



# PROPOSED RULE MAKING

## CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

**Agency:** Washington Utilities and Transportation Commission

- Preproposal Statement of Inquiry was filed as WSR ; or  
 Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or  
 Proposal is exempt under RCW 34.05.310(4).

- Original Notice  
 Supplemental Notice to WSR \_\_\_\_\_  
 Continuance of WSR \_\_\_\_\_

**Title of rule and other identifying information:** Chapter 480-110-205, Application of rules, and WAC 480-110-255, Jurisdiction, Docket UW-120246.

**Hearing location(s):**

Commission Hearing Room 206  
Second Floor, Richard Hemstad Building  
1300 S. Evergreen Park Drive SW  
Olympia, WA 98504-7250

Date: July 27, 2012 Time: 1:30 PM

**Date of intended adoption:** July 27, 2012

(Note: This is NOT the effective date)

**Submit written comments to:**

Name: Washington Utilities and Transportation Commission  
Address: 1300 S. Evergreen Park Drive S.W.  
PO Box 47250  
Olympia, WA 98504-7250  
e-mail [records@utc.wa.gov](mailto:records@utc.wa.gov). Please, include: "Docket UW-120246" in your comments.  
fax (360) 586-1150 by (date) June 25, 2012

**Assistance for persons with disabilities:** Contact

Debbie Aguilar by July 20, 2012

TTY (360) 586-8203 or (360) 664-1132

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

On April 26, 2012, MacKaye Harbor Water Company, Inc. (MacKaye) filed with the Washington Utilities and Transportation Commission (Commission) a petition, pursuant to RCW 34.05.330, requesting the Commission initiate a rulemaking to amend WAC 480-110-205, Application of rules and WAC 480-110-255, Jurisdiction, to increase the maximum average annual revenue per customer used to determine Commission jurisdiction over water companies from \$471 to \$557. The Commission currently regulates investor-owned water companies that serve 100 or more customers, or have average annual revenue of more than \$471 dollars per customer. The Commission entered Order 01 on May 17, 2012, granting the petition and directing the filing of a proposed rulemaking (CR-102) in accordance with RCW 34.05.330(1)(b).

**Reasons supporting proposal:**

The requested rulemaking is beneficial to, or requested or supported by, the small businesses that it affects. The proposed rules would benefit small water companies (less than 100 customers in the aggregate). Such companies should not be subject to Commission jurisdiction unless their size or average annual revenues justify regulation. The revenue figure in the existing rule no longer reflects an appropriate jurisdictional threshold, and revising that amount would be beneficial to the small water companies that the Commission currently does not regulate.

**Statutory authority for adoption:** RCW 80.01.040, RCW 80.04.160, and RCW 80.04.110.

**Statute being implemented:**  
N/A

**Is rule necessary because of a:**

- Federal Law?  Yes  No  
 Federal Court Decision?  Yes  No  
 State Court Decision?  Yes  No  
 If yes, CITATION:

**DATE**  
May 23, 2012

**NAME** (type or print)  
David W. Danner

**SIGNATURE**

**TITLE**  
Executive Director and Secretary

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: May 23, 2012**  
**TIME: 10:25 AM**  
**WSR 12-11-131**

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

None.

**Name of proponent:** (person or organization) Washington Utilities and Transportation Commission

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Penny Ingram	1300 S. Evergreen Pk Drive SW, Olympia, WA 98504	(360) 664-1249
Implementation.... David W. Danner	1300 S. Evergreen Pk Drive SW, Olympia, WA 98504	(360) 664-1208
Enforcement..... David W. Danner	1300 S. Evergreen Pk Drive SW, Olympia, WA 98504	(360) 664-1208

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No. Explain why no statement was prepared.

The proposed rules will not result in or impose any costs; therefore a SBEIS is not required under RCW 19.85.030(1).

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No: Please explain:

The Commission is not an agency to which RCW 34.05.328 applies. The proposed rules are not significant legislative rules of the sort referenced in RCW 34.05.328(5).