

WSR 22-17-074  
PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF COMMERCE  
(Public Works Board)  
[Filed August 16, 2022, 9:48 a.m.]

Subject of Possible Rule Making: Modification to existing chapter 399-80 WAC, department of commerce (public works board), to align rules with current board practices for the broadband program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.155.040(5); adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington legislature has approved several changes regarding administration of the public works board programs under ESHB 1673, some of which will require an update to chapter 399-80 WAC.

Changes to RCW 43.155.160. This includes the following updates:

- The enablement and creation of a preapplication process for the broadband program (Sections 4a, 4b, 5).
- Updates the application notice requirements to broadband providers and removes previous contact requirements (Section 5o).
- States the public works board must publish proposed geographic broadband project service areas on its website, as well as preapplications (within three business days of the close of the preapplication cycle) and sets an objection period for 30 days for the proposed project (Sections 7a, 7b, 7c).
- Removes the utilities and transportation commission technical feasibility review (Section 10).
- Authorizes the public works board to make low-interest or interest-free loans or grants to eligible applicants for emergency public works broadband projects (Section 14).

It also includes updates for RCW 42.56.270(4). Changes were made to protect financial, commercial, and proprietary information.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: Following regular rule-making process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mark Rentfrow, P.O. Box 42525, Olympia, WA 98504, phone 360-529-6432, email mark.rentfrow@commerce.wa.gov.

Additional comments: Written comments for consideration by the board should be submitted to Mark Rentfrow.

August 16, 2022  
Amanda Hathaway  
Rules Coordinator