

Discussion Draft Rules

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Chapter 480-07 WAC

PROCEDURAL ~~RULES~~ LAST RULES Last Update: 8/22/08 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~~ WAC (11/14/13 10:51 AM) [1]

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 responsibilities~~y~~. ~~These statutes are~~ found principally in Titles 80 and 81 ~~of the Revised Code of Washington (RCW)~~. These commission's procedural rules should be interpreted~~read and understood~~ in conjunction with these statutes ~~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, in response to a request or on its own initiative, may grant an exemption from, or modify the application of, any of its rules in individual circumstances if the exemption or modification is

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~~from, or modification ~~of~~to, a rule.** To request a rule exemption or modification, a person must file with the commission a written petition identifying the rule for which the person seeks an exemption ~~is sought~~, and providing ing 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 to ~~with~~ the public counsel section of the attorney general's office by ~~mail or e-mail, within one business day of~~ on the same day the request is filed with the commission.

(b) **Commission process.** The commission will assign the petition a docket number, ~~if~~ the request ~~it~~ does not arise in an existing docket, and will schedule the petition for consideration at one of the commission's regularly scheduled open meetings or in an adjudicative proceeding, 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~~ **Factors to be considered.**

~~The standard for consideration is the public interest standard.~~
~~In determining whether to grant an exemption, f~~ Factors the commission may consider include whether ~~application of~~ the rule ~~would imposes~~ an 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 to the requesting person would be contrary to the underlying purposes of the rule and the public interest.

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

(3) ~~Conflicts involving~~ **Other rules.** ~~In the event of conflict between these rules and statutes, or~~ If statutes or rules in other chapters of Title 480 of the Washington Administrative Code, establish a process for seeking exemption from rules applicable to ~~specific types of companies regulated by the commission or to others who may conduct business with the commission, or to~~ particular persons or proceedings, those statutes or ~~special~~ rules govern any exemption request.

(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. The Commission's offices are open to the public between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, except on legal holidays and legislatively recognized days~~official state holidays,~~ as defined in RCW 1.16.050, and when closed due to inclement weather, emergencies, or other similar circumstances~~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. Persons may obtain current ~~information~~ and additional contact information by accessing~~are available on~~ the commission's Internet site or by requesting the information, in person at the commission offices, ~~or~~ by a telephone call to the commission's main public number, or through an email to the commission's records center.

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	360-664-1160
Records center number	360-664-1234
Consumer inquiries, comments and informal complaints	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-WAC (11/14/13 10:51 AM) [7]

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 not a business day~~an official state holiday, Saturday, or Sunday~~, in which circumstance~~event~~ the period runs until the end of the next business 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~~ Filing and submission of documents.

~~This rule includes general requirements for effective communication with the commission.~~

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

(a) **Electronic filing, limitations.** ~~You may file~~ ~~Documents~~ filed electronically should be submitted 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 except as provided in subpart (b) below.

(b) **Electronic filing in submission, adjudications.**

Documents filed in an adjudicative proceeding must be submitted 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~~ followed by submission of the original and one a paper copy of the document consistent with the requirements in WAC 480-07-145 to complete 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. A**

person 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~~ A paper copy of the public records request is not required 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 a person is 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~~ The following additional ~~other~~ requirements apply when submitting ~~certain~~ documents in the circumstances identified, ~~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, <i>plus</i> 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.~~

~~(23) 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 should communicate with the commission using the contact information contained in WAC 480-07-125 and on the commission's web site. Cover letters and written correspondence directed to~~

the commission should be addressed to the commission secretary~~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.~~

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

~~(54) **Identification Requirements of sender; identification of permit, license, or certificate; identification of proceeding.** The following requirements will make sure your message to the commission is delivered facilitate promptly delivery of communications to the commission personnel 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 should~~must~~ provide their full name, and are~~asked to provide a~~ mailing address, telephone number, 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 they are

sending the communication ~~is sent, in addition to the contact information described above.~~ All filings or submissions on behalf of a company the commission regulates must identify the company using the exact name of the company in the commission's records. The commission may reject any filing or submission that does not comply with this requirement.

(b) **Identification of permit, license, or certificate held by sender.** Any person or entity ~~that~~holdings 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.~~

(56) **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~~Persons 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 on a disc or other commonly used electronic storage medium submitted to the records center ~~on a 3 1/2 inch~~

~~IBM formatted high-density disk or compact disc (CD) and~~ 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 testimonyevidence," or "motion to dismiss," ~~etc.~~).

(b) **Acceptable format.**

(i) Except as provided in subpart (ii) below, 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 the native format in which the document was created, including .doc, .docx, .docm (MS Word), .xls, .xlsx, .xlsm (Excel), or .ppt, .pptx, .pptm (Power Point) formats, or updated versions of, or successors to, these software programs. Anyse- ~~that~~ spreadsheets that displaying results of calculations based on formulas must include all such formulas, and mayde not include locked, password protected, or hidden cells. Parties that cannot create Adobe Acrobat files directly from the document in its native format must provide a copy of the document converted to Adobe Acrobat via scanning or other available technology.

(ii) 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 native formatting is available; ~~and~~

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

(C) Cover letters and certificates of service accompanying filings in adjudicative proceedings;

(D) Redacted versions of electronic documents that mask confidential information; and

(E) Documents the commission determines in individual circumstances or proceedings are not required to be filed in a format other than .pdf (Adobe Acrobat).

~~(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, any
confidentiality designation, and the party submitting it:

Testimony	UE-010101 Smith direct (name of party) (date) UT-020202 Jones <u>confidential</u> 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~~

(i) Except as provided in WAC 480-07-160(3)(c) when filing confidential information, party must submit all files required to meet a single deadline must be submitted at the same time and in the same message if possible or on the same disc or commonly used electronic storage medium diskette. When submitting files the total size of which exceeds the size constraints of the commission's or sending person's computer or email system for a single message, a person may submit the files in more than one message. Each message must prominently identify which one it is in the sequence of messages and, to the extent possible, the total number of messages used (e.g., "Message 2 of 4"). The first and final messages in the sequence must be identified as such. The first message also must explain the reason for the multiple messages and must include the cover letter and certificate of service. All such messages must be submitted as

close to simultaneously as possible.

(ii) When a party submits two or more documentsfiles at the same time, the electronic and paper copies of each documentfiles must be labeled with the docket number of the proceeding, the name of the party on whose behalf the document is submitted, the last name of any witness sponsoring the document, and the name of the document (e.g., "Docket TG-123456, Commission Staff witness Smith Rebuttal Testimony," or "Docket UT-123456, Public Counsel witness Jones Exhibit ABJ-2")~~organized into folders, and the party must provide a printed index. The index may be included in a cover letter accompanying the submission must list all of the documents included in the submission using the same identifying informationer 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 Commission receipt of Receiving and filing
a document is not filing or acceptance. The commission ~~assigns~~
~~docket numbers to a filing or proceeding and~~ receives documents
~~under docket numbers~~ for administrative purposes, and such
receipt alone does not to denote constitute filing or legal
acceptance of a document. Upon receipt, the commission will
review a submission to determine whether it complies with
applicable filing requirements prior to accepting it for filing
and assigning a docket number, if applicable. 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, t~~The commission will identify any areas of
noncompliance may address any deficiencies in the
~~documents~~submission and either will, may require the documents to

be resubmitted with the deficiencies corrected, or will~~may~~ reject the documents and return them to the sender. By accepting a submission for filing in a docket or assigning a docket number, the commission does not necessarily certify that the submission complies with all filing requirements or waive the commission's ability to subsequently reject a document as deficient or require deficiencies to be corrected.

[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 by e-mail or paper copy delivery~~or fax~~.

(a) **Through the web portal.** A person should~~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, either in the body of the message or in an attachede-mail file, ~~attachment, or fax transmission~~ without providing a paper copy.

(i) *Where to send electronic documents.* All e-mails s~~ent and fax transmissions made~~ under this rule should be directed to the commission's records center using the contact information 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 personnel 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 or set of documents

submitted by e-mail ~~or fax~~ is deemed received only when the entire document or set of documents sent byvia e-mail successfully reaches the commission's records center electronic mailbox ~~or fax machine~~. Documents wholly or partly received byvia 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. The commission will not consider documents to be filed until all the requirements in this rule are satisfied.

(2) **Electronic filing is required.** Parties must submit documents to the commission electronically through the web portal or by email on the date established for filing under the procedural schedule in an adjudicative proceeding. Documents submitted electronically are not considered timely filed until the commission receives the original (signed, if applicable) documents and any required paper copies the next business day.

(a) **Timing of electronic submissions.** Electronic submissions must be completed by 5:00 p.m. on the date established for filing. The commission encourages the use of the web portal rather than submissions by email.

(b) **Timing of originals and paper copies.** The commission must physically receive the original and required number of

paper copies of the filing by 5:00 p.m. on the first business day following the filing deadline established in the procedural schedule or commission rules.

(c) **Exact copy.** 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.

(d) **Simultaneous delivery to all parties and presiding officer.** All electronic documents submitted to the commission through the web portal or by email on a filing deadline date must be simultaneously delivered to all parties and the presiding administrative law judge by email. Copies should **not** be sent to the commissioners.

(e) **Where to send web portal or email submissions.** 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 email submissions made under this rule should be sent to the commission's records center email address, records@utc.wa.gov. Copies intended for the presiding administrative law judge must be sent to the judge's individual email address.

(f) **Where to send original and hard copy submissions.** All originals and paper copies of documents mailed or hand-delivered to the commission must be addressed to the commission's secretary at the address specified in WAC 480-07-125.

(g) **When deemed received.** An electronic document submitted

through the commission's records center web portal is deemed received on the date and at the time registered by the portal.
An electronic document submitted by email is deemed received when the entire document successfully reaches the commission's records center electronic mailbox. A paper document submitted by mail or hand-delivery is deemed received when the document is physically delivered to the commission's record center and stamped with the date and time received. Electronic or paper documents the records center receives after 5:00 p.m. are not considered officially received until the next business day.

~~—— (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.~~

~~(3b) **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 an electronic and paper copy be filed in the commission's 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.~~

~~(43) **Number of copies; failure to file requiredsufficient number of copies.**~~

(a) **Number of copies.** Unless the commission specifies a different number of copies, every pleading, motion, response, prefiled testimony, exhibit, and brief submitted to the commission by mail or courier must be filed with the original and one paper copy~~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 requiredsufficient number of copies.** If a person fails to file all required types of electronic copies of a document or files fewer than the required number of paper copies of a document, the commission may reject the filing or ~~the commission may~~ require the person to file the required electronic or paper copies. If the filing does not initially satisfy the filing requirements, the commission will not consider the document to be officially filed until the date and time that the commission receives all required electronic and paper copies. ~~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.~~

(54) **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 ~~up~~on the assistant attorney general or any other party, and. Likewise, service ~~up~~on the assistant attorney general or any other party does not constitute ~~a~~-filing with the commission.

(65) 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 filed, entered, or issued in~~relating to~~ commission adjudicative proceedings~~s~~, 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 at least one person to receive service of documents relating to the adjudication.

(b) When any party has appeared by one or more~~an~~ attorneys or other authorized representatives in a proceeding before the commission, the party must name at least one of those~~the~~ representatives~~s~~, ~~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 documents from the commission orders.**

~~The commission will serve orders in adjudicative proceedings upon the party's representative and also on the party. Therefore, a~~All parties must provide contact information for the name and mailing address of the party and any

representative of the party~~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.~~

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

(5) ~~Waiver of Consent to electronic service by statutory means.~~

(a) Each party or person seeking to become a party to an adjudicative proceeding must state in its initial filing in that proceeding (e.g., complaint, answer, petition to intervene, or notice of appearance) whether the party consents to electronic service of all documents in that proceeding, including orders and notices the commission serves. A party may decline to consent to electronic service and insist on~~choose to waive service of process by means of personal delivery, United States mail or such other parcel delivery service as the commission may elect to use, in whole or in part, and elect to receive service by electronic means.~~

(b) A party that does not consent to electronic service

~~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.~~ must include in its initial filing in that proceeding the name and mailing address of the party and any one party representative to receive paper copy service. The commission may reject any initial filing that fails to comply with this requirement.

~~(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.** A partyParties must serve documents by delivering one copy to each other party or its representative via electronic means unless the other party has declined to consent to electronic service, in which case service must be accomplished 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.** The commission will serve electronically aAll orders, notices, and other documents complaints, petitions, findings of fact, opinions, and orders required to be served except to any party that has declined to consent to electronic service or as otherwise required by law, in which case the commission will serve a paper copy of the document on that party and any one representative the party has identifiedby 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) Electronic service is complete when the document being served has been verifiably sent to the recipient's designated email address. Parties serving documents electronically should

maintain records of documents sent by email and, to the extent practicable should secure electronic return receipts or otherwise confirm successful delivery.

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

~~(c)~~ Service by commercial parcel delivery is complete when the parcel delivery company delivers~~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 electronic transmission to each party's email address as listed in the commission's service list for this docket (or if by paper copy service, 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 under RCW 80.04.095. The commission will provide special handling of, and will limited access to, confidential information submitted in compliance with this rule or WAC 480-07-423. This rule applies to any information submitted under a the provider claims to be confidential ity under RCW 80.04.095. Title 81 RCW does not contain a similar statute, and the commission will not accept

documents marked as confidential pursuant to this rule and submitted on behalf of companies regulated under Title 81 RCW.
~~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 valuable 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 being rejected and returned to the provider or in waiver of any claim of confidentiality for information improperly submitted~~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 ~~and~~^{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 if the document is not submitted pursuant to a protective order in an adjudicative proceeding, the provider must identify any person (other than the provider) that might be directly affected by disclosure of the confidential information.

(b) **Confidential and redacted versions.** The provider must submit two versions of all documents claimed to include confidential information:

(i) Electronic copies, an original, and the required number of paper copies of the version of the document as to which confidentiality is claimed (confidential version); and

(ii) An electronic copy in .pdf format, an original, and one paper copy of the version of the document with the information claimed to be confidential masked (redacted version).

(c) **Marking and submission.**

~~(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 of the confidential version of the document with the designation "Confidential per protective order in WUTC Docket [insert docket number]" if the provider submits confidential information under the provisions of a protective order, or "Confidential per WAC 480-07-160-" if not submitted under the terms of a protective order. 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. The email or the disc or electronic storage medium containing the electronic copies of the document also must state that the document contains information designated as confidential under a protective order or WAC 480-07-160, as applicable.

(ii) Each page of the original and paper copies of the confidential version that includes information claimed to be confidential must be printed on yellow paper and must clearly

designate the confidential information on each page by highlighting the text with no more than twenty percent grey shading.

(iii) Each page of the original and paper copies of the confidential version that contains information designated as highly confidential under a protective order must be printed on light blue paper, and both the paper and electronic copies of the confidential version must clearly designate the highly confidential information by highlighting the text with no more than twenty percent grey shading.

(iv) Each page of the original and paper copies of the confidential version that contains both information designated as confidential and information designated as highly confidential under a protective order must be printed on light green paper, and both the paper and electronic copies of the confidential version must clearly designate the confidential and highly confidential information by highlighting the text with no more than twenty percent grey shading. In addition, the highly confidential information must be separately designated with an asterisk (*) at the beginning and end of the highly confidential information.

(v) The original and all paper copies of the confidential version must be submitted in a sealed envelope or similar wrapping. A party submitting multiple confidential documents must collate the documents into sets and, to the extent feasible, must enclose each paper set of confidential documents

in a separate envelope and each set of highly confidential documents for filing in a separate envelope.

(vi) The redacted version of the document must be labeled as redacted and submitted simultaneously with the corresponding confidential document. The redacted version must completely black out the information claimed to be confidential or highly confidential or leave a blank space where that information is located in the document. The redacted and confidential versions of a document must have the same pagination and the text on each page must appear on the same lines. If the provider submits a document under a claim that multiple contiguous pages are confidential or highly confidential in their entirety, the provider may submit a single page in the redacted version for the contiguous confidential pages if that page identifies the pages claimed to be confidential or highly confidential. The commission will rarely, if ever, accept documents that have been designated as confidential or highly confidential in their entirety.

(vii) Except as provided in WAC 480-07-140(5)(d)(i), all confidential documents required or intended to be submitted to meet a single deadline must be submitted at the same time and in the same message or on the same disc or electronic storage medium. The redacted versions of those documents, along with any other nonconfidential documents that are part of the filing, must be submitted separately, and all of these nonconfidential documents must be submitted in a single message or on the same

~~electronic storage medium. Both of these submissions must be made as close to simultaneously as possible. *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 feasible, 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.~~

(~~d~~iii) *Number of copies.* The provider must submit electronic copies in .pdf and native formats, thean original, and ~~one redacted paper~~ copy of the confidential version of each confidential or highly confidential document and also must submit an electronic copy in .pdf format, thean original, and ~~twelveone paper copyies~~ of the ~~redactedunredacted~~ version of ~~thateach 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 electronic copies, the original, and one paper copy of each of three versions of the document: (1) a highly confidential version that includesunredacted copies including both the confidential and highly confidential information in the same document; (2) a confidential partly redacted version that redacts the highly confidential information but includes the confidential information; and (3) a fully redacted version that redacts both

the highly confidential and confidential information.

(4) **Challenges to claims of confidentiality.** The commission or a party to an adjudicative proceeding in which a provider submits a document with a claim of confidentiality may challenge the claim. If a confidential designation is challenged~~When a challenge is made,~~ the provider will have~~commission will provide~~ an opportunity to respond before the~~commission rules~~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 render~~express~~ its ruling orally on the record in an adjudicative proceeding, ~~or in a written order.~~ If the commission rules that some or all of the information designated as confidential should not be protected from public disclosure, the provider may request the opportunity to obtain a court order preventing such disclosure. In response to such a request, the commission will continue to protect the information from public disclosure for ten days from the date of the commission's ruling before making that information public unless the provider consents to earlier disclosure.

(5) **Requests for "confidential" information.** Subject to subsections (6) and (7) of this section, the commission will release information designated as 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 or designated public records officer 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 that whether the information ~~sought is~~ will not be used for a commercial purpose.

(b) The request must be sufficiently specific to allow the public records officersecretary to readily identify the document or other material that contains the requested information. Following receipt of a request for confidential information, the public records officersecretary will notify the requester of any deficiency in the request and will. ~~The requester is required~~ the requester to correct any deficiency and resubmit 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 public records officercommission's secretary to pay the designated copying fees, if any.

(6) **Informal resolution.** If the public records officer~~When~~ ~~the secretary~~ and the requester agree that the commissionsecretary can satisfy the requester's need for information without disclosing confidential information, the public records officersecretary will provide or make available

for review the information in the commission's possession that
is responsive to the request available.

(7) **Notice of request for information designated
confidential; release of information designated confidential.**

(a) Pursuant to RCW 80.04.095, ~~t~~he 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 the commission~~t~~ 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.

(b) 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 ~~confidential~~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 as confidential.

(c) File a ~~nonconfidential~~n-unredacted version of any document designated as confidential during the proceeding, but as to which the ~~provider~~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 provider authoring party must file the nonconfidential 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.]

NOTES:

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

WAC 480-07-165 Other confidential information. The commission will provide special handling of, and will limit access to, information a provider claims to be confidential and submits in compliance with this rule.

(1) How to designate and seek protection of confidential information under this rule. A person who seeks to file a document containing information designated as confidential and exempt from public disclosure pursuant to legal authority other

than RCW 80.04.095 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 being rejected and returned to the provider or in waiver of any claim of confidentiality for information improperly submitted.

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

(b) **Confidential and redacted versions.** The provider must submit two versions of all documents claimed to include confidential information:

(i) Electronic copies, an original, and the required number of paper copies of the version of the document as to which confidentiality is claimed (confidential version); and

(ii) An electronic copy in .pdf format, an original, and one paper copy of the version of the document with the information claimed to be confidential masked (redacted version).

(c) **Marking and submission.**

(i) The provider must clearly mark each copy of the confidential version of the document with the designation

"Confidential per [cite applicable law]." 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. The email or the disc or electronic storage medium containing the electronic copies of the document also must state that the document contains information designated as confidential under the law the provider claims is applicable.

(ii) Each page of the original and paper copies of the confidential version that includes information claimed to be confidential must be printed on light pink paper and must clearly designate the confidential information on each page by highlighting the text with no more than twenty percent grey shading.

(iii) The original and all paper copies of the confidential version must be submitted in a sealed envelope or similar wrapping. A party submitting multiple confidential documents must collate the documents into sets and, to the extent feasible, must enclose each paper set of confidential documents in a separate envelope.

(iv) The redacted version of the document must be labeled as redacted and submitted simultaneously with the corresponding confidential document. The redacted version must completely black out the information claimed to be confidential or leave a blank space where that information is located in the document. The redacted and confidential versions of a document must have

the same pagination, and the text on each page must appear on the same lines. If the provider submits a document under a claim that multiple consecutive pages are confidential in their entirety, the provider may submit a single page in the redacted version for the consecutive confidential pages if that single page identifies the pages claimed to be confidential. The commission will rarely, if ever, accept documents that have been designated as confidential in their entirety.

(v) Except as provided in WAC 480-07-140(5)(d)(i), all confidential documents required or intended to be submitted to meet a single deadline must be submitted at the same time and in the same message or on the same disc or electronic storage medium. The redacted versions of those documents, along with any other nonconfidential documents that are part of the filing, must be submitted separately, and all of these nonconfidential documents must be submitted in a single message or on the same electronic storage medium. Both of these submissions must be made as close to simultaneously as possible.

(d) *Number of copies.* The provider must submit electronic copies in .pdf and native formats, the original, and one paper copy of the confidential version of each confidential document and also must submit an electronic copy in .pdf format, the original, and one paper copy of the redacted version of that document, unless the commission has required a different number of copies to be filed.

(2) **Requests for "confidential" information.** To the extent

consistent with the requirements of the Public Records Act, RCW 42.56, or other applicable law, the provisions of WAC 480-07-160(5)-(9) shall apply to all requests for, and post-adjudication treatment of, information designated as confidential under this rule.

WAC 480-07-170 Official communications from the commission.

(1) Definition. An "official communication" from the commission notifies interested parties and the public of the agency's position, anticipated action, or resolution of issues in matters that come within the commission's statutory authority.

(2) When a communication is official. A communication from the commission is ~~not~~ an "official communication" ~~unless~~ only if it is signed or otherwise verifiably issued or entered by the commissioners, the commission's secretary or other assistant deputized, designated, or delegated to perform commission duties pursuant to RCW 80.01.030, or the secretary's designee signs it. In addition, the presiding administrative law judge or the administrative law judge's designee may sign, issue, or enter 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 or public records officer will provide a
copy of a referenced document upon request, allowing reasonable
time for any necessary copying, subject to any
applicable~~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, makes a ruling, 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.]