

## Higgins, Joni (UTC)

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**From:** Ken Chapman [kchap@thurston.com]  
**Sent:** Monday, July 06, 2009 4:59 PM  
**To:** UTC DL Records Center  
**Subject:** TV-090400 Rulemaking comments

To: WUTC  
PO Box 47250  
Olympia, WA. 98504-7250

RE: Docket TV-090400 - Rulemaking to Amend WAC 480-14

To: David W. Danner,  
Executive Director and Secretary.

I have the following comments on the proposed rule changes. I will refer to the section by the last three numbers only. Example "WAC 480-14-010" will be "010"

010 This should still refer to WAC 480-12 for Brokers and add WAC 480-15 for Household goods carriers. The rules also should apply to more than "Common Carriers" as that is a specific class under RCW 81.80.010

020 Should retain in (3) "and regulations" as the commission has requirements that are not specifically in WAC rules. As drafted this would allow oral requests for exemptions or spray painted on the commission front door.

040 This is not consistence with the definitions in RCW 81.80.010. It also "undefines" private carrier totally The terms "Registered Carrier" and "Registered Exempt" should be retained as they are still in operation and wil need terms to classify them Suggest adding terms for literstate leasing company carrier Interstate Broker and In.

050 Suggest change "common carrier" to motor carrier to be more accurate.

090 Retain requirement carrier have original permit in office. This can still help the public and WSP compliance staff indentify authorized carriers vs non-permit holders.

100 As drafted, a partnership LLC, LLP, Trust or an individual could not operate under their name. They would be required to obtain a trade or assumed name. This is also not consistant with your permit application process as it refers to d/b/a names, not trade name.

120 This should be required in writing as that is the llong standing practice for the permit licensing section as I understand it. This would help prevent address errors in the future.

150 Change common carrier to common or contract carrier.

180 Change common carrier to common or contract carrier to be consistant with RCW's Retain wording to require Interstate carriers to register as required by federal law as FMCSA has not changed those regulations yet. Retain section (4) to require application to be truthful.

190 This wording would require the commission to issue permits in cases were it is not appropriate. Example a carrier completes the application, pays the fee and files insurance. The corporation is not registered with the Secretary of State. As I read this the commission would have to issue the permit since the form is complete. The same problem would exist if a carrier was out of service for Interstate operations and applied for a intrastate permit. I think it should be revised to allow the commission to deny, dismiss, or delay a intrastate permit for a carrier if their interstate operations are suspended or out of service for safety issues.

200 Again, common vs common / contract carrier.

210 Add sections for changes to or from LLC since that is a very common business structure now to make it clear similar standards should applied as to / from corporation.

220 Again common vs common / contract carrier. Add provision restricting reinstatement if carrier is suspended or out of service for interstate operations.

230 retain "for cause" wording to suspend/cancel. to allow commission regulatory flexibility. Note wording in this section about false information conflicts with removal of language in 180 removing "certify the truth" requirements

250 This should be revised for all the hazardous materials parts to amatch current federal regulations 49 CFR 397.9 as the terms "Class A" Class B" have not been valid for about 15 years. They should be revised to "Class I.1, Class \* etc. Also federal MCASP grants require this section be retained for interstate

290 go back to old wording as 49 CFR still has these issues.

300. Include private exempt broker etc. as UCR list it.