

WSR 11-20-001
PREPROPOSAL STATEMENT OF INQUIRY
PUBLIC DISCLOSURE COMMISSION

[Filed September 21, 2011, 1:05 p.m.]

Subject of Possible Rule Making: Title 390 WAC, specifically repealing WAC 390-05-196 and amending WAC 390-16-038, 390-16-313, and 390-17-030.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 390-05-196 is no longer necessary once 2SHB 2016, section 101, goes into effect January 1, 2012. Amending WAC 390-16-038, 390-16-313, and 390-17-030 to remove references to RCW 42.17.550, repealed in 2010.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: At its October 27, 2011, meeting, the commission will likely discuss and possibly approve language for a repealer and amendments. Public comment will be welcome at this meeting. Interested persons [persons] are invited to submit written comments by October 25, 2011, to public disclosure commission staff member Lori Anderson, P.O. Box 40908, Olympia, WA 98504-0908. Written comments received by October 19, 2011, will be provided to commission members in advance of the meeting. A formal public hearing is expected to occur during the commission's December 2011 meeting.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lori Anderson, Communications and Training Officer, Washington State Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, phone (360) 664-2737, 1-877-601-2828 (toll-free in Washington state), e-mail lori.anderson@pdc.wa.gov.

September 21, 2011

Lori Anderson
 Communications and
 Training Officer

WSR 11-20-011
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed September 22, 2011, 11:48 a.m.]

Subject of Possible Rule Making: WAC 220-52-050 Ocean pink shrimp trawl fishery—Coastal waters.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.020, 77.12.045, 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department wants to amend WAC 220-52-050 to ensure that the rules for the commercial ocean pink shrimp trawl fishery are consistent with marine fish and shellfish resource conservation and fishery sustainability.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lori Preuss, WDFW Enforcement, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail Lori.Preuss@dfw.wa.gov. Contact by November 15, 2011. Expected proposal filing on or after November 23, 2011.

September 22, 2011

Lori Preuss
 Rules Coordinator

WSR 11-20-019
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed September 23, 2011, 9:34 a.m.]

Subject of Possible Rule Making: Raffles.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070, 9.46.0277.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: We are working with 50/50 Central, a licensed manufacturer, to develop rules to outline the use of electronic accounting software to sell raffle tickets. The software is currently approved for use in Washington state.

We are also working with 50/50 Central to develop rules to sell raffle tickets at a discount using this new software. The request to sell tickets at a discount, using the new software, originated from a petition for rule change submitted by 50/50 Central, filed under WSR 11-17-014.

Process for Developing New Rule: Interested parties can participate in the discussion of this proposed change by attending a commission meeting, or contacting the agency rules coordinator at the contact information below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susan.Arland@wsgc.wa.gov, fax (360) 486-3625.

[Meetings on] November 17 or 18, 2011, at the Lacey Community Center, 6729 Pacific Avenue S.E., Lacey, WA 98503, (360) 491-0857, visit www.wsgc.wa.gov on November 1 to confirm meeting start time; and on January 12 or 13, 2012, location in Olympia to be determined, visit www.wsgc.wa.gov on January 1 to confirm meeting location and start time.

September 23, 2011

Susan Arland
 Rules Coordinator

WSR 11-20-031
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed September 26, 2011, 1:55 p.m.]

Subject of Possible Rule Making: WAC 260-12-010 Definitions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: There are definitions in this section that need clarified and also some new definitions are needed.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Douglas L. Moore, Deputy Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, doug.moore@whrc.state.wa.us.

September 26, 2011
 Douglas L. Moore
 Deputy Executive Secretary

WSR 11-20-037
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF
PILOTAGE COMMISSIONERS

[Filed September 27, 2011, 2:02 p.m.]

I hereby withdraw the CR-101 preproposal statement of inquiry regarding WAC 363-116-200 Duties of pilots. It was filed as WSR 11-06-041 on February 28, 2011.

Peggy Larson
 Administrator

WSR 11-20-053
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed September 30, 2011, 8:47 a.m.]

Subject of Possible Rule Making: WAC 260-32-040 Jockey may not be owner or trainer.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington horse racing commission is contemplating amending the restriction on jockeys owning horses. Jockeys would be allowed to own with certain restrictions to ensure the integrity of the race is maintained.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Douglas L. Moore, Deputy Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, doug.moore@whrc.state.wa.us.

September 30, 2011
 Douglas L. Moore
 Deputy Executive Secretary

WSR 11-20-067
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed October 3, 2011, 10:33 a.m.]

Subject of Possible Rule Making: Definition of resident full-time student for the purposes of federal forest distribution funds to be implemented in September 2011.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Authority granted to create definition in SSB 5239 section 1(5).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule is necessary to ensure the accurate distribution of federal forest funds, based on resident enrollment. With the increasing popularity of alternative learning experience (ALE) programs across the state, it is necessary to address how these ALE enrolled students are treated with respect to this definition.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Pilot rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting T. J. Kelly, associate director SAFS, office of superintendent of public instruction, (360) 725-6181, thomas.kelly@k12.wa.us.

October 3, 2011
 Randy Dorn
 State Superintendent
 of Public Instruction

WSR 11-20-068
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed October 3, 2011, 10:34 a.m.]

Subject of Possible Rule Making: In the 2011-13 Appropriations Act the legislature implemented funding a lower class size of 24.10 for students in grades K-3 in high poverty schools. This rule addresses the eligibility criteria of schools and the process of making that determination.

Statutes Authorizing the Agency to Adopt Rules on this Subject: This is necessary to allocate the allotment for K-3 high poverty class size in the Appropriations Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Without this rule there would be no clear definition of eligibility, nor process for determining which schools are eligible to receive the funding enhancement.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting T. J. Kelly, phone (360) 725-6181, fax (360) 661-3683, thomas.kelly@k12.wa.us.

October 3, 2011

Randy Dorn
 State Superintendent
 of Public Instruction

WSR 11-20-075
PREPROPOSAL STATEMENT OF INQUIRY
UNIVERSITY OF WASHINGTON

[Filed October 3, 2011, 3:01 p.m.]

Subject of Possible Rule Making: Chapter 478-156 WAC, Rules for the University of Washington residence halls and family housing apartments.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.15.031 and 28B.20.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments to the University of Washington's rules for student housing are proposed to limit the scope of the rules to the Seattle campus, to update the types of housing now offered to students, and to streamline administrative practices.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments or inquiries may be directed to Rebecca Goodwin Deardorff, director of rules coordination by one of the following routes: Mail: University of Wash-

ington, Rules Coordination Office, Box 351210, Seattle, WA 98195-1210; e-mail rules@uw.edu; or fax (206) 685-3825.

October 3, 2011

Rebecca Goodwin Deardorff
 Director of Rules Coordination

WSR 11-20-077
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed October 3, 2011, 4:23 p.m.]

The Washington horse racing commission (WHRC) would like to withdraw from publication our preproposal statement of inquiry (CR-101), WSR 10-07-052, filed on March 12, 2010.

Douglas L. Moore
 Deputy Secretary

WSR 11-20-078
PREPROPOSAL STATEMENT OF INQUIRY
UNIVERSITY OF WASHINGTON

[Filed October 4, 2011, 9:18 a.m.]

Subject of Possible Rule Making: WAC 478-160-163 Waivers of tuition and fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.15.558 and 28B.20.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The amendment of WAC 478-160-163 will modify the conditions under which the University of Washington offers the tuition waiver authorized by RCW 28B.15.558 for university, state, and specific educational employees.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments or inquiries may be directed to Rebecca Goodwin Deardorff, director of rules coordination by one of the following routes: Mail: University of Washington, Rules Coordination Office, Box 351210, Seattle, WA 98195-1210; e-mail rules@uw.edu; or fax (206) 685-3825.

October 4, 2011

Rebecca Goodwin Deardorff
 Director of Rules Coordination

WSR 11-20-079
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed October 4, 2011, 9:52 a.m.]

Subject of Possible Rule Making: Raffles.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070, 9.46.0277.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: We received a petition for rule change from Blair Smith, representing 50/50 Central, Ltd, a licensed gambling manufacturer. The proposed amendment would authorize selling raffle tickets at a discount using electronic accounting software and was originally filed under preproposal WSR 11-17-014.

On September 23, 2011, a preproposal was filed under WSR 11-20-019 to provide notice that staff was working with the petitioner to develop rules to outline the use of electronic accounting software to sell raffle tickets.

This filing is to provide notice that the petitioner has submitted a new petition to incorporate the two preproposals noted above as well as a request to remove the requirement that raffle licenses must get approval from the commission if they have raffle prizes in excess of \$80,000 in a year.

Process for Developing New Rule: Interested parties can participate in the discussion of this proposed change by attending a commission meeting, or contacting the agency rules coordinator at the contact information below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susan.Arland@wsgc.wa.gov, fax (360) 486-3625.

[Meetings on] November 17 and 18, 2011, at the Lacey Community Center, 6729 Pacific Avenue S.E., Lacey, WA 98503, (360) 491-0857, visit www.wsgc.wa.gov on November 1 to confirm meeting location and start time; and on January 12 and 13, 2012, at Olympia, Washington, visit www.wsgc.wa.gov on January 1 to confirm meeting location and start time.

October 4, 2011

Susan Arland
Rules Coordinator

WSR 11-20-081

PREPROPOSAL STATEMENT OF INQUIRY PROFESSIONAL EDUCATOR STANDARDS BOARD

[Filed October 4, 2011, 11:35 a.m.]

Subject of Possible Rule Making: Chapter 181-78A WAC, Teacher preparation programs, higher education programs standards, criteria, infrastructure and timelines for approval.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.410, 28A.305.130, 28A.410.010, and 28A.150.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The professional educator standards board (PESB) is responsible for teacher certification and preparation programs. The legislature continually directs the activities of teacher preparation and qualifications. Rule-making authority is granted to the PESB for Title 181 WAC.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. PESB meeting[s] are open to the public and regularly scheduled. The calendar of meetings is announced on the web site www.PESB.wa.gov.

October 4, 2011

David Brenna
Senior Policy Analyst

WSR 11-20-082

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed October 4, 2011, 11:47 p.m.]

Subject of Possible Rule Making: Chapter 296-20 WAC, Medical aid rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020 and chapter 51.04 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is required to implement coverage determinations made by the health technology clinical committee (HTCC) per RCW 70.14.110 and 70.14.120. A rule change is necessary because some L&I WACs are in conflict with HTCC's determinations. This rule making includes, but may not be limited to, changes in chapter 296-20 WAC that refer to spinal injections and TENS units.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: (1) The Washington state agencies that participate in the HTCC process include the department of social and health services, the state health care authority, and L&I. See RCW 70.14.080(6). These agencies are mandated to implement the health technology assessment (HTA) decisions, unless there is a direct statutory conflict.

(2) Determinations of the committee must be consistent with decisions made under the federal medicare program and in expert treatment guidelines, including those from specialty physician organizations and patient advocacy organizations, unless the committee concludes, based on its review of the systematic assessment, that substantial evidence regarding the safety, efficacy, and cost-effectiveness of the technology supports a contrary determination.

Process for Developing New Rule: **The possible amendments for this rule-making process began with coverage determinations made by the HTCC.**

(1) The committee determines, for each health technology selected for review, whether the technology is covered, not covered, or covered with conditions.

(a) The conditions, if any, under which the health technology will be included as a covered benefit in health care programs of participating agencies; and

(b) If covered, the criteria which the participating agency administering the program must use to decide whether the technology is medically necessary, or proper and necessary treatment.

(2) In making a coverage determination, the HTCC considers, in an open and transparent process, evidence regarding the safety, efficacy, and cost-effectiveness of the technology and provides an opportunity for public comment.

(3) In addition, the public may also participate in the rule-making part of this process by providing written comments during the comment period or giving oral testimony at public hearings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jami Lifka, Department of Labor and Industries, Office of the Medical Director, P.O. Box 44321, Olympia, WA 98504-4321, e-mail jami.lifka@lni.wa.gov, phone (360) 902-4941, or fax (360) 902-6315.

October 4, 2011

Judy Schurke

Director

WSR 11-20-095

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed October 4, 2011, 4:15 p.m.]

Subject of Possible Rule Making: WAC 308-104-004 Definitions, add definitions for the terms "notice" and "order" in relation to driver's license suspensions, revocations, denials and cancellations, and in relation to the disqualification of a person from operating a commercial motor vehicle.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110 and 46.20.245.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In response to suggestions from other agencies, the department intends to clarify that the terms "notice" and "order" may be used interchangeably for purposes of imposing driver's license suspensions, revocations, denials, cancellations, and disqualification of a person from operating a commercial motor vehicle. This clarification may help avoid potential confusion for driver's receiving notice from the department.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Internal review and input from stakeholders.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Clark J. Holloway, Department of Licensing, P.O. Box 9020, Olympia, WA 98507-9020, (360) 902-3846, cholloway@dol.wa.gov.

October 4, 2011

Ben T. Shomshor

Rules Coordinator

WSR 11-20-101

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed October 5, 2011, 9:38 a.m.]

Subject of Possible Rule Making: The department is developing new sections in chapter 388-865 WAC for the purposes of implementing new rules for triage facilities. The department may adopt other new rules or amend other rules as necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71.05.020, 71.05.150, 71.05.153, and 71.24.035.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SHB 1170 directs the department to add "triage facilities" to the types of facilities to which a law enforcement officer may take an individual who is suffering from a mental disorder and who either presents an imminent likelihood of serious harm, is in imminent danger because of being gravely disabled, or has committed a non-felony offense that is not a serious offense. The rules will establish state minimum standards for certification of triage facilities.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department is developing the rules and coordinating this rule making with the Washington Association of Sheriffs and Police Chiefs and the department of health.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kathy Sayre, DBHR Rules Manager, P.O. Box 45320, Olympia, WA 98504-5320, phone (360) 725-1342, fax (360) 725-9960, e-mail kathy.sayre@dshs.wa.gov.

October 5, 2011

Katherine I. Vasquez

Rules Coordinator

WSR 11-20-102

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Children's Administration)

[Filed October 5, 2011, 9:38 a.m.]

Subject of Possible Rule Making: WAC 388-165-180 Child subsidy rates DSHS pays for child care in a licensed or certified child care home and 388-165-185 Child care subsidy rates DSHS pays for child care in a licensed or certified family child care home.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.12.340, 74.04.050, and 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To ensure accuracy and update child care rates. The current statewide rate structure (infant, toddler, preschool, and school age) is now under department of early learning and the 2011 through 2013 collective bargaining agreement between the state of Washington and Service Employees International Union 925.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Children's administration will coordinate with department of early learning and Service Employees International Union 925.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michael Luque, Child Care Program Manager, P.O. Box 45710, phone (360) 902-7986, fax (360) 902-7903, e-mail lumi300@dshs.wa.gov.

October 5, 2011
Katherine I. Vasquez
Rules Coordinator

WSR 11-20-103

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed October 5, 2011, 9:40 a.m.]

Subject of Possible Rule Making: The department is amending sections in chapter 388-106 WAC, Long-term care services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.520.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is revising WAC 388-106-1200 through 388-106-1230, respite care services, to add language regarding the new tailored caregiver assessment and referral (TCARE) process and clarifying who is eligible to receive respite care services. Also, it is important to clarify that access to respite services is limited to caregivers providing care to adults not already receiving another state or Medicaid funded long-term care service.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Angel Sullivan, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2495, fax (360) 407-7582, TTY (360) 493-2637, e-mail angel.sullivan@dshs.wa.gov.

October 5, 2011
Katherine I. Vasquez
Rules Coordinator

WSR 11-20-104

PREPROPOSAL STATEMENT OF INQUIRY UTILITIES AND TRANSPORTATION COMMISSION

[Docket UT-111634—Filed October 5, 2011, 9:51 a.m.]

Subject of Possible Rule Making: The Washington utilities and transportation commission (commission) commences this inquiry to consider the development of proposed rules to implement 2ESHB 1087, chapter 50, Laws of 2011, which authorizes the commission to establish filing fees to recover the specific costs of performing activities caused by telecommunication company filings, specifically reviewing, and if necessary arbitrating, interconnection agreements (ICAs) and analyzing petitions requesting eligible telecommunications carrier (ETC) certifications and subsequent reporting requirements if the commission grants ETC status.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Sections 3, 4, 8 and 29, chapter 214, Laws of 2011, RCW 80.01.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission is authorized but not required by the federal Telecommunications Act of 1996 and state law to perform such services as: Processing negotiated ICAs; examining the public interest and compliance requirements associated with ETC certifications; arbitrating ICAs; resolving disputes between telecommunications carriers; and designating carriers as ETCs. The commission will consider establishing filing fees for providing these services to ensure that companies that currently are not paying regulatory fees will reimburse the commission for the costs it incurs to provide these services. This will help reduce the shortfall between the revenues from regulatory fees and commission expenses related to the agency's telecommunications activities.

Rules may be necessary to implement 2ESHB 1087. Rules in chapter 480-07 WAC, Procedural rules, chapter 480-120 WAC, Telephone rules, and chapter 480-123 WAC, Universal service, will be reviewed for additions or revisions.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal laws and rules apply. The Federal Communications Commission (FCC) also regulates telecommunications activities and will resolve disputes between providers if the state commission declines to do so. That being said, the FCC would be notified if the commission ultimately declined to resolve disputes between providers due to the substantial expense to process these cases.

Process for Developing New Rule: Agency study; and the commission will sponsor at least one rule-making workshop for commission regulatory staff, industry representatives, and other interested stakeholders and circulate for comment one or more drafts of regulations before issuing a CR-102 and holding a hearing for consideration of a proposed set of rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested persons may file comments with the Executive Director and Secretary, Utilities and Transportation Commission, P.O. Box 47250, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, phone (360) 664-1234, fax (360) 586-1150, by 5:00 p.m., Monday, November 7, 2011.

WRITTEN COMMENTS AND STAKEHOLDER WORKSHOP: Written comments may be submitted to the commission at the address given above and should be filed with the commission no later than November 7, 2011, for consideration at the November 30, 2011, stakeholder workshop.

Electronic copies. The commission requests that comments be provided in electronic format to enhance public access, for ease of providing comments, to reduce the need for paper copies, and to facilitate quotations from the comments. Comments may be submitted via the commission's web portal at www.utc.wa.gov/e-filing or by electronic mail to the commission's records center at records@utc.wa.gov. Please include:

- The docket number of this proceeding (UT-111634).
- The commenting entity's name.
- The title and date of the comment or comments.

An alternative method for submitting comments may be by mailing/delivering an electronic copy on a 3 1/2 inch, IBM-formatted, high-density disk, in .pdf Adobe Acrobat format or in Word 97 or later. Include all of the information requested above. The commission will post on the commission's web site all comments that are provided in electronic format. The web site is located at <http://www.utc.wa.gov/111634>. If you are unable to file your comments electronically or to submit them on a disk, the commission will always accept a paper document.

Opportunity for further comment is anticipated. Information about the schedule and other aspects of the rule making, including comments, will be posted on the commission's web site as it becomes available. If you wish to receive further information on this rule making you may (1) call the commission's records center at (360) 664-1234, (2) e-mail the commission at records@utc.wa.gov, or (3) mail written comments to the address above to the attention of David W. Danner, executive director and secretary. When contacting the commission, please refer to Docket UT-111634 to ensure that you are placed on the appropriate service list. Questions may be addressed to Sharyn Bate, (360) 664-1295 or e-mail at sbate@utc.wa.gov.

NOTICE

TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULE MAKING—The commission wants to ensure its mailings are sent to persons who are interested in

the topic and want to receive that information. ANY PERSON WHO COMMENTS will continue to receive notices and information. If you do not submit comments but wish to remain on the mailing list for this rule making, please advise the records center by any one of the following methods: (1) Send a note with your name, address (or a copy of your mailing label), and telephone and fax numbers referencing Docket UT-111634, and the words "Please keep me on the mailing list"; or (2) e-mail your name, address, telephone and fax numbers, referencing Docket UT-111634, and the words "Please keep me on the mailing list" to records@utc.wa.gov. Please note that all information in the mailings will be accessible through the commission's internet web site at <http://www.utc.wa.gov/111634>. **THOSE INTERESTED PERSONS WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.**

October 5, 2011
David W. Danner
Executive Director
and Secretary

WSR 11-20-111
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed October 5, 2011, 10:57 a.m.]

Subject of Possible Rule Making: Multiseason big game permits.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047, 77.32.450, and 77.32.370.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Provide clarification on regulations and update rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Nate Pamplin, Wildlife Program Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2515, fax (360) 902-2162, e-mail Wildthing@dfw.wa.gov. Contact by November 15, 2011. Expected proposal filing on or after November 23, 2011.

October 5, 2011
Lori Preuss
Rules Coordinator

WSR 11-20-118
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF
PILOTAGE COMMISSIONERS

[Filed October 5, 2011, 11:59 a.m.]

Subject of Possible Rule Making: WAC 363-116-200
Duties of pilots.

Statutes Authorizing the Agency to Adopt Rules on this
Subject: Chapter 88.16 RCW, Pilotage Act.

Reasons Why Rules on this Subject may be Needed and
What They Might Accomplish: Proposed modifications will
expand the definition of an incident to include situations
wherein a pilot or pilot trainee falls while embarking or dis-
embarking a vessel or is physically endangered while per-
forming his/her duties on a vessel, regardless of whether the
incident results in physical injury to the pilot or pilot trainee.

Other proposed modifications will further expand the
definitions of a marine safety occurrence to specify that a
pilot or pilot trainee can voluntarily report safety issues
encountered or observed on the vessel, the dock or in the area
around the vessel. Consideration will also be given to pilot
call-in procedures and the definition of an incident reporting
threshold for call-in procedures.

Clarification of the term "vessel" in subsection (1)(a)
will be examined, along with a determination of the "report-
ing responsibility" for those incidents involving both a pilot
and a pilot trainee.

Other Federal and State Agencies that Regulate this Sub-
ject and the Process Coordinating the Rule with These Agen-
cies: None.

Process for Developing New Rule: The legisla-
tive/WAC committee of the board has proposed certain
amendments to this rule and will be discussing it further in
committee and at regular session board meetings. Stake-
holder comments are welcome. Upon further review and
consideration of recommended revisions, a public hearing
will be scheduled to consider the proposed new rule pursuant
to formal notice requirements.

Interested parties can participate in the decision to adopt
the new rule and formulation of the proposed rule before pub-
lication by contacting Peggy Larson, Administrator, Board of
Pilotage Commissioners, 2901 Third Avenue, Suite 500,
Seattle, WA 98121, phone (206) 515-3904, fax (206) 515-
3906, LarsonP@wsdot.wa.gov, www.pilotage.wa.gov.

October 5, 2011

Peggy Larson
Executive Director