



**PREPROPOSAL STATEMENT OF INQUIRY**

**(RCW 34.05.310)**

**CR-101 (7/22/01)**

Do **NOT** use for expedited rule making

**Agency:** WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

**Subject of possible rule making:** This rulemaking inquiry would review jurisdictional provisions of Chapter 480-110 WAC, to consider, among other things, amendment of rules relating to the maximum average annual revenue per customer jurisdictional threshold for water companies in WAC 480-110-255, Jurisdiction.

Docket No. UW-040375

**(a) Statutes authorizing the agency to adopt rules on this subject:**

RCW 80.01.040, RCW 80.04.160, and RCW 80.04.010

**(b) Reasons why rules on this subject may be needed and what they might accomplish:**

On February 6, 2004, MacKaye Harbor Water Company, Inc. filed a petition to amend WAC 480-110-255 to increase the maximum average annual revenue per customer for non-regulated water companies. On March 31, 2004, the Commission denied the petition because the MacKaye proposal applied a standard for raising the jurisdictional threshold different from that authorized by RCW 80.04.010. The current threshold of \$429 average annual revenue per customer has been in effect since December 31, 1999. This rulemaking would consider whether it is appropriate to raise the jurisdictional threshold as provided in RCW 80.04.010 and, if appropriate, by how much. This rulemaking may also consider amending WAC 480-110-255 to clarify its regulatory intent.

**(c) Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** N/A

**(d) 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 written comments, and will provide the opportunity for additional comments.

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

(List names, addresses, telephone, fax numbers of persons to contact; describe meetings, other exchanges of information, etc.)

Interested persons may contact the Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W., Olympia, Washington, 98504-7250; Telephone (360) 664-1174; Facsimile (360) 586-1150.

Interested persons may file written comments on the CR-101 by **April 30, 2004**. For specific information regarding opportunities for written comment and to ensure receipt of further information concerning this rulemaking, please see the attachment to this form.

**CODE REVISER USE ONLY**

**Filed with the Code Reviser's Office  
April 7, 2004, 11:20 a.m.**

**WSR 04-08-132**

**NAME (TYPE OR PRINT)**  
CAROLE J. WASHBURN

**SIGNATURE**

**TITLE**  
EXECUTIVE SECRETARY

**DATE**  
4/7/04

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**  
**CR-101 - ATTACHMENT**  
**DOCKET NO. UW-040375**

(e) Interested persons may contact the 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 **April 30, 2004**.

Electronic copies. 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 by electronic mail to the Commission's Records Center at [records@wutc.wa.gov](mailto:records@wutc.wa.gov). Please include:

- The docket number of this proceeding (UW-040375)
- 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.wutc.wa.gov/040375>. 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) e-mail the Commission at [<records@wutc.wa.gov>](mailto:records@wutc.wa.gov), or (3) mail written comments to the address above to the attention of Carole J. Washburn, Secretary. When contacting the Commission, please refer to Docket No. UW-040375 to ensure that you are placed on the appropriate service list. Questions may be addressed to Danny Kermode (360) 664-1253 or e-mail at [<dkermode@wutc.wa.gov>](mailto:dkermode@wutc.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 No. UW-

040375, and the words "Please keep me on the mailing list"; or (2) E-mail your name, address, telephone and fax numbers, referencing Docket No. UW-040375, and the words "Please keep me on the mailing list" to <[records@wutc.wa.gov](mailto:records@wutc.wa.gov)>.

Please note that all information in the mailings will be accessible through the Commission's Internet web site at <<http://www.wutc.wa.gov/040375>>. **THOSE**

**PARTIES WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULEMAKING.**