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SERVICE DATE
JAN 15 1999

STATE OF WASHINGTON

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250
(360) 664-1160 • TTY (360) 586-8203

January 12, 1999

RE: Adoption of Pay Phone and Operator Services Rules
Docket No. UT-970301

TO INTERESTED PERSONS:

On October 28, 1998, the Commission adopted rules relating to pay phone and operator services providers. In reviewing the entire record and considering all the information throughout the rulemaking, the Commission repealed three existing rules and adopted amendments for several others. Specific changes are described and discussed in the enclosed Order. The order was filed with the Code Reviser on December 29, 1998. The rules are effective 31 days after filing with the Code Reviser.

Staff wishes to thank those who have participated in this rulemaking process. The comments submitted and discussions with participants enabled the development of rules that appropriately protect consumers without undue regulatory burden on the companies involved. Enclosed with this letter, please find a copy of the Order Amending, Repealing and Adopting Rules Permanently, including the final text of the rules, and highlights of the changes to the rules.

If you have further questions, please call Ms. Suzanne Stillwell, at 360-664-1103. Thank you for your continued interest in this rulemaking.

Sincerely,

CAROLE J. WASHBURN
Secretary

Enclosures



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HIGHLIGHTS OF CHANGES TO THE PAY PHONE AND OPERATOR SERVICE RULES

Pay phone service providers, WAC 480-120-138

1. Abbreviated registration process - post Unified Business Identifier (UBI #) on phone. Master License Services, Department of Licensing (360-664-1400).

Formal registration process - PSPs providing automated operator services/store and forward operator services; billing, branding, and collecting for automated operator services, must be registered with the WUTC and have a tariff on file.

2. Posting
Unified Business Identifier (UBI) number
Commission compliance number
Notice of any restrictions
Notice that phone does not make change
Local rate - 30 point type or contrasting color
No more notice that "rates may be higher than normal"

Placarding must be replaced within 60 days from the effective date of the rule. Effective date is January 29, 1999; new placards to be in place by March 29th.

3. Local coin call is defined as a connection from a pay phone within the local calling area of not less than fifteen minutes.

4. Restrictions
One way calling - blocking of incoming calls:
Service provided within a building on the premises of a private business establishment may be blocked at the discretion of the business owner. Premises where people have access to public transportation such as airports, bus and train stations are not considered private business establishments.

Other restrictions related to criminal or illicit activities:
The commission may direct limitations upon request of local governing jurisdictions (or other governmental agencies) in their efforts to prevent or limit criminal or illicit activities. Restrictions may include, but are not limited to, blocking of incoming calls, limiting touch tone capabilities and coin restriction hours.

Abbreviated petition/waiver process.

Operator Services rule - WAC 480-120-141

1. Adopted FCC's on-demand rate quote. Until that time the OSP can provide the on-demand verbal rate quote, an OSP must apply for a waiver of the rules.
2. Rate cap is removed.

Glossary - WAC 480-120-021

Added and clarified definitions in the glossary relating to PSPs & OSPs.

JAN 15 1999

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Amending)
WAC 480-120-021, 480-120-138 and) GENERAL ORDER NO. R-452
480-120-141; and Repealing)
WAC 480-120-137, 480-120-142 and) DOCKET NO. UT-970301
480-120-143)
) ORDER AMENDING, REPEALING,
Relating to Pay Phone and Operator) AND ADOPTING RULES
Services Providers.) PERMANENTLY
.....)

STATUTORY OR OTHER AUTHORITY: The Washington Utilities and Transportation Commission (Commission or WUTC) takes this action under Notice WSR #98-17-068, filed with the Code Reviser on August 17, 1998. This Commission brings this proceeding pursuant to RCW 80.04.160, RCW 80.36.520 and RCW 80.01.040.

STATEMENT OF COMPLIANCE: This proceeding complies with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 34.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

DATE OF ADOPTION: The Commission adopted this rule on October 28, 1998.

CONCISE STATEMENT OF PURPOSE AND EFFECT OF THE RULE: The proposal requires pay phone service providers and operator service providers to provide a consistent level of service and to meet intrastate standards that are consistent with federal requirements. The rules will also preserve, to the extent possible, continued consumer protections in a largely-deregulated environment by measures including adequate disclosure to consumers at the pay phone itself, at the time of a call. The rules recognize federal mandates lifting economic regulation from pay telephones and operator services. Rule amendments delete provisions that are no longer applicable or are unduly burdensome, maintain a minimum level of service, provide a means to obtain limitations on service when needed for public purposes, impose consumer protections through disclosure at the pay phone, and inform consumers of their rights as pay phone users. The rules also reduce the level of bureaucratic involvement in this business to the minimum consistent with adequate consumer protection. Rules revisions are designed to meet standards set out in Executive Order 97-02.

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

DEC 29 1998

3:42 AM
99-02-020 (PM)

REFERENCE TO AFFECTED RULES: This rule repeals, amends, or suspends the following sections of the Washington Administrative Code:

Amends WAC 480-120-021 Glossary, WAC 480-120-138 Pay telephones - Local and intrastate, and WAC 480-120-141 Alternate operator services; and,

Repeals WAC 480-120-137 Customer-owned pay telephones - Interstate, WAC 480-120-142 Alternate operator services - Enforcement, and WAC 480-120-143 Local service to aggregators.

PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS

THEREUNDER: The Commission filed a Preproposal Statement of Inquiry (CR-101) on March 27, 1998, at WSR #97-08-036.

ADDITIONAL NOTICE AND ACTIVITY PURSUANT TO PREPROPOSAL STATEMENT: The statement advised interested persons that the Commission was considering entering a rulemaking relating to pay telephones and alternate operator service providers. The Commission also informed persons of the inquiry into this matter by providing notice of the subject and the CR-101 to all persons on the Commission's list of persons requesting such information pursuant to RCW 34.05.320(3), by sending notice to all registered telecommunications companies, and by providing notice to the Commission's list of telecommunications attorneys.

Pursuant to the notice, the Commission held a workshop on May 5, 1997. The Commission on July 3, 1997, wrote interested persons, summarizing the workshop and requesting comments. On September 12, 1997, the Commission Staff circulated a draft of possible rule changes, based on the discussions and comments, to interested persons, requesting further comments. Commission Staff received comments, and prepared and sent a second draft of possible rules to interested persons on April 28, 1998 and requested comments on the possible changes.

Staff convened a meeting of interested persons on June 2, 1998, to discuss the economic impact of this rulemaking. Representatives from the Northwest Payphone Association, local and long distance telephone companies, and Public Counsel were invited to attend. Commission Staff also circulated a questionnaire to gain more information about the cost impacts of the rule. Five companies responded to the questionnaire. This information and their participation in the discussion led to the results summarized in the Small Business Economic Impact Statement.

NOTICE OF PROPOSED RULEMAKING: The Commission filed a notice of Proposed Rulemaking (CR-102) on August 17, 1998, at WSR #98-17-068. The Commission scheduled this matter for oral comment and adoption under Notice WSR #98-17-068 at 9:30 a.m., Wednesday, October 28, 1998 in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington. The Notice also provided interested persons the opportunity to submit written comments to the Commission.

COMMENTERS (WRITTEN COMMENTS): The Commission received written comments from Fullers of Chehalis and Centralia, Jeffrey D. Glick of Seattle, GTE Northwest Inc.(GTE-NW), McDonalds in Vancouver, the Northwest Payphone Association (NWP), William Paine of Maple Valley, the Public Counsel section of the Washington Attorney General (Public Counsel), the City of Seattle, Sentury Market in Goldendale, United Telephone Company of the Northwest (Sprint), Teltrust Communications Services, Inc. (Teltrust), U S WEST Communications, Inc. (U S WEST), the Washington Independent Telephone Association (WITA), and Washington State Representative Philip E. Dyer.

Based on the comments received, Commission Staff suggested revised language without changing the intent or ultimate effect of the proposed rule.

RULEMAKING HEARING: The rule changes were considered for adoption, pursuant to the notice, at the Commission's regularly scheduled open public meeting on October 28, 1998 before Chairwoman Anne Levinson and Commissioner Richard Hemstad. The Commission heard oral comments from Suzanne Stillwell, representing Commission staff; Brooks Harlow, representing the NWP; Matt Steuerwalt, representing Public Counsel; and Theresa Jensen, representing U S WEST. Oral commenters repeated concerns that were stated in their previous written comments.

SUGGESTIONS FOR CHANGE THAT ARE REJECTED: Although all participants worked diligently to achieve consensus, the participants and Commission staff did not reach complete agreement on some topics. A summary of those areas follows.

1. Jurisdictional issues. Several commenters assert that the Commission does not have jurisdiction over pay phones at all because, they argue, the Telecommunications Act of 1996 removed all regulation from the state. Commenters believe that the proposed rules are inconsistent with federal law and regulation and that the incumbent local exchange companies (LECs) will be disadvantaged in the competitive market. The Commission rejects these arguments. While FCC rules ended state regulation of the local coin rate, it left to the states the authority to regulate other aspects of the pay phone industry, especially in the area of consumer protection. The rules are consistent with the intent of Congress and the FCC, and are competitively neutral as it relates to incumbent LECs.

2. Disclosure at the pay phone. Commenters argued that the disclosure that the rules require from both the pay phone service provider and operator service provider is unnecessary and costly, that too many numbers must be posted, and that technical limitations may affect their ability to offer on-demand verbal rate quotes. The Commission strongly believes that adequate disclosure at the pay phone site is essential to promote effective competition and to inform and protect users appropriately of pay phone services. The amount of posting will be nearly the same as prior rule

language (adding one telephone number while removing other language). Adding the Commission's compliance number is a necessary consumer protection measure. The Commission will consider requests for waivers of the rules pursuant to WAC 480-120-141(2)(b) if technical limitations reasonably prevent offering on-demand verbal rate quotes on request.

3. Compensation for incoming calls. Commenters argued that pay phone providers should be allowed to charge customers for calls made to pay phones (incoming calls), and that the rules' prevention of such charges violates federal law. The Commission rejects this argument. Federal statute and FCC orders are at most ambiguous about the existence of an obligation to compensate incoming calls, and the Commission finds no legal or policy reason to allow such charges.

4. Restrictions on call length. Some pay phone providers (PSPs) and/or location providers want the authority to restrict the length of local calls. These PSPs argue that all customers should have reasonable access to a phone. The rules require that a basic local call be a minimum of 15 minutes, which will allow persons ample time to conduct business, wait on "hold", or deal with exceptional circumstances. Public Counsel urges that there be no restrictions on length of local calls, except to meet needs due to illicit activity. The rule does not require the restriction of calls to 15 minutes, but offers a balance between customer turnover and individual callers' needs. The requirement does not affect the rate for a local call, which pursuant to federal requirements is not regulated.

Other specific comments that the Commission rejected in adopting the rules include the following:

WAC 480-120-138 Pay phone service providers (PSPs)

Subsection 138(3)(d), required access to telecommunications relay service calls for the hearing impaired. Public Counsel urged retaining the broader language of the existing rule, 480-120-138(8), to require that "...installation complies with all applicable federal, state, and local laws and regulations concerning the use of telephones by disabled persons." Although the Commission does not support other violations of law, and if it learns of such violations will report them appropriately, it has no jurisdiction to act upon such violations. Other agencies have the responsibility for ensuring compliance with other federal, state and local laws.

Subsection 138(4)(a), Posting of rates. The rule requires that the rate and any call length limitations be clearly and legibly posted on or near the front of the pay phone. Public Counsel asks that all placards bear the rate in 30-point or larger type and contrasting color. Contrasting colors can be an effective means of highlighting the local call charge, as well as larger type, and either one is reasonable.

138(4)(c), Notice that no change is provided. GTE argues that it is a commonly known fact that pay phones do not make change and that it needlessly uses space on an already overloaded placard. The Commission rejects the argument; virtually all contemporary-technology coin-operated devices offer change, and there is no technological reason why the telephone instrument cannot be provisioned to do so. GTE can avoid the disclosure requirement by providing instruments that make change.

138(4)(g) and (k), Posting requirements. Subsection (g) requires the PSP to post the name, address, and without-charge telephone number of all presubscribed operator service providers serving the instrument, and that the placard be updated within 30 days after a change. GTE argues that the 30-day requirement will be burdensome in parts of its rural territory. In some areas, the company may only maintain telephones on an "as needed" basis. As to 138(4)(k), requiring updated placarding within 60 days after the effective date of a rule change, GTE asks that it be amended to permit change at the time of the next regularly scheduled visit to the pay phone. The Commission rejects the suggestion that the time periods be extended. The trade-offs here are between consumer information and PSP convenience and expense. From the time of the change until the correct information is posted, consumers will not have on-site access to accurate information. The Commission recognizes that an "immediate change" requirement would impose hardships on PSPs and sizeable expense. The time periods set in the rule appropriately balance the affected interests. PSP information shows that the time periods will allow changes to be made during "routine" site visits in the vast majority of instances. Thirty days is appropriate to change out placards when there has been a change in a presubscribed operator service provider, and sixty days is a reasonable time period to change out placards as a result of this or comparable rule changes.

138 (4)(j), Commission toll-free number. This subsection requires posting, in contrasting colors, the Commission's consumer complaint compliance number, to include a statement that, "If you have a complaint about service from this pay phone and are unable to resolve it with the pay phone owner/operator, please call the WUTC at 1-888-333-WUTC (9882)." NWPA, US WEST, and GTE object to printing a Washington-specific placard that puts another number in very limited space. They contend that the public may become confused and fail to follow instructions for routine calls. They fear that this will lead to a costly level of misdirected complaints that should be managed by the PSP. The Commission rejects this view. The Commission compliance number is necessary to support its compliance efforts and to get information from consumers about pay phone problems.

Public Counsel suggests retaining the existing rule language of 480-120-138(14) that requires credit-card operated phones to identify all credit cards accepted. The Commission believes that in today's market this is not critical for consumer protection, and the marketplace will address this issue.

138(5)(c). one line per instrument. This subsection requires that a PSP obtain a separate pay phone access line (PAL) for each pay phone instrument. Pay phone providers oppose this, suggesting that it may stifle innovation and prevent PSPs from obtaining the most efficient and cost-effective service. The problem addressed by this rule is assuring that the pay phone is available for service – if a single line serves more than one instrument, the line cannot be available for both instruments at the same time. The rule was modified in response to this objection and now specifically provides for Commission waiver if a company demonstrates that technology accomplishes the same result as the rule's requirement.

138(5)(d) and (e). Extension, cordless or tabletop telephones. U S WEST argues that the WUTC should not regulate the operational characteristics of extension telephones, cordless, or tabletop telephones because such phones, as customer provided equipment (CPE), are deregulated. We reject this argument. The rule does not regulate CPE. It does not prohibit such equipment, set a rental rate for such equipment, or regulate the dimensions, color, form, or style of the equipment. The rule regulates the services provided to the customer, a matter that remains within the Commission's jurisdiction.

138(5)(f) Keypad restriction. The rule requires that a pay phone may not restrict the number of digits or letters that may be dialed. US WEST argues that the restriction is inconsistent with marketplace demands, and that whether or not to apply keypad restriction should be a decision between the PSP and location providers. The Commission rejects US WEST's arguments. In today's environment, consumers need keypad access after dialing the number to enter billing codes, to retrieve voice messages, use pagers, access bank accounts and credit card accounts, call offices that use automated menus, etc. Keypad restrictions often mean that the cost of a call is wasted and the consumer has no means to conduct her or his activities. Keypad restriction is of little value in preventing professional crime, because portable tone generators are readily available to persons who know they will need them. If location-specific problems call for keypad restrictions, waiver is available under subsection (6) of the rule.

138(5)(g) Coin and Credit Operation. Pay phones may provide credit-only service, or coin and credit service. U S WEST again states that it is inconsistent with market place demands, and should be a decision between the PSP and location providers to determine type of restrictions. A company may apply for waiver of the rules if necessary.

138(6) Authorizing Restrictions - This provision allows the Commission to direct limitations on pay phone service upon request of local governing jurisdictions to support their efforts to prevent or limit criminal or illicit activities. Restrictions may include, but are not limited to, blocking of incoming calls, limiting touch tone capabilities, and imposing coin restriction during certain hours. US WEST argues that this is beyond the Commission's jurisdiction and inconsistent with federal law; it argues that

PSPs will implement such restrictions appropriately and willingly at the request of local communities, property owners, neighborhood groups, or others at the discretion of the company. The Commission rejects the suggestion that such restrictions must be available without Commission oversight. The Commission does have the jurisdiction and the authority to ensure consumer protection and the minimum service and quality standards provided from pay phones. While the Commission should not be an impediment to effective local police and safety regulation, interests of consumers must be a factor in the process.

138(7) Telephone directories The PAL provider must furnish without charge one current directory each year and the PSP must ensure that a current directory is available at every pay phone. GTE argues that this is costly and burdensome, and suggested that the PSP need only make "a reasonable effort" to make a current directory available at every pay phone location. We disagree. Providing a directory is a part of pay phone service. Consumers should not be forced to use directory assistance for numbers that are readily available in a local directory.

138(8) Correcting malfunctions and rule violations. The rule imposes a 5-day limit for correcting reported malfunctions or rule violations. US WEST argues that "Malfunction" aspect should be removed because it is beyond the WUTC's jurisdiction since pay phones are deregulated. As noted repeatedly in this order, the Commission disagrees sharply with US WEST's limited view of our jurisdiction. Public Counsel suggests retaining provisions of the existing 480-120-138(18) that make a LEC responsible to ensure that its PSP customers comply with rules regarding the use of its PAL line. We reject this suggestion; in today's competitive marketplace it is inappropriate to require the LEC to police the activities of a competitor. Each company is independently responsible for compliance with WUTC rules.

WAC 480-120-141 Operator service providers (OSPs)

141(2)(a) Posting -- rates. Public Counsel asks the Commission to retain the language from the prior rule that "Service on this instrument may be provided at rates that are higher than normal. You have the right to contact the operator for information regarding charges before placing your call....". The Commission rejects the request. The adopted disclosures provide needed notice, especially coupled with the opportunity to receive an on-demand verbal rate quote.

GTE, NWP, U S WEST expressed the same concerns discussed above in the 138 (4) section on disclosure requirements for pay phone service providers. The Commission notes that disclosure is reasonably required for consumer protection, and resolves these concerns in the same way.

141(2)(b) Verbal Disclosure of Rates. Before an operator-assisted call from an aggregator location may be connected by a presubscribed OSP, the OSP must verbally advise the caller how to receive a rate quote, such as by pressing a specific key or keys, but no more than two keys, or by staying on the line. The rate quoted for the call must include any applicable surcharge, and charges must not exceed the quote.

Teltrust argues that the proposal is premature in light of the FCC's reconsideration of the parallel federal rule, which is subject to change. It argues that the rule is burdensome and expensive and that it threatens to harm OSPs as well as consumers by leading to rate increases. GTE states that it does not have the technology to comply, but that it should be able to do so by late 1999. The NWPA does not object to the verbal requirement as long as it is consistent with federal requirements both in substance and in the timing of implementation. US WEST argues that the WUTC should postpone adoption of rule language concerning this issue until the FCC adopts its final rule, stating that the needed technology is not currently available for U S WEST, and will take about 15 months to implement once a final decision is made to use it. US WEST also argues that the rule generates costs and expenses to the company that they do not face today. Public Counsel argues that provisions of existing rules, 480-120-141 (10)(b) and (11) containing limits on OSP rates should be retained.

The Commission adopts the FCC's verbal disclosure requirement on an intra-state basis. Staff recognizes that the FCC granted limited waivers and extensions of time to come into compliance to several specific petitioners for automated calls, collect call and inmate services (10/31/98, and 12/31/98 for collect call and inmate services, respectively). Further, the FCC permitted OSPs that use store-and-forward technology, until October 1999, to come into compliance with its rules. The federal rule is stayed only as it applies to interstate intraLATA operator services until 60 days after release of the FCC's reconsideration order.

The verbal rate disclosure option is necessary to better inform consumers, fosters a more competitive environment, and it serves the public interest. Petitioners to the FCC rule have indicated they can use live operators for rate quotes during the interim period. Staff's intent is that the WUTC rules be as consistent with the FCC as local conditions permit. If there are significant changes to the FCC rule resulting from the FCC's review and resulting order, the Commission will do an expedited rulemaking at that time to consider changes needed for consistency. Waivers will be considered during the interim period, consistent with the FCC approach.

141(6)(b) Operational capabilities -- adequate facilities. This rule requires the OSP to determine cause of excessive blockage and take steps to correct the problem. US WEST argues this is not enforceable, stating that the responsible party is the Interexchange Carrier (IXC), since the IXC is provisioning trunking. The Commission believes that the OSP needs to pursue any service problem directly with the IXC or other responsible party to resolve a blocking problem.

141(6)(c) Operator service standards. US WEST asks the Commission to reject this language as ambiguous and not measurable. The Commission believes that the language as stated is a reasonable public expectation and that it is stated with sufficient clarity.

141(6)(d) Operational capabilities -- reorigination. The rule requires an OSP to reoriginate calls to another carrier upon request and without charge when equipment that will accomplish reorigination with screening and allow billing from the point of origin of the call, is in place. If reorigination is not available, the OSP must give dialing instructions for the consumer's preferred carrier. US WEST asks the Commission to eliminate this provision because its operators do not have dialing instructions for customers who wish to reoriginate a call to another carrier. Customers are transferred to directory assistance to learn their preferred carrier's access number. The Company argues that OSP's should not have to incur the expense of increased call handling time. The Commission notes that this is not new rule language and that it requires no new technology. The required service is appropriate and should continue to be required.

141 (9) Enforcement. Public Counsel asks the WUTC to retain language from WAC 480-120-142, which includes specific RCW's and WAC's detailing minimum service levels. The Commission rejects the proposal because revised rule incorporates needed references.

COMMISSION ACTION: After considering all of the information regarding this proposal, the Commission repealed the three rules proposed for repeal and adopted the proposed rule amendments, with the changes described and discussed in this order. Appendix A of this order sets out the rule as adopted.

CHANGES FROM PROPOSAL: The Commission adopted the proposal with the following changes from the text noticed at WSR #98-17-068. Note that the changes described below are in addition to non-substantive grammatical, editorial, and minor clarifying changes.

WAC 480-120-021 Glossary

Pay phone services definition was changed to "provision of pay phone equipment to the public for placement of local exchange, interexchange, or operator service calls. This amendment was offered by the NWPA. We adopt it for the reasons advocated in its support.

WAC 480-120-138 Pay phone service providers (PSPs)

138(4)(b) is changed to state that "notice must be posted that directory assistance charges may apply, and to ask the operator for rates", rather than the proposed requirement to state the rate. Public Counsel asks that the Commission

retain a rate cap at dominant carrier's rates. The FCC requirement appears to be clear that PSPs, if charged for Directory Assistance, may pass those costs on to the consumer/caller. The adopted language is consistent with the intent of the rule and the need for appropriate disclosure from pay phones.

138(5)(h) One way call restriction. Many commenters want the flexibility to deal on their own with the question of whether or not to ban incoming calls. They argue that pay phone owners and location providers should be allowed to restrict phones against incoming calls whenever they choose. The Commission believes that, generally, two-way service should be available from pay phones. However, the Commission proposed exceptions to this policy to meet concerns that were expressed. Present exceptions allowing restricting incoming calls in libraries and hospitals, where quiet is necessary for the operation of the institution, would continue. The Commission proposed a new exception, inside the building of a private business, where the pay phone provider and the location owner may decide whether to restrict against incoming calls. Phones located outside such private business locations, and in or on premises where people have access to public transportation such as airports, bus and train stations, must provide two-way service unless the Commission grants a waiver. Adopted language addresses concerns heard in the comments, and it is consistent with the intent of the rule and appropriate consumer protection.

138(6) is revised to remove repetitive and unnecessary language, to correctly identify the appropriate subsection for requesting a waiver, and to shorten the comment period from thirty to twenty days when there has been a request to restrict a pay phone, as the City of Seattle suggests. It is consistent with the intent of the rule and with appropriate consumer protection.

STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE: In reviewing the entire record, the Commission determined that WAC sections 480-120-021, 480-120-138 and 480-120-141 should be amended to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, and WAC sections 480-120-137, 480-120-142, and 480-120-143 should be repealed, to take effect pursuant to RCW 34.05.380(2) on the thirty-first day after filing with the Code Reviser.

ORDER

THE COMMISSION ORDERS:

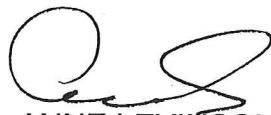
1. WAC 480-120-021, 480-120-138, and 480-120-141 are amended to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, and WAC 480-120-137, 480-120-142 and 480-120-143 are repealed, to take effect on the thirty-first day after the date of filing with the Code Reviser pursuant to RCW 34.05.380(2).

2. This order and the rules set out below, after being recorded in the register of the Washington Utilities and Transportation Commission, shall be forwarded to the Code Reviser for filing pursuant to chapters 80.01 and 34.05 RCW and chapter 1-21 WAC.

3. The Commission adopts the Commission Staff memoranda, presented when the Commission considered filing a Preproposal Statement of Inquiry, when it considered filing the formal notice of proposed rulemaking, and when it considered adoption of this proposal in conjunction with the text of this order, as its Concise Explanatory Statement of the reasons for adoption of the proposed changes, as required by RCW 34.05.025.

DATED at Olympia, Washington, this 28th day of December 1998.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



ANNE LEVINSON, Chair



RICHARD HEMSTAD, Commissioner



WILLIAM R. GILLIS, Commissioner