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December 20, 2013

VIA EMAIL AND FIRST CLASS MAIL

Steven V. King, Executive Director and Secretary
Washington Utilities and Transportation Commission
Attention: Records Center
P.O. Box 47250
1300 S. Evergreen Park Dr. SW
Olympia, WA 98504-7250

Re: A-130355 – Rulemaking to Consider Possible Corrections and Changes in Rules in WAC 480-07 – Discussion of Draft Rules Dated November 14, 2013

Dear Mr. King:

This follows letters dated May 17, 2013 and November 1, 2013 which address both the procedural rules and subsequently solid waste industry-specific procedural rule proposals. As we understand the November 14, 2013 draft, WAC 480-07-100 through 180 are selected by the Staff for proposed revision and further comment, to which this correspondence will limit its reply. In light of the above, we have fairly narrow focused and brief responses to the November 14, 2013 draft rules which, by and large likely most parties will agree, are not overly controversial and ministerial in nature.

Our initial comment relates to the proposed changes at WAC 480-07-140(4)(b), on acceptable formats for submission of documents. In commenting, we would incorporate comments first expressed in our May 17, 2013 letter at the bottom of page 1 wherein we advocated revising the language regarding acceptable forms of spreadsheets or other data including "locked, password protected, or hidden cells..." Once again we ask that the Commission revise its requirement for "ordinary course" spreadsheets and schedules to limit rejection of same with locked, password protected cells only to those not "otherwise self-explanatory or objectively understood." We also note that some of the revised procedural requirements under this subpart, for instance, asking for conversion of documents that are not in Adobe format (such as is proposed in the same subparagraph at page 14 of the draft rules), may be particularly burdensome to smaller companies. For instance, only a few of Waste Connections' controllers have acquired the software to convert documents to Adobe format but this is a relatively expensive program and it is not anticipated to be broadly available, particularly in the smaller regulated companies in this industry.

We generally appear to be in agreement with the acceptable file organization and other copy and electronic service requirements in the proposed rules but wonder when duplicate paper copies will not be required and suspect that day is coming soon. At draft rule page 18, WAC 480-07-141, the proposed

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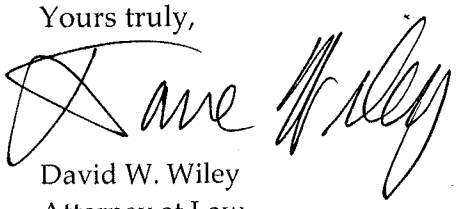
revisions to the rule would apparently clarify that receipt and filing of a document is not acceptance by the Commission of the filing. Near the end of the draft rule subpart on page 19, the proposed language reinforces the fact that assignment of a docket number or submission of a filing is not tantamount to Commission certification of the submission compliance filing requirements nor would it waive its ability to subsequently reject a document as deficient or require those perceived deficiencies to be corrected. We would respectfully suggest that the Commission here ought to codify a particular time interval in this specific rule where acceptance would be approved. Indeed, recently in the solid waste sector, the Assistant Director of Water and Transportation has proposed a policy, in a June 6, 2013 letter, of an interval of two business days for a general rate case filing to be accepted after submission. We would suggest that this type of interval is reasonable after submission, particularly where statutory time periods are applicable and a regulated company's rights may be prejudiced if the rejection happens unreasonably after the period of submission. Again, two business days after a filing would seem practical and fair.

Finally, we wanted to briefly comment on the proposed revisions at WAC 480-07-160 beginning at page 35 of the draft rules. The Commission Staff is now proposing to affirmatively preclude marking of documents as "confidential" if submitted on behalf of title 81 RCW companies. While we understand that this has been a Staff policy over the past year couple of years, we question why the Staff seeks to retool these provisions now in light of awareness, as has been discussed at recent stakeholder sessions, that a bill seeking to extend similar confidential record protection as is afforded to Title 80 companies to solid waste collection companies, will again be introduced in the Legislature in 2014. In this upcoming short legislative session, it would seem more prudent to briefly pause on addressing the confidentiality rules so that solid waste collection companies operating under Title 81 and Staff will not have to revisit them after any prospective and/or imminent legislative revisions. Thus, we ask that the broad and often highly technical changes set forth at pages 35 through 49 of the rules be held in abeyance awaiting possible action in the coming legislative session. While we normally would not advocate delay in action for pending procedural rules consideration, this particular request seems prudent under these unusual circumstances.

We again thank the Commission Staff and the Commission for its detailed proposals regarding some needed changes to the procedural rules and other than the noted brief respite to weigh any possible legislative action regarding confidentiality, support moving forward in addressing the positions of the parties and the Staff on these rules and hopefully enacting changes in the first half of 2014. In that regard, we particularly look forward to any imminent response on Company comments on solid waste

general rate case procedural rules submitted in September and from the stakeholder session almost three months ago on October 1, 2013.

Yours truly,



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