



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do **NOT** use for expedited rule making

Agency: Washington Utilities and Transportation Commission

Subject of possible rule making: The Utilities and Transportation Commission (Commission or UTC) commences this inquiry to consider amending WAC 480-30 to allow flexibility in setting rates and promote competition in the auto transportation industry. Docket TC-121328

Statutes authorizing the agency to adopt rules on this subject: RCW 81.04.160, 81.04.250, 81.68.030, and 81.68.040. The UTC believes the Executive Order and OFM instructions allow this rulemaking because it is in response to industry requests for rate flexibility.

Reasons why rules on this subject may be needed and what they might accomplish: RCW 81.04.250 allows the Commission to use any standard, formula, method, or theory of valuation reasonably calculated to arrive at the objective of prescribing and authorizing just and reasonable rates. RCW 81.68.040 allows the Commission to issue a certificate to a company if it meets the public convenience and necessity standard. If there is an incumbent, the Commission may only issue a certificate to the applicant if the incumbent company does not object, or the Commission determines that the incumbent will not provide service to the satisfaction of the Commission. The auto transportation companies have requested that the Commission provide more flexibility to the companies in setting rates. Given the level of competition among passenger transportation providers in the state; the Commission believes that the current method of strict economic regulation of rates and entry of auto transportation providers may no longer be effective or efficient in serving the public. The Commission proposes to develop a rule that will authorize rate flexibility in concert with opening the market to increased competition.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:
None.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) The Commission will ask for initial comments and will provide the opportunity to provide additional comments.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

Interested persons may file comments with the Executive Director and Secretary, Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive S.W., Olympia, Washington, 98504-7250; telephone (360) 664-1174; by fax (360) 586-1150; e-mail at records@utc.wa.gov, or through the UTC Web portal at www.utc.wa.gov/e-filing by **Monday, October 8, 2012**. For specific information regarding opportunities for written comments and to ensure receipt of further information concerning this rulemaking, please see the attachment to this form.

DATE
September 5, 2012

NAME (TYPE OR PRINT)
David W. Danner

SIGNATURE

TITLE
Executive Director and Secretary

CODE REVISER USE ONLY

**OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED**

**DATE: September 05, 2012
TIME: 8:46 AM**

WSR 12-18-074

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
CR-101 - ATTACHMENT
DOCKET TC-121328

Interested persons may contact the Executive Director and Secretary, Washington Utilities and Transportation Commission, P. O. Box 47250, Olympia, Washington, 98504-7250, 360-664-1174 (Fax: 360-586-1150).

WRITTEN COMMENTS

Written comments may be submitted to the Commission at the address given above and should be filed with the Commission no later than **5:00 p.m., Monday, October 8, 2012.**

The Commission requests that comments be provided in electronic format to enhance public access, for ease of providing comments, to reduce the need for paper copies, and to facilitate quotations from the comments. Comments may be submitted via the Commission's Web portal at www.utc.wa.gov/e-filing or by electronic mail to the Commission's Records Center at records@utc.wa.gov. Please include:

- The docket number of this proceeding: TC-121328
- The commenting party's name
- The title and date of the comment or comments

An alternative method for submitting comments may be by mailing/delivering an electronic copy on a 3 ½ inch, IBM-formatted, high-density disk, in .pdf Adobe Acrobat format or in Word 97 or later. Include all of the information requested above. The Commission will post on the Commission's web site all comments that are provided in electronic format. The web site is located at <http://www.utc.wa.gov/121328>. If you are unable to file your comments electronically or to submit them on a disk, the Commission will always accept a paper document.

Opportunity for further comment is anticipated. Information about the schedule and other aspects of the rulemaking, including comments, will be posted on the Commission's web site as it becomes available. If you wish to receive further information on this rulemaking you may (1) call the Commission's Records Center at 360-664-1234, (2) email the Commission at [<records@utc.wa.gov>](mailto:records@utc.wa.gov), or (3) mail written comments to the address above to the attention of David W. Danner, Executive Director and Secretary. When contacting the Commission, please refer to Docket TC-121328 to ensure that you are placed on the appropriate service list. Questions may be addressed to Ann Rendahl at (360) 664-1144 or via email at arendahl@utc.wa.gov.

NOTICE

TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULEMAKING -- The Commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. **ANY PERSON WHO COMMENTS** will continue to receive notices and information. If you do not submit comments but wish to remain on the mailing list for this rulemaking, please advise the Records Center by any one of the following methods: (1) send a note with your name, address (or a copy of your mailing label), and telephone and fax numbers referencing Docket TC-121328, and the words "Please keep me on the mailing list"; or (2) Email your name, address, telephone and fax numbers, referencing Docket TC-121328, and the words "Please keep me on the mailing list" to records@utc.wa.gov. Please note that all information in the mailings will be accessible through the Commission's Internet web site at <http://www.utc.wa.gov/121328>. **THOSE INTERESTED PERSONS WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULEMAKING.**