

WAC 391-08-120 Filing and service of papers. (1) Documents filed with the agency shall be filed at the Olympia office. The agency will post on its web site information containing the street address for filing by personal delivery, the mailing addresses for filing by mail, the telephone number for filing by fax transmission, and the email address or other method to be used for electronic filing.

(2) Documents may be filed with the agency by one of the following methods:

(a) In person.

(b) By first class, registered, or certified mail.

(c) By commercial parcel delivery company.

(d) Electronically by email, fax transmission, or other method posted by the agency.

(3) Documents filed with the agency shall be served upon all parties on the same day the documents are filed. Service shall be upon counsel and representatives of record, or upon unrepresented parties or upon their agents designated by them or by law.

(4) Unless otherwise ordered by the agency in a particular proceeding, filing and service is complete upon one of the following:

(a) Hand delivery.

(b) Depositing the documents, properly addressed and postage paid, in the U.S. mail.

(c) Acceptance of the documents for delivery by a parcel delivery company.

(d) Receipt of entire fax transmission by the recipient and receipt by the sending party of confirmation of receipt of the fax transmission. If receipt of a fax commences after office hours, the paper will be deemed filed on the next business day the office is open.

(e) Receipt of the entire electronic transmission by the recipient. The metadata created by the successful transmission of the email or electronic filing constitutes the time of service. If an electronic filing is received by the agency after office hours, the documents will be deemed filed on the next business day the office is open.

(5) On the same day that filing and service of documents is completed under subsection (3) of this section, the person who completed service shall:

(a) Obtain an acknowledgment of service from the person who accepted personal service under subsection (4)(a) of this section; or

(b) Make a certificate stating that the person signing the certificate completed service of the papers by:

(i) Personally delivering a copy under subsection (4)(a) of this section; or

(ii) Mailing a copy under subsection (4)(b) of this section; or

(iii) Depositing a copy under subsection (4)(c) of this section with a commercial parcel delivery company named in the certificate; or

(iv) Electronically transmitting the documents under subsection (4)(d) or (e) of this section.

(6) Where the sufficiency of service is contested, an acknowledgment of service obtained under subsection (5)(a) of this section or a certificate of service made under subsection (5)(b) of this section shall constitute proof of service.

[Statutory Authority: RCW 28B.52.080, 41.56.090, 41.58.050, 41.59.110, 41.76.060, 41.80.080, 47.64.280(2), 49.39.060. WSR 16-05-033, § 391-08-120, filed 2/9/16, effective 3/11/16. Statutory Authority: RCW 28B.52.080, 41.56.090, 41.59.110, 41.58.050 and 34.05.010 (6) and

(19). WSR 00-14-048, § 391-08-120, filed 6/30/00, effective 8/1/00; WSR 98-14-112, § 391-08-120, filed 7/1/98, effective 8/1/98. Statutory Authority: RCW 28B.52.080, 41.56.090, 41.59.110, 41.58.050 and 34.05.010 (6) and (18). WSR 96-07-105, § 391-08-120, filed 3/20/96, effective 4/20/96. Statutory Authority: RCW 41.58.050, 28B.52.080, 41.56.090, 41.59.110 and chapters 28B.52, 41.56, 41.58, 41.59, 49.08 and 53.18 RCW. WSR 90-06-070, § 391-08-120, filed 3/7/90, effective 4/7/90. Statutory Authority: RCW 28B.52.080, 41.58.050, 41.56.090 and 41.59.110. WSR 88-12-053 (Order 88-01), § 391-08-120, filed 5/31/88. Statutory Authority: RCW 34.04.022, 41.58.050, 41.56.090, 41.59.110 and 28B.52.080. WSR 83-24-031 (Order 83-01), § 391-08-120, filed 12/1/83, effective 1/1/84; Order 77-1, § 391-08-120, filed 1/27/77.]