order No. R-492), § 480-122-020, filed 1/4/02, effective 2/28/02. Statutory Authority: RCW 80.01.040. 98-18-106 (Order R-449, Docket No. UT-971664), § 480-122-020, filed 9/2/98, effective 10/3/98; 90-19-020 (Order R-328, Docket No. UT-900462), § 480-122-020, filed 9/11/90, effective 10/12/90; 87-20-043 (Order R-277, Cause No. U-87-1102-R), § 480-122-020, filed 10/1/87.]

WAC 480-122-050 Other charges. No change of service charge shall be charged to an eligible subscriber for the establishment of service under the telephone assistance program.

[Statutory Authority: RCW 80.01.040. 90-19-020 (Order R-328, Docket No. UT-900462), § 480-122-050, filed 9/11/90, effective 10/12/90; 87-20-043 (Order R-277, Cause No. U-87-1102-R), § 480-122-050, filed 10/1/87.]

WAC 480-122-080 Accounting. Local exchange companies shall maintain their accounting records so that expenses associated with the telephone assistance program can be separately identified.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 02-03-017 (Docket No. UT-003074, General Order No. R-492), § 480-122-080, filed 1/4/02,

effective 2/28/02. Statutory Authority: RCW 80.01.040. 90-19-020 (Order R-328, Docket No. UT-900462), § 480-122-080, filed 9/11/90, effective 10/12/90; 87-20-043 (Order R-277, Cause No. U-87-1102-R), § 480-122-080, filed 10/1/87.]

Chapter 480-123 WAC
UNIVERSAL SERVICE

WAC

480-123-010 Federal universal service contracts.
480-123-020 Definitions.
480-123-030 Contents of petition for eligible telecommunications carriers.
480-123-040 Approval of petitions for eligible telecommunications carriers.
480-123-050 Revocation of eligible telecommunications carrier designation.
480-123-060 Annual certification of eligible telecommunications carriers.
480-123-070 Annual certifications and reports.
480-123-080 Annual plan for universal service support expenditures.
480-123-999 Adoption by reference.

WAC 480-123-010 Federal universal service contracts. For purposes of schools and libraries receiving federal universal service funding under 47 CFR, Part 54 of the Federal Communications Commission rules, the following discounts shall apply:

SCHOOLS AND LIBRARIES DISCOUNT MATRIX HOW DISADVANTAGED?	DISCOUNT LEVEL	
% of students eligible for national school lunch program	urban discount (%)	rural discount (%)
<1	20	25
1-19	40	50
20-34	50	60
35-49	60	70
50-74	80	80
75-100	90	90

[Statutory Authority: RCW 80.36.080, 80.01.040 and the United States Telecommunications Act of 1996, Section 254. 98-04-028 (Order R-448, Docket No. UT-970317), § 480-123-010, filed 1/28/98, effective 2/28/98.]

WAC 480-123-020 Definitions. As used in WAC 480-123-030 through 480-123-080:

"Applicant" means any person applying to an ETC for new service or reconnection of discontinued service.

"Eligible telecommunications carrier" and "ETC" mean a carrier designated by the commission as eligible to receive support from federal universal service mechanisms in exchange for providing services supported by federal universal service mechanisms.

"Facilities" means for the purpose of WAC 480-123-030 (1)(b) any physical components of the telecommunications network that are used in the transmission or routing of the services that are supported by federal universal service mechanisms.

".shp format" means the format used for creating and storing digital maps composed of shape files capable of being opened by the computer application ArcGIS™.

"Service outage" means a significant degradation in the ability of an end user to establish and maintain a channel of voice communications as a result of failure or degradation in the performance of a communications provider's network.

"Substantive" means sufficiently detailed and technically specific to permit the commission to evaluate whether federal universal service support has had, or will have, benefits for customers. For example, information about investments and expenses that will provide, increase, or maintain service quality, signal coverage, or network capacity, and information about the number of customers that benefit, and how they will benefit is sufficient to enable evaluation.

[Statutory Authority: RCW 80.01.040, 80.04.160, 80.36.600, and 80.36.-610. 06-14-051 (Docket No. UT-053021, General Order No. R-534), § 480-123-020, filed 6/28/06, effective 7/29/06.]

WAC 480-123-030 Contents of petition for eligible telecommunications carriers. (1) Petitions for designation as an ETC must contain:

(a) A description of the area or areas for which designation is sought;

(b) A statement that the carrier will offer the services supported by federal universal service support mechanisms throughout the area for which it seeks designation, either using its own facilities or a combination of its own facilities and resale of another carrier's services (including the services offered by another ETC);

(c) A description of how it will provide each supported service;

(d) A substantive plan of the investments to be made with initial federal support during the first two years in which support is received and a substantive description of how those expenditures will benefit customers;

(e) A statement that the carrier will advertise the availability of services supported by federal universal service mechanisms, including advertisement of applicable telephone assistance programs, such as Lifeline, that is reasonably calculated to reach low-income consumers not receiving discounts;

(f) For wireless petitioners, a map in .shp format of proposed service areas (exchanges) with existing and planned locations of cell sites and shading to indicate where the carrier provides and plans to provide commercial mobile radio service signals;

(g) Information that demonstrates its ability to remain functional in emergency situations including a description of how it complies with WAC 480-120-411 or, for a wireless carrier, information that demonstrates it has at least four hours of back up battery power at each cell site, back up generators at each microwave hub, and at least five hours back up battery power and back up generators at each switch; and

(h) Information that demonstrates that it will comply with the applicable consumer protection and service quality standards of chapter 480-120 WAC or, for a wireless carrier, a commitment to comply with the Cellular Telecommunications and Internet Association's (CTIA) Consumer Code for Wireless Service. Information regarding the version of the CTIA code adopted and where to obtain it is set forth in WAC 480-123-999.

(2) A company officer must submit the petition in the manner required by RCW 9A.72.085.

[Statutory Authority: RCW 80.01.040, 80.04.160, 80.36.600, and 80.36.-610. 06-14-051 (Docket No. UT-053021, General Order No. R-534), § 480-123-030, filed 6/28/06, effective 7/29/06.]

WAC 480-123-040 Approval of petitions for eligible telecommunications carriers. The commission will approve a petition for designation as an ETC if the petition meets the requirements of WAC 480-123-030, the designation will advance some or all of the purposes of universal service found in 47 U.S.C. § 254, and the designation is in the public interest.

[Statutory Authority: RCW 80.01.040, 80.04.160, 80.36.600, and 80.36.-610. 06-14-051 (Docket No. UT-053021, General Order No. R-534), § 480-123-040, filed 6/28/06, effective 7/29/06.]

WAC 480-123-050 Revocation of eligible telecommunications carrier designation. Subject to notice and an opportunity to be heard, the commission may decline to grant annual certification, and may revoke, suspend, or modify a designation granted previously if it determines that the ETC has failed to comply with the requirements of section 47 U.S.C. Sec. 214(e)(1) or any other conditions imposed by the commission.

[Statutory Authority: RCW 80.01.040, 80.04.160, 80.36.600, and 80.36.-610. 06-14-051 (Docket No. UT-053021, General Order No. R-534), § 480-123-050, filed 6/28/06, effective 7/29/06.]

WAC 480-123-060 Annual certification of eligible telecommunications carriers. (1) Each ETC seeking certification of the ETC's use of federal high-cost funds pursuant to 47 C.F.R. §§ 54.307, 54.313, or 54.314 must request certification by July 31 each year. The ETC must certify that it will use federal high-cost universal service fund support only for the provision, maintenance, and upgrading of the facilities and services for which the support is intended. The certification must be submitted by a company officer in the manner required by RCW 9A.72.085.

(2) The commission will certify an ETC's use of federal high-cost universal service fund support, pursuant to 47 C.F.R. §§ 54.307, 54.313, or 54.314 only if the ETC complies with the requirements in WAC 480-123-070, and the ETC demonstrates that it will use federal high-cost funds only for the provision, maintenance, and upgrading of facilities and services for which the support is intended through the requirements of WAC 480-123-080.

[Statutory Authority: RCW 80.01.040, 80.04.160, 80.36.600, and 80.36.-610. 06-14-051 (Docket No. UT-053021, General Order No. R-534), § 480-123-060, filed 6/28/06, effective 7/29/06.]

WAC 480-123-070 Annual certifications and reports. Not later than July 31 of each year, every ETC that receives federal support from any category in the federal high-cost fund must certify or report as described in this section. The certifications and reports are for activity related to Washington state in the period January 1 through December 31 of the previous year. A company officer must submit the certifications in the manner required by RCW 9A.72.085.

(1) **Report on use of federal funds and benefits to customers.**

(a) For an ETC that receives support based only on factors other than the ETC's investment and expenses, the report must provide a substantive description of investments made and expenses paid with support from the federal high-cost fund.

For ETCs that receive any support based on the ETC's investment and expenses, the report must provide a substantive description of investment and expenses, such as the NECA-1 report, the ETC will report as the basis for support from the federal high-cost fund.

(b) Every ETC must provide a substantive description of the benefits to consumers that resulted from the investments and expenses reported pursuant to (a) of this subsection.

(2) **Local service outage report.** ETCs not subject to WAC 480-120-412 and 480-120-439(5) are required to report local service outages pursuant to this subsection. The report must include detailed information on every local service outage thirty minutes or longer in duration experienced by the ETC. The report must include:

(a) The date and time of onset and duration of the outage;

(b) A brief description of the outage and its resolution;

(c) The particular services affected, including whether a public safety answering point (PSAP) was affected;

(d) The geographic areas affected by the outage;

(e) Steps taken to prevent a similar situation in the future; and

(f) The estimated number of customers affected.

(3) **Report on failure to provide service.** ETCs not subject to WAC 480-120-439 are required to report failures to provide service pursuant to this subsection. The report must include detailed information on the number of requests for service from applicants within its designated service areas that were unfulfilled for the reporting period. The ETC must also describe in detail how it attempted to provide service to those applicants.

(4) **Report on complaints per one thousand handsets or lines.** The report must provide separate totals for the number of complaints that the ETC's customers made to the Federal Communications Commission, or the consumer protection division of the office of the attorney general of Washington. The report must also generally describe the nature of the complaints and outcome of the carrier's efforts to resolve the complaints.

(5) **Certification of compliance with applicable service quality standards.** Certify that it met substantially the applicable service quality standard found in WAC 480-123-030 (1)(h).

(6) **Certification of ability to function in emergency situations.** Certify that it had the ability to function in emergency situations based on continued adherence to the standards found in WAC 480-123-030 (1)(g).

(7) **Advertising certification, including advertisement on Indian reservations.** Certify it has publicized the availability of its applicable telephone assistance programs, such as Lifeline, in a manner reasonably designed to reach those likely to qualify for service, including residents of federally recognized Indian reservations within the ETC's designated service area. Such publicity should include advertisements likely to reach those who are not current customers of the ETC within its designated service area.

[Statutory Authority: RCW 80.01.040, 80.04.160, 80.36.600, and 80.36.-610. 06-14-051 (Docket No. UT-053021, General Order No. R-534), § 480-123-070, filed 6/28/06, effective 7/29/06.]

WAC 480-123-080 Annual plan for universal service support expenditures. (1) Not later than July 31 of each year, every ETC that receives federal support from any category in the federal high-cost fund must report on:

(a) The planned use of federal support related to Washington state that will be received during the period October 1 of the current year through the following September; or

(b) The planned investment and expenses related to Washington state which the ETC expects to use as the basis to request federal support from any category in the federal high-cost fund.

(2) The report must include a substantive plan of the investments and expenditures to be made with federal support and a substantive description of how those investments and expenditures will benefit customers.

(3) As part of the filing required by this section to be submitted in 2007, and at least once every three years thereafter, a wireless ETC must submit a map in .shp format that shows the general location where it provides commercial mobile radio service signals.

[Statutory Authority: RCW 80.01.040, 80.04.160, 80.36.600, and 80.36.610. 06-14-051 (Docket No. UT-053021, General Order No. R-534), § 480-123-080, filed 6/28/06, effective 7/29/06.]

WAC 480-123-999 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 Cellular Telecommunications and Internet Association's (CTIA) Consumer Code for Wireless Service.

(2) The commission adopts the version in effect on February 5, 2007.

(3) This publication is referenced in WAC 480-123-030 (contents of petition for eligible telecommunications carriers).

(4) Copies of the CTIA Consumer Code for Wireless Service are available at http://www.ctia.org.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. 09-01-171 (Docket A-081419, General Order R-554), § 480-123-999, filed 12/23/08, effective 1/23/09. Statutory Authority: RCW 80.01.040, 80.04.160, 80.36.600, and 80.36.610. 06-14-051 (Docket No. UT-053021, General Order No. R-534), § 480-123-999, filed 6/28/06, effective 7/29/06.]

Chapter 480-140 WAC

COMMISSION GENERAL—BUDGETS

WAC

480-140-010 Definitions.
480-140-015 Exemptions from rules.
480-140-020 Who must file.
480-140-030 When to file.
480-140-040 What to file.
480-140-080 Confidentiality provision.
480-140-180 Additional information.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-140-050 Approval. [Order R-5, § 480-140-050, filed 6/6/69, effective 10/9/69.] Repealed by 99-23-065 (Order No. R-466, Docket No. A-990298), filed 11/15/99, effective 12/16/99. Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330.

480-140-060 Supplemental change. [Order R-5, § 480-140-060, filed 6/6/69, effective 10/9/69.] Repealed by 99-23-065 (Order No. R-466, Docket No. A-990298), filed 11/15/99, effective 12/16/99. Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330.

480-140-070 Emergency expenditures. [Order R-5, § 480-140-070, filed 6/6/69, effective 10/9/69.] Repealed by 99-23-065 (Order No. R-466, Docket No. A-990298), filed 11/15/99, effective 12/16/99. Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330.

480-140-090 Conformity of accounts. [Order R-5, § 480-140-090, filed 6/6/69, effective 10/9/69.] Repealed by 99-23-065 (Order No. R-466, Docket No. A-990298), filed 11/15/99, effective 12/16/99. Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330.

480-140-100 Donations. [Order R-5, § 480-140-100, filed 6/6/69, effective 10/9/69.] Repealed by 99-23-065 (Order No. R-466, Docket No. A-990298), filed 11/15/99, effective 12/16/99. Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330.

480-140-110 Dues. [Order R-5, § 480-140-110, filed 6/6/69, effective 10/9/69.] Repealed by 99-23-065 (Order No. R-466, Docket No. A-990298), filed 11/15/99, effective 12/16/99. Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330.

480-140-120 Wage scales. [Order R-5, § 480-140-120, filed 6/6/69, effective 10/9/69.] Repealed by 99-23-065 (Order No. R-466, Docket No. A-990298), filed 11/15/99, effective 12/16/99. Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330.

480-140-130 Tax expenditures. [Order R-5, § 480-140-130, filed 6/6/69, effective 10/9/69.] Repealed by 99-23-065 (Order No. R-466, Docket No. A-990298), filed 11/15/99, effective 12/16/99. Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330.

480-140-140 Affiliated interests. [Order R-5, § 480-140-140, filed 6/6/69, effective 10/9/69.] Repealed by 99-23-065 (Order No. R-466, Docket No. A-990298), filed 11/15/99, effective 12/16/99. Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330.

480-140-150 Advertising. [Order R-5, § 480-140-150, filed 6/6/69, effective 10/9/69.] Repealed by 99-23-065 (Order No. R-466, Docket No. A-990298), filed 11/15/99, effective 12/16/99. Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330.

480-140-160 Salaries. [Statutory Authority: RCW 80.01.040 and 80.04.320. 87-01-001 (Order R-269, Cause No. U-86-121), § 480-140-160, filed 12/5/86. Statutory Authority: RCW 80.01.040 and 80.04.300 through 80.04.330. 83-06-016 (Order R-195, Cause No. U-83-02), § 480-140-160, filed 2/23/83; Order R-5, § 480-140-160, filed 6/6/69, effective 10/9/69.] Repealed by 99-23-065 (Order No. R-466, Docket No. A-990298), filed 11/15/99, effective 12/16/99. Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330.

480-140-170 Operations covered. [Order R-5, § 480-140-170, filed 6/6/69, effective 10/9/69.] Repealed by 99-23-065 (Order No. R-466, Docket No. A-990298), filed 11/15/99, effective 12/16/99. Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330.

WAC 480-140-010 Definitions. Commission means Washington utilities and transportation commission.

Net utility plant in service means plant in service less accumulated depreciation and amortization.

Public service company means every gas company, electrical company, telecommunications company, and water company subject to regulation under the provisions of Title 80 RCW as to rates and service by the commission.

[Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330. 99-23-065 (Order No. R-466, Docket No. A-990298), § 480-

140-010, filed 11/15/99, effective 12/16/99; Order R-5, § 480-140-010, filed 6/6/69, effective 10/9/69.]

WAC 480-140-015 Exemptions from rules. (1) The commission may grant an exemption of any rule in this chapter, if consistent with the public interest, the purposes underlying regulation, and applicable statutes.

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

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

(4) The commission will enter an order granting or denying the request or setting it for hearing, pursuant to chapter 480-07 WAC.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-140-015, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330. 99-23-065 (Order No. R-466, Docket No. A-990298), § 480-140-015, filed 11/15/99, effective 12/16/99.]

WAC 480-140-020 Who must file. The following public service companies with annual gross operating revenues exceeding two hundred fifty thousand dollars must file budgets with the commission:

(1) Gas companies; and

(2) Electrical companies.

[Statutory Authority: RCW 80.01.040(4), 80.04.160, and 80.40.320. 06-01-011 (Docket Nos. UT-051261 and UW-051287, General Order No. R-525), § 480-140-020, filed 12/9/05, effective 1/9/06. Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330. 99-23-065 (Order No. R-466, Docket No. A-990298), § 480-140-020, filed 11/15/99, effective 12/16/99. Statutory Authority: RCW 80.01.040. 92-02-083 (Order R-363, Docket No. U-911075), § 480-140-020, filed 12/31/91, effective 1/31/92; 91-08-026 (Order R-341, Docket No. U-901099), § 480-140-020, filed 3/28/91, effective 4/28/91. Statutory Authority: RCW 80.01.040 and 80.04.320. 87-01-001 (Order R-269, Cause No. U-86-121), § 480-140-020, filed 12/5/86; Order R-5, § 480-140-020, filed 6/6/69, effective 10/9/69.]

WAC 480-140-030 When to file. The budget for the ensuing fiscal year must be filed with the commission within ten days after it is approved by the company, but no later than sixty days after the beginning of the company's fiscal year.

[Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330. 99-23-065 (Order No. R-466, Docket No. A-990298), § 480-140-030, filed 11/15/99, effective 12/16/99; Order R-5, § 480-140-030, filed 6/6/69, effective 10/9/69.]

WAC 480-140-040 What to file. Budgets, in a format selected by the reporting company, must show amounts needed for construction, operation and maintenance during the ensuing year. The reporting company must provide the information by industry (water, gas, electrical, and telecommunications) to the extent such information has been prepared. All major construction projects must be identified in the budget. Major construction projects will be determined as described below:

(1) For water, gas, and electrical companies, major projects include all projects where the Washington-allocated share of the total project is greater than five-tenths of one percent of the company's latest year-end Washington-allocated net utility plant in service, but does not include any project of less than three million dollars on a total project basis. This determination for companies providing combined industry services will be done on an industry-specific basis.

(2) For telecommunications companies, major projects include all construction projects where the intrastate Washington jurisdictional share is greater than one million dollars.

[Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330. 99-23-065 (Order No. R-466, Docket No. A-990298), § 480-140-040, filed 11/15/99, effective 12/16/99. Statutory Authority: RCW 80.01.-040. 92-02-083 (Order R-363, Docket No. U-911075), § 480-140-040, filed 12/31/91, effective 1/31/92; 91-08-026 (Order R-341, Docket No. U-901099), § 480-140-040, filed 3/28/91, effective 4/28/91. Statutory Authority: RCW 80.01.040 and 80.04.320. 87-01-001 (Order R-269, Cause No. U-86-121), § 480-140-040, filed 12/5/86. Statutory Authority: RCW 80.01.040 and 80.04.300 through 80.04.330. 83-06-016 (Order R-195, Cause No. U-83-02), § 480-140-040, filed 2/23/83; Order R-5, § 480-140-040, filed 6/6/69, effective 10/9/69.]

WAC 480-140-080 Confidentiality provision. The commission may, in its discretion, to the extent permitted by RCW 80.04.095 and chapter 42.17 RCW, upon the request of any public service company, withhold from publication, any portion of any budget designated as confidential pursuant to WAC 480-07-160.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-140-080, filed 11/24/03, effective 1/1/04. Statutory Authority: RCW 80.04.160, 80.01.040 and 80.04.300 through 80.04.330. 99-23-065 (Order No. R-466, Docket No. A-990298), § 480-140-080, filed 11/15/99, effective 12/16/99; Order R-43, § 480-140-080, filed 4/5/73 and 4/18/73; Order R-5, § 480-140-080, filed 6/6/69, effective 10/9/69.]

WAC 480-140-180 Additional information. The commission may, in its discretion, require any public service company to furnish information, data or detail as to any proposed expenditure.

[Order R-5, § 480-140-180, filed 6/6/69, effective 10/9/69.]

Chapter 480-143 WAC

COMMISSION GENERAL—TRANSFERS OF PROPERTY

WAC

480-143-100	Application of rules.
480-143-110	Filing.
480-143-120	Transfers of property.
480-143-130	Purchase of property.
480-143-140	General contents.
480-143-150	Statement required for nonpublic service company purchases.
480-143-160	Public hearing.
480-143-170	Application in the public interest.
480-143-180	Disposal and determination of necessary or useful property.
480-143-190	Annual filing of property transferred without authorization.
480-143-200	Certain telephone leases are exempt.
480-143-210	Transfer customer notice requirements.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-143-010	Sale, lease or assignment of property. [Order R-5, § 480-143-010, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-055 (Order R-461, Docket No. A-980084), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.
480-143-020	Purchase of property. [Order R-5, § 480-143-020, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-055 (Order R-461, Docket No. A-980084), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.
480-143-030	Statement required of a nonutility. [Order R-5, § 480-143-030, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-055 (Order R-461, Docket No. A-980084), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.
480-143-040	Public hearing. [Order R-5, § 480-143-040, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-055 (Order R-461, Docket No. A-980084), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.
480-143-050	Transaction must be consistent with public interest. [Order R-5, § 480-143-050, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-055 (Order R-461, Docket No. A-980084), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.
480-143-060	Definition of property not necessary or useful. [Order R-5, § 480-143-060, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-055 (Order R-461, Docket No. A-980084), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.
480-143-070	Annual filing of property disposed of without authorization. [Order R-5, § 480-143-070, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-055 (Order R-461, Docket No. A-980084), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.
480-143-080	Certain telephone utility leases exempt. [Order R-5, § 480-143-080, filed 6/6/69, effective 10/9/69.] Repealed by 99-08-055 (Order R-461, Docket No. A-980084), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.
480-143-990	Form of verification for application. [Order R-5, Form (codified as WAC 480-143-990), filed 6/6/69, effective 10/9/69.] Repealed by 99-08-055 (Order R-461, Docket No. A-980084), filed 4/1/99, effective 5/2/99. Statutory Authority: RCW 80.01.040 and 80.04.160.

WAC 480-143-100 Application of rules. The rules in this chapter apply to any public service company that meets the requirements for commission regulation or jurisdiction under RCW 80.04.010. The rules do not apply to a local exchange company that serves less than two percent of the access lines in the state of Washington.

The commission may waive or modify the application of any rule to a public service company upon written request or upon the commission's own motion, except when such provisions are fixed by statute. The waiver or modification must be approved by the commission in writing. Violations of these rules will be subject to the penalty provisions of chapter 80.04 RCW.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-055 (Order R-461, Docket No. A-980084), § 480-143-100, filed 4/1/99, effective 5/2/99.]

WAC 480-143-110 Filing. Any filing under this chapter must be made at the commission by mail or in person or as the commission otherwise may provide.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-055 (Order R-461, Docket No. A-980084), § 480-143-110, filed 4/1/99, effective 5/2/99.]

WAC 480-143-120 Transfers of property. A public service company may not complete a transfer of property necessary or useful to perform its public duties unless the company first applies for, and obtains, commission approval. Transfers include sale, lease, assignment of all or part of a public service company's property, and merger or consolidation of a public service company's property with another public service company. Certain telephone utility leases are exempt under WAC 480-143-200. Applications must describe transfers in detail and must include the public service company's current financial statements and copies of all transfer instruments.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-055 (Order R-461, Docket No. A-980084), § 480-143-120, filed 4/1/99, effective 5/2/99.]

WAC 480-143-130 Purchase of property. A public service company may not acquire any franchise, property, facility, capital stock, or bonds of another public service company unless it first applies for, and obtains, commission approval. Applications must describe the proposed acquisitions in detail and include the public service company's current financial statements and copies of all transfer instruments.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-055 (Order R-461, Docket No. A-980084), § 480-143-130, filed 4/1/99, effective 5/2/99.]

WAC 480-143-140 General contents. Applicants must state all facts that support each application. Each application must be dated and signed by the applicant, the applicant's authorized representative, or the applicant's attorney. Whoever signs the application must certify that the information it includes is true and correct to the best of the signer's information and belief under penalty of perjury as set forth in RCW 9A.72.085.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-055 (Order R-461, Docket No. A-980084), § 480-143-140, filed 4/1/99, effective 5/2/99.]

WAC 480-143-150 Statement required for nonpublic service company purchases. If a company other than a public service company proposes to acquire franchises, property, or facilities from a public service company, the commission may require a sworn statement from the purchaser that includes any resulting changes in rates, services, or equipment that may affect the public interest.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-055 (Order R-461, Docket No. A-980084), § 480-143-150, filed 4/1/99, effective 5/2/99.]

WAC 480-143-160 Public hearing. The commission will examine all applications for transfers and accompanying exhibits. The commission may set an application for hearing and require all parties to the transaction to appear and give testimony.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-055 (Order R-461, Docket No. A-980084), § 480-143-160, filed 4/1/99, effective 5/2/99.]

WAC 480-143-170 Application in the public interest. If, upon the examination of any application and accompanying exhibits, or upon a hearing concerning the same, the commission finds the proposed transaction is not consistent with the public interest, it shall deny the application.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-055 (Order R-461, Docket No. A-980084), § 480-143-170, filed 4/1/99, effective 5/2/99.]

WAC 480-143-180 Disposal and determination of necessary or useful property. A public service company must not dispose of any property necessary or useful to perform its public duties unless it first applies for, and obtains, written authority from the commission.

Necessary or useful includes all property except items that:

(1) Are substituted with or replaced by items of equal or greater value or usefulness;

(2) Are surplus and unneeded assets for which full value is received;

(3) Are obsolete; or

(4) Are excluded from the public service company's rate base by commission order, or otherwise.

The public service company must file an application for commission determination that the property is not necessary or useful, prior to disposing of such property, if the property to be disposed of has a market value that exceeds the greater of .1% of the public service company's rate base (for the applicable utility service) last established by commission order, or $20,000.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-055 (Order R-461, Docket No. A-980084), § 480-143-180, filed 4/1/99, effective 5/2/99.]

WAC 480-143-190 Annual filing of property transferred without authorization. Every public service company must file with the commission by March 1 of each year a detailed list of all items transferred without commission approval during the previous calendar year, except items whose fair market value is less than the greater of .01% of the public service company's last rate base (for the applicable utility service) established by commission order or two thousand dollars. The public service company must attach an affidavit by a responsible officer qualified to state that none of the items was necessary or useful to perform the public service company's public duties and that the public service company received fair market value for each item.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-055 (Order R-461, Docket No. A-980084), § 480-143-190, filed 4/1/99, effective 5/2/99.]

WAC 480-143-200 Certain telephone leases are exempt. A telephone utility may lease its properties to another telephone utility without prior commission approval if:

(1) The properties are not essential to the lessor's provision of telephone service;

(2) The properties are used to transmit interexchange messages between subscribers of different utilities;

(3) The lease expedites economical interexchange telephone service; and

(4) A copy of the lease agreement is kept in the lessor's office.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-055 (Order R-461, Docket No. A-980084), § 480-143-200, filed 4/1/99, effective 5/2/99.]

WAC 480-143-210 Transfer customer notice requirements. (1) Whenever a public service company files an application to merge or consolidate any of its franchises, property or facilities with any other company, it must provide notice to customers. This notice must be provided thirty days before the commission's open meeting date when the application is scheduled for action.

(2) A draft customer notice must be submitted to the commission for review at least one week prior to the public service company's planned printing date for distribution.

(3) The public service company must provide a final copy of the notice to the commission.

(4) Content of notice. The notice to customers must contain, at a minimum, the following:

COMPANY NAME
ADDRESS
PHONE NUMBER

DATE

IMPORTANT NOTICE

(Company Name) has asked the Washington Utilities and Transportation Commission for authorization to transfer ownership and operation of **(name of company being sold)** to **(name of company buying).** This transfer is contingent upon approval by the Washington Utilities and Transportation Commission.

(Give background information about the new owner, for example, how many years in business, etc.)

If you have questions about this request and how it will affect you, please call **(company name & office phone number).** If you have questions about the approval process, you may contact the Washington Utilities and Transportation Commission at the following address:

Secretary
Washington Utilities & Transportation Commission
P.O. Box 47250
Olympia, WA 98504-7250
1-800-562-6150 (toll-free)

If you would like to comment on this proposal, it is important for you to do so now. Comments must be submitted in writing or presented at the commission's open meeting to be considered as part of the formal record. The commission encourages your written comments, either in favor or opposition, regarding this proposal. All open meetings are held in Olympia, WA. If you would like to be added to the commission's mailing list to be notified of the open meeting date please call the toll-free number listed above and leave your name and complete mailing address.

Sincerely,
Company Name/Representative

(5) The commission may require additional notice to the public as it determines necessary.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 99-08-055 (Order R-461, Docket No. A-980084), § 480-143-210, filed 4/1/99, effective 5/2/99.]

Chapter 480-149 WAC
TARIFF CIRCULAR NO. 6

WAC

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480-149-190 Blank forms.
480-149-200 Waiver of rules.
480-149-210 Adoption of Interstate Commerce Commission regulations.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-149-070 Excursion service company and temporarily reduced one-way tariffs. [Statutory Authority: RCW 80.01.040. 84-15-023 (Order R-215, Cause No. TC-1786), § 480-149-070, filed 7/11/84; Order R-16, § 480-149-070, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.] Repealed by 90-22-031 (Order R-329, Docket No. T-900076), filed 10/31/90, effective 12/1/90. Statutory Authority: RCW 80.01.040.

480-149-080 Storage warehouse tariffs. [Order R-16, § 480-149-080, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.

480-149-090 Tariffs of "wharfingers or warehousemen." [Order R-16, § 480-149-090, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.] Repealed by 81-16-085 (Order R-168, Cause No. TSW-1510), filed 8/5/81. Statutory Authority: RCW 80.01.040 and chapter 43.21C RCW.

WAC 480-149-010 Form and size of tariffs. (1) All tariffs and supplements thereto must be in book, pamphlet or loose leaf form and printed or typed on hard calendered paper with not smaller than 8 point type, except that 6 point bold face type may be used for reference marks and except as provided in WAC 480-149-030 (1)(b).

(2) The size must be 8 by 11 inches or 8-1/2 by 11 inches except railroad local passenger tariffs which may be 4 by 9 inches.

(3) A margin of not less than five-eighths of an inch must be left for binding.

[Order R-16, § 480-149-010, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

WAC 480-149-020 Changes to be indicated. (1) All printed or typewritten tariffs and supplements must indicate all changes in rates, fares, charges, rules, regulations or classifications by use of the following symbols in connection with such changes:

or (R) to denote reductions

or (A) to denote increases

or (C) to denote changes in wording which result in neither reductions nor increases in charges.

(2) Explanations of all symbols used must be provided in the tariff or supplement in which used and the symbols designated in subsection (1) must not be used for any other purpose.

(3) When a change of the same character is made in all or in substantially all rates, fares or charges in a tariff or supplement or a page thereof, that fact and the nature of such changes may be indicated in distinctive type at the top of the title page of such issue or at the top of each page respectively in the following manner "All rates, fares or charges in this issue are increases," or "All rates, fares or charges on this page are reductions except as otherwise provided in connection with the rates, fares or charges." Under this paragraph of the rule a bold face dot, "•," must be used to symbolize a rate, fare or charge in which no change has been made. This symbol must not be used for any other purpose.

(4) When a tariff or supplement canceling a previous issue omits points of origin or destination, rates, fares, charges, rules, regulations or routes which were contained in such previous issue, the new tariff or supplement shall indicate the omissions and if such omissions effect changes in charges or services that fact shall be indicated by the use of the uniform symbols prescribed in subsection (1) of this rule.

[Order R-16, § 480-149-020, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

WAC 480-149-030 Title page to all tariffs. (1) The title page of every tariff or supplement must show not less than thirty days' notice, or bear plain notation to the number and date of the permission or rule or decision of the commission under which it is effective on less than such statutory notice. The title page of every tariff, and the title page of every supplement shall show at least the following:

(a) Name of company issuing tariff and the number of its certificate, permit or license, if any, as the case may be; or name of bureau or agency filing tariff under powers of attorney.

(b) An identifying tariff number; also supplement number if the filing is a supplement. If tariffs or supplements are canceled thereby the numbers of such tariffs or supplements shall be named. If the number of canceled publications is so large as to render it impracticable to thus enter them on the title page they must be shown immediately following the table of contents provided specific reference thereto is entered on title page directly under the tariff or supplement number.

(c) Type of service covered by the tariff.

(d) The territory from and to which the tariff or supplement applies or location of dock or warehouse.

(e) On tariffs which have interstate application, a clear statement indicating the Washington intrastate application or nonapplication of the tariff, or reference to a page or item where such statement will be found.

(f) Reference by name and number to the classification, exceptions thereto and rules circulars, if any, governing the tariff or supplement. In the alternative reference may be shown on the title page to an item or page of the tariff where governing publications are named. A tariff is not governed by a classification, classification exceptions or rules circular except when and to what extent stated on or in the tariff.

(g) Date of issue and date effective. When a tariff or supplement is made to expire on a given date the term "Expires on __(date)__ unless sooner canceled, changed or extended," must be used.

(h) On every tariff or supplement in which the rates, fares, charges, rules or regulations are made effective on less than statutory notice the notation "Issued on less than statutory notice under authority of __(show authority)__" must be shown.

(i) Name, title and street address of tariff publishing officer by whom the tariff or supplement is issued.

[Order R-16, § 480-149-030, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

WAC 480-149-040 General rules. (1) When a tariff or item in a tariff gives reference to another tariff, full number reference to such tariff must be given unless otherwise specifically authorized by the commission.

(2) If a tariff carries joint rates or rates applying over more than one road, local routing and junctions must be given.

(3) All basing or proportional rates must clearly specify the extent and manner of their use.

(4)(a) All tariffs of transportation companies, except water transportation companies, must carry a rule providing for intermediate application which must apply except where a waiver of the long and short haul statute (RCW 81.28.200) is specifically authorized by the commission.

(b) When the commission has issued an order granting to a carrier authority to depart from the provisions of the "long and short haul statute," each tariff or supplement issued and filed under such authority must bear a notation to the following effect:

(i) "This tariff (or supplement) contains rates that are higher for shorter than longer distances over the same route. Such departure from the terms of RCW 81.28.200, is permitted by authority of W.U.T.C. order (or orders), as indicated in individual items of this tariff (or supplement)."

(5) All tariffs of transportation companies shall contain a clause protecting the combination of local rates where such combinations are lower than the through tariff rates, and shall authorize the application of such lower rates.

[Order R-16, § 480-149-040, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

WAC 480-149-050 Freight tariffs. Freight tariffs shall contain:

(1) Table of contents (unless otherwise specifically authorized by the commission). A full and complete statement in alphabetical order of the exact location where information under general headings, by subjects, will be found, specifying page or item numbers. If a tariff contains so small a volume of matter that it plainly discloses its contents, the table of contents may be omitted.

(2) A list, alphabetically arranged, of the names of all carriers participating in the tariff. If there be not more than 10 participating carriers, their names may be shown on the title page. Each carrier or agent which issues a joint tariff shall file with the commission an informal list or schedule of powers of attorney or concurrences; or in the alternative may show the powers of attorney or concurrence numbers in connection with the list of participating carriers in the tariff.

(3) A complete index alphabetically arranged of all articles upon which commodity rates or exceptions to the governing classification are named together with reference to each item or page where such article is shown. If all of the commodity rates to each destination in a general commodity or a combined class and commodity tariff are arranged in alphabetical order by commodities, the index of commodities may be omitted from the tariff.

(4) An alphabetical index of all points from which rates apply and a separate alphabetical index of all points to which all rates apply except where all or substantially all rates apply in both directions the points of origin and destination may be shown in one index. Such index or indexes must show the item, page or index numbers from or to which rates apply. If there be not more than 12 points of origin or 12 points of destination, the name of each if practicable may be shown on the title page. If the points of origin or of destination are shown alphabetically arranged or are shown by groups alphabetically arranged, no index is required.

(5) List of exceptions, if any, to the classification, or reference to a classification exception tariff or tariffs governing the tariff.

(6) Such explanatory statements in clear and explicit terms regarding the rates and rules contained in the tariff may be necessary to remove all doubt as to their proper application.

(7) Rules and regulations which govern the tariff in clear and explicit terms, setting forth all privileges and services covered by the rates. A special rule applying to a particular rate shall be shown in connection with, and on the same page with, such rates. Where it is not desirable or practicable to include the governing rules and regulations in the rate tariff, such rules and regulations may be separately published in tariffs filed by an individual carrier or by an agent, providing that reference is made to such tariffs on the title page.

(8)(a) An explicit statement of the rates, in cents or in dollars and cents per pound, per 100 pounds, per barrel or other package, per ton, or per car, or other unit, together with the names or designations of the places from and to which they apply, all arranged in a simple and systematic manner. Minimum carload weights or other units must be specifically stated. Tariffs containing rates per ton must specify what constitutes a ton thereunder. A ton of 2,000 pounds must be specified as "net ton" or "ton of 2,000 pounds." A ton of 2,240 pounds must be specified as "gross ton" or "long ton" or a "ton of 2,240 pounds." A ton measurement must be specified as "ton of 40 cubic feet." Complicated or ambiguous terms must be avoided. Insofar as possible such rates should be assigned an identifying number to facilitate reference thereto.

If all rates are stated in the same unit that fact may be indicated on the title page immediately in connection with the application of the tariff.

(b) When articles are made subject to percentages of class rates the rates applicable under such provisions must be shown in the class tariffs just as if those percentages were additional numbered or lettered classes, or reference may be made to an appropriate table published in the tariff containing the class rates. Unless this is done specific commodity rates must be published.

(c) A commodity item may provide rates on a number of items by the use of generic heading without naming such articles, providing such commodity item contains reference to an item in the tariff which contains a complete list of such articles, or contains reference to the number of a separate tariff containing such a list of articles. Such reference to a separate item or tariff may not be made unless a definite and complete list of the articles under the same generic heading is shown in the item, tariff or classification so referred to.

(9) The different routes via which rate applies must be shown. When a tariff specifies routing, the rates may not be applied via routes not specified.

(10) Explanation of symbols, reference marks and technical abbreviations used in the tariff, except that the explanation of a reference mark or symbol used only in connection with particular items or rates shall be shown on the page on which it is used.

(11) The above rules are in addition to the general rules of this circular insofar as they apply to freight operations.

[Order R-16, § 480-149-050, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

WAC 480-149-060 Passenger tariffs. Passenger tariffs shall contain:

(1) Rules and regulations which govern the tariff, in clear and explicit terms, setting forth all privileges, stopovers, extension of time limit, restrictions outlines in certificate, children's fares, baggage rules, excess baggage rates, etc., and the following provision with regard to the refund for unused and partly used tickets:

(a) "Unused tickets will be redeemed at the purchase price. Unused portions of round trip or commutation tickets will be redeemed by charging the regular fare or fares for the portion or portions used and refunding the balance of the purchase price."

(2) Tariffs, except those of water transportation companies must contain a rule with reference to fares applicable to intermediate points not specifically named in such tariff. This rule shall read substantially as follows: "Fares from or to intermediate points not named herein will be the same as the fares from or to the next more distant point named."

(3) Adult fares, definitely and specifically stated, in cents, or in dollars and cents, per passenger, together with the names of the stations or stopping places from and to which they apply, arranged in a simple and systematic manner. The tariff shall clearly indicate whether fares apply "one way" or "round trip."

(4) Where fares to or from a named point include stops beyond the regular terminal, or where no regular terminal is maintained, the tariff shall define the zone within which fares to or from such named point apply.

(5) Commutation fares, if any.

(6) The different routes via which fares apply. When a tariff specifies routing, the fares may not be applied via a route not specified.

(7) Full explanation of reference marks and technical abbreviations used in the tariff.

(8) The above rules are in addition to the general rules of this circular insofar as they apply to passenger operations.

[Statutory Authority: RCW 80.01.040. 90-22-031 (Order R-329, Docket No. T-900076), § 480-149-060, filed 10/31/90, effective 12/1/90; 84-15-023 (Order R-215, Cause No. TC-1786), § 480-149-060, filed 7/11/84; Order R-16, § 480-149-060, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

WAC 480-149-100 Transfer of rates or fares from one tariff to another. (1) If a tariff or supplement to a tariff or a revised page is issued which is to displace a part of another tariff which is in force at the time and which tariff is not thereby canceled in full, it shall specifically state the portion of such other tariff or such other supplement or revised page which is thereby canceled, and such other tariff shall at the same time be correspondingly amended, effective on the same date. Such reissue, supplement or revised page must state where rates or fares will thereafter be found and must be filed at the same time and in connection with the tariff, supplement or revised page which contains the new rates or fares.

(2) When a tariff is canceled by the issuance of another tariff to take its place, cancellation notice must be given by notice in the new tariff as provided in WAC 480-149-030 (1)(b).

(3) An agent who acts under authority of power of attorney is fully authorized to act for the principals that have named him their agent and attorney, and therefore when an agent publishes rates or fares in his tariffs which are to displace the rates or fares in his principal's tariff, the agent must cancel the rates or fares in his principal's tariffs as per subsection (1) of this rule.

(4) A carrier must not publish in its individual tariff rates or fares which are to displace the rates or fares published in a tariff of a duly authorized agent unless the tariff is accompanied by a supplement issued by the agent canceling the rates or fares in his tariff effective on the same date, as per subsection (1) of this rule.

(5) When a tariff is canceled in whole or in part by a supplement thereto, the supplement must show where the rates or fares will thereafter be found or what rates or fares will thereafter apply. When a tariff is canceled by another tariff which does not contain all the rates or fares shown in the tariff to be canceled, the canceling tariff must show where rates or fares not shown therein will thereafter be found or what rates or fares will thereafter apply.

(6) When portions of a tariff or of a supplement to a tariff, are designated as items they must be given numbers; and the cancellation of an item by supplement must be under the same item number with a letter suffix in alphabetical sequence. If an item or any part thereof is transferred to another item of different number in the same tariff, the cancellation must be carried under the original item number and must show in what item or items the effective rates or fares are to be found. If an item is withdrawn in its entirety or

expires by its own terms, leaving no rates or fares or provisions in effect in that item, the cancellation or expiration must be brought forward in subsequent supplements as a reissued item. When withdrawing a rule or item designated by an item number, the canceled matter need not be reproduced in connection with the item effecting the cancellation, except to the extent necessary to identify the item.

[Order R-16, § 480-149-100, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

WAC 480-149-110 Amendments and supplements. (1) A change in or addition to a tariff shall be known as an amendment, and excepting amendments to tariffs of less than three pages, and amendments to tariffs in loose-leaf form, shall be published in a supplement to the tariff.

(2) No supplement shall be issued on tariffs containing less than three pages or to tariffs in loose-leaf form except for the purpose of canceling the tariff or unless specifically authorized by the commission.

(3) Tariffs issued in loose-leaf form can only be amended by issuing revised pages to the tariff except as provided in subsection (2) of this rule. A revised page must carry the same page number as is carried by the page which it cancels. For example, 1st revised page 1 cancels original page 1.

(4) When a participating party is eliminated by supplement or revised page, such supplement or revised page must also provide for cancellation of rates or fares in connection with that party.

(5)(a) Supplements to a tariff shall be numbered consecutively. Each supplement shall specify on its title page the supplement or supplements or tariffs which it cancels and shall also show what supplements contain actual changes from the rates, fares, rules or regulations in the original tariff.

(b) Purely intrastate supplements to a tariff having interstate application may be assigned the number of the last interstate supplement with capital letters of the alphabet (used consecutively) added, such as "23A," except that if any intrastate supplements are issued prior to Supplement No. 1, such intrastate supplements will be identified with capital letters of the alphabet used consecutively, such as "A," "B," etc.

(6) Except as provided in subsections (9), (10) and (11) of this rule, the following is the number of effective supplements permitted to any tariff:

2 pages and less	No supplements.
3 to 16 pages, inclusive	1 supplement.
17 to 80 pages, inclusive	2 supplements, and 1 additional supplement of not to exceed 4 pages.
81 to 200 pages, inclusive	3 supplements, and 1 additional supplement of not to exceed 4 pages.
201 pages and more	4 supplements and 1 additional supplement of not to exceed 4 pages.

In addition to the above, not to exceed 2 purely intrastate supplements may be in effect to tariffs which have interstate application.

In connection with the number of supplements issued as exceptions to the rule, reference marks must be used and explained on title pages to indicate the nature of the supplements filed under such authority. The reference marks and explanations must also be shown on every subsequent supplement showing that such supplements are still effective. The term "cancels conflicting portions" must not be used but cancellations must be specific.

(7) Every publication which contains rates, fares, rules, or regulations effective upon a date different from the general effective date of such publication must show on its title page the following notation:

"Effective . . . . . , 19. . . (except as otherwise provided herein)" or "except as provided in (item or page)."

(8) Matter brought forward without change from one supplement to another must be designated "reissued" and must show the number of the supplement from which it was reissued.

(9) When the name of a company is changed, or when its operating control is transferred to another, the company which will thereafter operate the properties shall file and post new tariffs in the name of the new company; except that where the company name remains unchanged or where tariffs consist of 5 or more pages, or where three or more tariffs are involved, or where there are powers of attorney or concurrences outstanding, an adoption notice, given a "tariff" number may be filed, reading as follows:

Tariff No. . . . . .

. . . . . .
(Insert here name of new company)

ADOPTION OF TARIFFS, CONCURRENCES, DIVISIONS, ETC.
OF THE

. . . . . .
(Insert here name of old company)

BY THE

. . . . . .
(Insert here name of new company)

The. . . . . hereby adopts,
(Name of new company)

ratifies, and makes its own, in every respect as if the same had been originally filed and posted by it, all tariffs, rules, notices, concurrences, traffic agreements, divisions, authorities, powers of attorney, or other instruments whatsoever, filed with the Washington Utilities and Transportation Commission by the

. . . . . .
(Insert here name of old company)

prior to ..... the beginning of its possession. By this tariff it also adopts and ratifies all supplements or amendments to any of the above tariffs, etc., which it has heretofore filed with said Commission.

ISSUED: . . . . . .
(Insert date here)

EFFECTIVE: . . . . . .
(Insert date here)

ISSUED BY: . . . . . .
(Insert here name of traffic official)

. . . . . .
(Insert here address)

In addition to the above adoption notice the new company shall immediately file a supplement to each of the tariffs covered by the adoption notice, reading as follows:

Effective (here insert date shown in the adoption notice) this tariff, or as amended, became the tariff of the (Name of new company) as per its adoption notice No. . . . . .

Such supplements issued under authority of this rule must contain no other matter, must bear reference to this rule and must be designated by a reference mark as provided in subsection (6) of this rule.

Similar adoption notice must immediately be filed by a receiver, when he assumes possession and control of a company.

Except where concurrences and powers of attorney are filed with the Interstate Commerce Commission, concurrences and powers of attorney adopted by a company or receiver must within one hundred twenty days be replaced and superseded by new concurrences and powers of attorney issued and numbered in the series of the new company or receiver. Concurrences and powers of attorney which will not be replaced by new issues must be regularly revoked on the notice and in the manner prescribed in WAC 480-149-150.

(10)(a) Upon receipt of an order of suspension of any tariff publication or portion thereof, the carrier or agent who filed such publication shall immediately file with the commission a supplement, not bearing any effective date, which shall contain a reproduction of the pertinent portions of the commission's order of suspension (including the paragraph prohibiting changes in the suspended matter), followed by a statement that by reason of the commission's order (i) the use and application of the suspended publication or portion thereof (which must be identified with certainty) is either indefinitely deferred or deferred for the . . . . . period prescribed in the commission's suspension order and (ii) the schedules which were to be changed by the suspended publication (which schedules must be identified with certainty) will remain in effect and will not be changed so long as effectiveness of the suspended matter is deferred (if deferred only for the term of the commission's order the date must be specified), except by order or special permission of the commission.

(b) If the responsible carrier or publishing agent has elected to file a supplement deferring the suspended matter only for the period prescribed by the commission's order, and if prior to the expiration of that order the commission formally or informally requests that a further deferment be made, the carrier or publishing agent may, on the authority of this permission, issue a supplement effecting such further deferment. Also, after the expiration of the period prescribed by the commission's order, the carrier or publishing agent may, when requested by the commission and on the authority of this permission, issue a supplement further postponing the effective date of the suspended matter. Supplements issued should be filed on statutory notice if practicable and otherwise on shorter notice, but the notice shall be as long as time will reasonably permit and in no event less than one day. Where the effectiveness of matter originally suspended by the commission has been voluntarily postponed, beyond the term of the commission's order, no change may be made during the period of such voluntary postponement in the tariff matter which was originally held in force by the commission's suspension order, except by order or special permission of the commission.

(c) When the commission suspends an entire supplement to a tariff, or portions of a tariff or of a supplement to a tariff, the commission's rule as to the volume of supplemental matter which the effective supplements in the aggregate may contain is not waived, except that a supplement containing suspended matter will not be counted against the number of effective supplements, or the volume of supplemental matter permitted to such tariff under WAC 480-149-110(6) provided all matter in such supplement, except the suspended portions thereof, are reissued in or specifically canceled by a subsequent supplement.

(d) When a tariff, any portion of which is under suspension, is canceled the new tariff may either:

(i) Cancel the previous tariff "except portions under suspension in Cause No. . . . . , viz. (Identifying the suspended portion by item and page number)," or

(ii) Cancel the previous tariff entirely and bring forward without change the matter held in force by the order of suspension, followed immediately by the matter under suspension. The matter held in force by the order of suspension must be identified as such and shown as expiring with the date to which the suspended matter has been postponed. The suspended matter immediately following must likewise be identified as such and shown as effective on the day following the expiration of the matter held in force by the order of suspension. When the effective date of suspended matter has been indefinitely deferred the new tariff must state that fact by appropriate language.

(iii) When a supplement which is suspended in part is reissued, such reissue shall cancel the supplement containing the suspended matter except portions under suspension in Cause No. . . . . .

(e) A suspended rate, charge, classification, regulation, or practice may not be changed or withdrawn except by order or special permission of the commission, nor may any change be made in a rate, charge, classification, rule, regulation, or practice which is contained in effect as a result of such suspension except under order or special permission of the commission.

(f) When the commission vacates an order of suspension as of a date earlier than the date to which suspended, or when the responsible carrier or agent has deferred the effective date of the suspended matter under authority of this permission and the commission, after the expiration of its order of suspension, finds the suspended matter justified, the responsible carrier or agent may file with the commission on one day's notice, unless otherwise directed by the commission, a supplement stating the date upon which the suspended matter will become effective.

(g) Every suspension, vacating and cancellation supplement issued under authority of this rule must bear on its title

page the following notation: "Issued under authority of WAC 480-149-110(10). Tariff Circular 6, and in compliance with Order No. . . . . of the Washington Utilities and Transportation Commission of _(date)_."

Such supplements will not be counted against the number of effective supplements permitted under subsection (6) of this rule. All such supplements must be given the same general distribution as the tariff or supplement affected.

(11) Except as to loose-leaf tariffs and tariffs containing less than three pages one additional supplement may be issued to any tariff in excess of the number allowed by WAC 480-149-110(6) for the purpose of establishing rates, fares, classifications, rules, or regulations in compliance with a decision or order of the commission in a formal case. Only one such supplement may be in effect at any one time and it shall bear on its title page the following notation in addition to showing reference to the opinion or order:

"This supplement is issued under authority of WAC 480-149-110(11) of Tariff Circular 6 and will be included in and canceled by the next regular supplement filed to this tariff."

[Order R-16, § 480-149-110, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

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

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

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

(b) Providing for the movement of circuses.

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

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

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

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

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

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

[Statutory Authority: RCW 80.01.040. 94-14-012 (Order R-418, Docket No. TV-940147) § 480-149-120, filed 6/23/94, effective 7/24/94; 93-24-103 (Order R-400, Docket No. A-930517), § 480-149-120, filed 12/1/93, effective 1/1/94; 90-22-031 (Order R-329, Docket No. T-900076), § 480-149-120, filed 10/31/90, effective 12/1/90; 88-08-047 (Order R-285, Cause No. TG-2146), § 480-149-120, filed 4/4/88; 88-01-115 (Order R-283, Cause No. T-2118), § 480-149-120, filed 12/23/87; 83-11-019 (Order R-203, Cause No. TR-1697), § 480-149-120, filed 5/11/83. Statutory Authority: RCW 80.01.-040 and 81.77.030. 79-01-034 (Order R-118, Cause No. TV-1182), § 480-149-120, filed 12/20/78; Order R-16, § 480-149-120, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

WAC 480-149-130 Method of filing. (1) All tariffs, supplements or revised pages must be delivered to the commission free from all charges.

(2) Each company or agent must file tariffs under serial numbers of its own.

(3)(a) Copies of each tariff, supplement, revised page or other schedule shall be included in one package and under one letter of transmittal.

(b) Letters of transmittal may be in duplicate. In that event one copy will be stamped with the date received by the commission and returned to the sender as a receipt for the publication.

(c) Tariffs mailed for filing must be addressed: Washington Utilities and Transportation Commission, Olympia, Washington.

(4) Tariffs, supplements or revised pages which are received for filing too late to give the commission the required notice are subject to rejection and return. The filing date will be considered the actual date the publication is received by the commission at its office in Olympia except as provided in WAC 480-149-120(1). No consideration will be given to delays in transmittal.

(5) When a tariff publication is rejected by the commission the number which it bears must not again be used. The publication which is issued in lieu of such rejected publica-

tion must bear the notation "Issued in lieu of . . . . . rejected by the Washington Utilities and Transportation Commission."

[Order R-16, § 480-149-130, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

WAC 480-149-140 Rates prescribed by the commission.

(1) Rates, fares, rules or regulations prescribed by the commission in its decisions and orders in formal cases shall be promulgated by the companies against which such orders are entered, in duly published, filed and posted tariffs, supplements or revised pages which shall show notation to that effect. Only the rates or fares so prescribed will carry such notations. Notice shall be sent the commission that its decision or order in Cause No.. . . . . , has been complied with in item. . . . . , page. . . . . of __Tariff No.__ or supplement or revised page No.. . . . to . . . . Tariff No.. . . . . .

(2) Unless otherwise specified in the decision or order in the case, such tariff, supplement or revised page must be made effective upon statutory notice to the commission and the public. Whether made effective on less than statutory notice, or upon statutory notice, when an entire tariff, supplement or revised page is issued in compliance with a decision or order, such tariff, supplement or revised page shall bear on its title page the notation "Issued in compliance with decision (or order) of the Washington Utilities and Transportation Commission in Cause No.. . . . . "

If the decision or order of the commission affects only portions of the tariff, supplement or revised page, the above notice shall be shown in connection with each portion so affected.

[Order R-16, § 480-149-140, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

WAC 480-149-150 Power of attorney, concurrence and revocation notice. (1) This rule does not apply where powers of attorney and concurrences are filed with the Interstate Commerce Commission.

(2) An agent may be either an individual person or a corporation. Such agent must file tariffs under serial numbers of his own.

(3) The following form shall be used for a company to give authority to an attorney and agent to file tariffs and amendments or to give or file concurrences for it in its stead:

Power of Attorney No. . . . . .
. . . . . .
(Name of company)
. . . . . .
(Post office address)
. . . . . , 19. . .

KNOW ALL MEN BY THESE PRESENTS:

That the __(Name of company)__ has made, constituted, and appointed and by these presents does make, constitute and appoint __(Name of agent appointed)__ its true and lawful attorney and agent for the said company, and in its name, place and stead, (1) for it alone, and (2) for it jointly with other companies, to receive concurrences in, and to file, rate schedules and supplements thereto, as required by the Washington Utilities and Transportation Commission. (Show limitations, if any)
. . . . . .
. . . . . .
. . . . . .

And the said __(Name of company)__ does hereby give and grant unto its said attorney and agent full authority to do and perform all and every act and thing above specified as fully, to all intents and purposes, as if the same were done and performed by the said company, hereby ratifying and confirming all that its said attorney and agent may lawfully do by virtue hereof, and assuming full responsibility for the acts and neglects of its said attorney and agent hereunder.

In witness whereof the said company has caused these presents to be signed in its name by its . . . . . President and to be duly attested under its corporate seal by its . . . . . Secretary, at. . . . . , in the state of. . . . . , on this. . . . day of. . . . . , in the year of our Lord nineteen hundred and . . . .

. . . . . .
(Name of company)
By . . . . . .
ATTEST Its . . . . . , President
. . . . . Secretary
(Corporate seal)

(4) The following form shall be used by companies concurring in the rates, fares, rules or regulations of another company or agent.

CONCURRENCE NO. . . . . .
Name of Company (or individual) . . . . . .
. . . . . .

THIS IS TO CERTIFY

That the. . . . . assents to and concurs in the publication and filing of Rate Schedules or Supplements thereto which the . . . . . or its agent, now has on file or may make and file with the Washington Utilities and Transportation Commission over the following route, ...
. . . . . .
and hereby makes . . . . self a party to and bound thereby insofar as such schedules contain rates, rules or regulations applying for services specified, until this authority is revoked by formal and official notice of revocation filed with the Washington Utilities and Transportation Commission and with the . . . . . .
. . . . . .

Name of Company . . . . . .
Traffic Officer . . . . . .
Street Address . . . . . .
Post Office . . . . . .
Issued . . . . . Effective . . . . . .

(5) Companies granting authority to an agent or another company to publish and file certain of its rates shall not publish rates or fares which conflict with those published by such agent or other company.

(6) Each company issuing powers of attorney or concurrences to other public service companies or agents shall give

a number to each document, using its own separate series for each form. This number shall be shown on the upper right-hand corner and immediately thereunder shall be shown the number of the power of attorney or concurrence, as the case may be, that is canceled thereby.

(7) A power of attorney or a concurrence may be revoked upon not less than sixty days' notice to the commission by filing a notice of revocation with the commission, serving at the same time a copy thereof on the agent in whose favor such power of attorney or concurrence was executed. Such notice must not bear a separate serial number but must specify the number of the power of attorney or concurrence to be revoked, must name the agent in whose favor the power of attorney or concurrence was executed, must specify a date upon which revocation is to become effective which must not be less than sixty days subsequent to the date of its receipt by the commission and must be executed in the following manner:

REVOCATION NOTICE

. . . . . .
(Name of company)
. . . . . .
(Post office address)
. . . . . , 19. . .

Know all men by these presents:

Effective . . . . . , 19. . . , power of attorney No. . . . . issued by . . . . . in favor of . . . . . is hereby canceled and revoked.

. . . . . .
Name of Company

By . . . . . .
ATTEST Its . . . . . , President
. . . . . Secretary
(Corporate seal)

Duplicate mailed to . . . . . at . . . . . .

(8) When a power of attorney or concurrence is revoked, corresponding revision of the tariff or tariffs shall be made effective upon statutory notice not later than the effective date stated in the revocation notice.

(9) One copy of each power of attorney, concurrence and revocation notice must be filed with the commission, also one copy must be furnished to the agent or company to which such authorization is directed.

[Order R-16, § 480-149-150, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

WAC 480-149-160 Approval of rates by commission. The filing of tariffs or supplements with the commission does not imply that the provisions thereof are approved, unless the commission has prescribed the rates, fares, rules, regulations or practices in an order, and companies must not in any way make such inference.

[Order R-16, § 480-149-160, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

WAC 480-149-170 Suspension of tariffs. (1) The commission has power either on receipt of a complaint or protest or on its own motion to suspend the rates, fares, charges, rentals or tolls of any public service company as provided in RCW 81.04.130.

(2) No tariff or any part of a tariff will be suspended on a complaint or protest unless such complaint or protest is filed in compliance with the commission's rules of practice and procedure.

(3) When a tariff or any part of a tariff is suspended by the commission, supplements shall be filed as provided in WAC 480-149-110(10).

[Order R-16, § 480-149-170, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

WAC 480-149-180 Discontinuance of service. When permission of the Washington utilities and transportation commission has been secured for discontinuance of service, supplements must be issued canceling tariffs. Such supplements shall carry full reference to the permission granted by the commission.

[Order R-16, § 480-149-180, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

WAC 480-149-190 Blank forms. Blank forms of concurrence, power of attorney, adoption notice, revocation notice and application for permission to change rates on less than statutory notice, can be secured from the commission upon request.

[Order R-16, § 480-149-190, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

WAC 480-149-200 Waiver of rules. Request for special permission to waive the provisions of this tariff circular may be made, in writing only, to the commission. Such permission, if granted, will be given a special permission number by the commission. Applicants receiving permission to depart from the terms of this circular, must publish in tariffs exactly as granted and must show directly in connection therewith the special permission number and date issued, except as may be otherwise authorized by the commission.

[Order R-16, § 480-149-200, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]

WAC 480-149-210 Adoption of Interstate Commerce Commission regulations. (1) Wherever the provisions of this tariff circular do not fully cover all of the points which may arise, the rules of the Interstate Commerce Commission's tariff circulars will apply and the commission hereby adopts the rules promulgated by the Interstate Commerce Commission and the tariff circulars issued by that body when same are not in conflict with the regulations herein.

(2) Wherever tariffs (or concurrences, etc.) having Washington intrastate application are filed also with the Interstate Commerce Commission or with other state commissions, and are in compliance with the applicable tariff circular of the Interstate Commerce Commission or special waivers thereof, the tariffs will be governed only [by] the opening paragraph of WAC 480-149-030 and subdivision (1)(e) thereof of this circular, and the commission hereby adopts in full the rules promulgated by the Interstate Com-

merce Commission and the tariff circulars issued by that body.

[Order R-16, § 480-149-210, filed 2/3/70; Public Service Commission Cause No. T-9494, filed 4/5/61.]