

**Chapter 480-80 WAC
UTILITIES GENERAL--TARIFFS**

WAC

- 480-80-010 Application of rules.
- 480-80-020 Saving clause.
- 480-80-030 Definitions.
- 480-80-040 Tariff.
- 480-80-045 Filing of banded tariffs.
- 480-80-050 Copies of tariff to be filed.
- 480-80-060 Delivery of tariff.
- 480-80-070 Statutory notice.
- 480-80-110 Reference to tariff and price listed files.
- 480-80-125 Notice by utility to customers concerning hearing.
- 480-80-140 Tariff/price list format.
- 480-80-240 Less than statutory notice.
- 480-80-250 Adoption notice.
- 480-80-260 Tariff of acquired utility.
- 480-80-280 Issuing agent.
- 480-80-290 Suspension of tariffs.
- 480-80-320 Discontinuance of service.
- 480-80-330 Telecommunications contracts.
- 480-80-335 Special contracts for electric, water, and natural gas utilities.

WAC 480-80-010 Application of rules.

- (1) These rules shall apply to any public service company, defined as such by the laws of the state of Washington, as amended, operating a gas, electric, telecommunications, water or irrigation plant which is subject to the jurisdiction of the Washington utilities and transportation commission as to rates and service.
- (2) Upon acceptable showing by any utility, the commission may waive or modify, as to that utility, the provisions of any rule herein contained, except when such provisions are fixed by statute.
- (3) In no case shall any utility deviate from these rules unless authorized in writing by the commission.

WAC 480-80-020 Saving clause.

These rules shall not be construed as affecting the validity of any presently effective tariff provisions or pending tariff revisions. Attention shall be given by each utility to bringing presently effective tariffs into compliance with these rules so that all tariffs shall, within a reasonable period of time, conform as to tariff arrangement.

WAC 480-80-030 Definitions.

- (1) "Utility," when used in these rules, means any person, partnership, firm or corporation operating a gas, electric, telecommunications, water or irrigation plant which is subject to the jurisdiction of the commission as to rates and service.
- (2) "Commission," when used in these rules, means the Washington utilities and transportation commission.
- (3) "Tariff," as used in these rules, shall mean the complete tariff or any portion thereof containing those rate schedules and rules and regulations relating to charges and service which is regularly established under and in accordance with these rules and regulations relating to charges and service which is regularly established under and in accordance with these rules and

regulations and the applicable statutes and which is applied to specific groups of customers within any particular territory but shall exclude special contracts for special rates, service and facilities.

(4) "Banded tariff," as used in these rules means a tariff filed by a telecommunications company in which at least one element of the rate schedule (WAC 480-80-230) is a band consisting of a maximum and minimum rate within which the rate may vary.

(5) "Number," "numbers," "numbered" and "numbering," when used in these rules, means either a letter of the alphabet or a numeral unless otherwise specifically indicated.

WAC 480-80-040 Tariff.

(1) Each utility shall file with the commission in accordance with the public service laws of the state of Washington and these rules and regulations, its tariff or tariffs containing schedules showing all rates, charges, tolls, rentals, rules and regulations, privileges and facilities established by that utility for service rendered or commodity furnished.

(2) The filing of tariffs with the commission does not imply that the provisions of same are approved, unless the commission has prescribed the rates, rules and regulations or practices in an order, and utilities must not in any way make such inference.

(3) Rates and rules and regulations prescribed by the commission in its orders shall, in every instance, be observed by the utilities against which such orders are entered. The utility shall duly publish and file the necessary tariff sheets which shall show notation to that effect. Only those rates and rules and regulations so prescribed will carry such notation.

(4) Services which the commission has classified as competitive telecommunications services, including all services offered by companies which the commission has classified as competitive telecommunications companies, are exempted from the requirement to file tariffs. Price lists for services exempted from the requirement to file tariffs shall be filed in accordance with WAC 480-80-X01 and WAC 480-80-X03. Price list changes must be provided in triplicate and be accompanied by a letter of transmittal describing the changes proposed.

WAC 480-80-045 Filing of banded tariffs.

Telecommunications companies may file banded tariffs. Such banded tariff filings must, at a minimum, be accompanied with the following:

(1) A verifiable cost of service study supporting the contention that the minimum rate in the banded tariff covers the cost of the service;

(2) Information detailing the revenue impact of the banded tariff.

WAC 480-80-050 Copies of tariff to be filed.

Three copies of each tariff or a copy of the proposed tariff in electronic format shall be physically or electronically sent to the commission accompanied by a letter of transmittal. The letter of transmittal must describe any proposed changes to existing tariffs. When a tariff is filed in electronic format, the commission will confirm receipt of the proposed changes the same day, by an electronic response (email). A letter or electronic message will be sent to the utility by the commission, after processing, confirming approval of the tariff, with the receipt date noted thereon.

WAC 480-80-060 Delivery of tariff.

No tariff issued by any utility will be accepted for filing, if not otherwise excepted, unless it is delivered to the commission, free from all charges or claims for postage, the full thirty days required by law before the date upon which such tariff is to become effective, as noted, accompanied by a statement that public notice, as required, has been given to the public immediately prior to or coincident with the date upon which such proposal is transmitted to this office. No consideration will be given to the time during which a tariff may be held for delivery charges. The issued date and the effective date must be clearly indicated in the appropriate space on each sheet. The issued date must be a date either prior to or coinciding with the date

on the letter accompanying the tariff.

WAC 480-80-070 Statutory notice.

Except as otherwise hereinafter provided by law or rule, a tariff that is received by the commission too late to give the commission, as well as the public, the full thirty days' notice required by law will be returned to the sender. When any tariff is issued as to which the commission and the public are not given statutory notice, the tariff has the same status as if the tariff had not been issued and full statutory notice must be given on any reissuance thereof. No consideration will be given to telephone and telegraph notices in computing the thirty days' notice required. Tariffs or tariff revisions submitted by telefacsimile transmission or in electronic format will be accepted: Provided, That they comply with all other requirements imposed by statute or rule, and that in the case of paper filings, the signed original and the required number of copies of such tariff or tariff revisions are delivered to the secretary of the commission the following business day. Facsimiles or electronic filings shall be deemed filed at the date and time the facsimile or electronic filing is received and printed or stored in the offices of the commission. Tariffs received on Saturdays, Sundays and holidays or after 5:00 p.m. shall be considered as having been received on the following business day.

WAC 480-80-110 Reference to tariff and price list files.

- (1) Each utility shall keep updated tariff and price list files complete and in readily accessible form and shall assist those desiring information therefrom without requiring or requesting the inquirers to assign any reason for such desire.
- (2) Each utility shall provide the public electronic access to tariffs and price lists or shall provide a paper copy of a tariff or price list section, to consumers upon request, without charge. The paper copy may be facsimiled or mailed to the consumer. Telecommunications companies may also offer consumers a place to view price lists or tariffs, upon request, on regular business days and hours.
- (3) Each telecommunications company shall notify customers annually of their right to request tariff or price list information, which includes instructions as to how customers can obtain such information. The utility may stamp or print the notice on each bill or envelope in which such bill is mailed, or enclose the notice with the customer's bill. Telecommunication companies may include such notice in the consumer information guide of its telephone directory in lieu of a bill insert or message line.
- (4) The commission may approve other methods of filing tariffs when the nature of a utility's operations fully warrant such permission being granted.

WAC 480-80-125 Notice by utility to customers concerning hearing.

The purpose of this requirement is to ensure that customers of a utility which is proposing a rate increase or a banded tariff which proposes an increase in the maximum rate receive reasonable notice of the nature and the magnitude of the proposed increase, so that the customer is able reasonably to make an informed decision about whether to participate in the hearing process.

- (1) Whenever any utility proposes to increase any rate or charge for the service or commodities furnished by it or proposes a banded tariff which includes an increased maximum rate, and the commission has issued an order instituting investigation concerning such increase, the utility shall supply a statement to such customers or classes of customers designated in the order instituting investigation that a hearing will be held by the commission at which members of the public will be afforded an opportunity to testify. The statement shall also set forth the amount of the proposed increase expressed in (a) total dollars and average percentage terms, and (b) the average monthly increases that customers in each category or subcategory of service might reasonably expect. Categories or subcategories of service shall be identified in tariff terms, and if those terms are different from those commonly used by the utility or understood by customers, the notice shall incorporate that commonly used or understood terminology. The notice shall further contain the information that a public counsel will be appointed to represent the public and the mailing address of the commission to which any customer inquiries to the commission or to the public counsel relative to the public hearing date may be directed. The statement shall accompany, as a separate document, regular bills distributed by the utility to its customers, starting with the first billing cycle reasonably available following issuance of the commission's order instituting investigation and continuing throughout the utility's billing cycle covering customers of the utility as of the date of the commission's order instituting investigation. As an alternative the utility may make a

separate distribution of the statement within thirty days following the date of the issuance of the order instituting investigation. Whether disseminated as part of a regular billing or separately the notice shall be prepared in such a manner as to attract attention to it and to distinguish it from other material simultaneously distributed. The utility shall promptly file a copy of the statement with the commission and certify it has complied with or is in the process of complying with these mailing and delivery requirements.

(2) The statement required by WAC 480-80-125(1) shall be in form and content substantially as follows:

IMPORTANT NOTICE
(Company) is Requesting
A Rate Increase
Washington Utilities
and Transportation
Commission
Cause No. U-

(Name of Company) has asked the Washington Utilities and Transportation Commission for permission to raise its rates by about \$. . . . a year, or about percent, over present levels. A summary of the increases asked, and the kinds of service affected, (is attached) (appears below). The commission has suspended the increase and has ordered its staff to investigate the company's request. Formal hearings will be held for the company, commission staff and others to give evidence about the proposal.

The commission has ordered the company to send you this notice to tell you:

- (a) One or more hearing sessions will be held just to hear members of the public who want to testify, in addition to hearings for technical or expert evidence.
- (b) If you ask, the commission will send you a notice of the time and place for hearings when they are scheduled so you can attend. To get notices or for more information, call the Secretary of the Commission, in Olympia at (206) 753-6451 or write to:

Secretary
Washington Utilities and
Transportation Commission
1300 S. Evergreen Park Drive S.W.
Olympia, WA 98504-8002.

If you write, include your name and mailing address, the name of the company, and Cause No. U-

- (c) A lawyer (has been) (will be) appointed to represent the public. You can reach this "public counsel" by calling or writing the commission at the address above or directly by calling or writing
- (d) The rates shown here are only a request by the company. After the hearings are over, the commission will consider the evidence. It can deny all of the request, grant it all, or grant some of it. The commission also has the authority to set rates that are different from the company's request--higher or lower--for each kind of service.

Name of Company Official
Title of Company Official
Name of Company

SUMMARY OF REQUESTED RATE INCREASES

Range of Requested Typical
Increases Increase in
or Increases Average Bill
Type of Service in Unit Price (Dollars)

(Identify the tariff category, including, as needed for public understanding, the tariff category title, the term commonly used by the company, and the term commonly used by customers to describe the type of service affected. Set out the information on a monthly basis. If the company's billing cycle is not monthly, clearly explain the effect, by footnote or otherwise, per billing cycle. If the rates vary by season or time, specify the range and basis for variation. If the rate is charged on the basis of unit consumption, such as energy consumption, the increase shall be stated in a cents-per-unit or on a percentage basis for the tariff category. It shall then as to residential customers illustrate increases in representative consumption classifications. If the rate is charged on the basis of monthly rate per service or per item of equipment, the increase shall be stated on the basis of percentage increase for the classification or range of increase within the classification, using commonly recognized representative examples demonstrating the range and the typical effect of the increases.)

(The following shall be added, if applicable:)

Note: The figures shown here are ranges and averages. It is not possible to set out every service or every variation in this brief notice.

If you want to know how the company's proposal will affect you if the commission adopts it totally, call or write (telephone number and address of office or offices where customers will receive a prompt, accurate answer. Address and telephone number may be omitted if included elsewhere in the information simultaneously received by the consumer and if clearly referenced. The utility shall respond to customer inquiries no later than the close of the fifth business day following receipt of the inquiry at any of its appointed offices. Inquiries may be forwarded from branch offices to a central office or division if this is done at no cost to the consumer and if a response is generated to the consumer within the reasonable time limit).

- (3) The requirements of WAC 480-80-125 shall be in addition to such other requirements as are imposed or may be imposed by statute or rule pertaining to notice to the public of proposed tariff changes.
- (4) Upon determination by the commission that the due and timely exercise of its functions requires the hearing for receipt of evidence from the public to be held at a time which makes it impracticable for the utility to comply with the requirements of WAC 480-80-125(1), it may by letter to the utility dispense with all or part of such requirement.
- (5) Failure to accomplish substantial compliance with the requirements of this rule will subject the utility to imposition of penalties in accordance with the provisions of RCW 80.04.405.

WAC 480-80-140 Tariff/price list format.

- (1) All sheets of tariffs must be clearly printed or typed on forms comparable with the commission's standard forms. These forms shall be 8-1/2" x 11" in size and of comparable paper to that used for utility tariff purposes by the commission. Tariff sheets shall have sufficient space on the left margin for binding. This requirement is also applicable to tariffs or price lists submitted in electronic format. The commission will, upon request, furnish, at a nominal charge of two cents per sheet, standard title sheet forms or general forms.
- (2) When a utility supplies more than one kind of service, such as electric, water or gas, it shall file separate tariffs for each kind of service.
 - (a) Each completely new tariff hereafter filed will bear a WN U-serial number and each tariff so numbered must be given the next numerical WN U-number not heretofore assigned to the utility's tariffs. The number shall be the official designation of the tariff. The use of additional tariff designations by the utility will be permitted.
 - (b) Each utility tariff shall consist of a standard title page, a standard index page, a complete set of rules and regulations governing service and a set of rate schedule sheets.

- (i) The title page of each tariff or price list shall appear as the first sheet of each tariff/price list and shall include the information required in (c) and (e) below, as well as the name of the utility issuing the tariff/price list, the service offered and the territory to which the tariff/price list applies.
- (ii) The index page shall contain a complete and accurate list of the contents of the tariff by schedule number, sheet title and sheet number. Whenever a new tariff sheet is added to a tariff and that sheet is not listed in the index page of the tariff at that time then the index page of the tariff shall be revised in accordance with these rules.
- (iii) The rules and regulations page shall include a complete set of rules and regulations governing service under that tariff. These rules and regulations shall cover at least the following when applicable:
 - (a) Application for service
 - (b) Definition of service
 - (c) Reconnection charge
 - (d) Service connection
 - (e) Installation of meters
 - (f) Distribution main extension and line extension (except where filed as a rate schedule)
 - (g) Responsibility for, and maintenance of, service
 - (h) Access to premises
 - (i) Interruptions to service
 - (j) Bills
 - (k) Deposits
 - (l) Delinquent accounts
 - (m) Discontinuance of service
 - (n) As to each service to which banded rates are applicable, the manner by which the utility will give notice to its customers of changes within the limits of the band.
- (iv) The rate schedule page shall contain the following, when applicable:
 - (a) Schedule number and classification of service (name of locality and class of service. If rate is optional, so state.)
 - (b) Kind of service (whether A.C. or D.C. Whether single phase or polyphase. Voltage frequency, etc.)
 - (c) Availability
 - (d) Rate
 - (e) Minimum charge
 - (f) Discount
 - (g) All other factors entering into the computation of the bills under the schedule.
 - (h) For telephone and telegraph companies, the rate schedule page shall include the following information, when applicable:
 - (a) Exchange rate schedules to include:
 - (i) Primary rate schedules
 - (ii) Private branch exchange rate schedules
 - (iii) Miscellaneous rate schedules
 - (iv) Base rate area maps
 - (v) Exchange area maps
 - (b) Inter-exchange service rate schedules to include:
 - (i) Basic rate schedules
 - (ii) Supplementary rate schedules
 - (iii) List of toll points
- (c) Each sheet of every tariff shall contain, in general, the tariff number, the tariff sheet number (each number differing from the other), the name of the utility issuing the tariff and the issued date and the effective date of the sheet. Upon the first publication of the sheet it shall be designated as original sheet The same sheet number shall appear on all subsequent revisions of the sheet and the

revisions of the sheet shall be numbered substantially as follows:

On the first revision the sheet shall be designated:
FIRST REVISION OF SHEET
CANCELLING
ORIGINAL SHEET

On the second revision the sheet shall be designated:
SECONDDREVISIONOFSHEET
CANCELLING
FIRST REVISION OF SHEET

(d) Scheduled numbers or letters shall be assigned so as to facilitate reference to the schedules.

(e) On all subsequent revisions the sheet shall bear consecutive revision numbers and shall indicate the cancellation of the superseded sheet unless circumstances dictate otherwise. Any tariff sheet which has been filed and which has been subsequently withdrawn or rejected, before the expiration of statutory notice in connection therewith or by order, shall be considered as not having been issued in the first instance insofar as subsequent sheet numbering is concerned. Symbols shall be used to indicate the purpose and effect of all tariff material submitted to the commission. These symbols shall appear on the right hand side of the text to which they apply and within the lined margin thereof. The following list of symbols is to be used by all utilities:

C - to signify changed condition or regulation
D - to signify discontinued rate, regulation or condition
I - to signify increase
M - to signify that material has been transferred from another sheet or place in the tariff
N - to signify new rate, regulation, condition or sheet
R - to signify reduction
T - to signify a change in text for clarification

(f) No sheet, once cancelled and removed from the tariff, shall be reactivated during the current life of the tariff with which it was associated unless it bears the appropriate revision thereof and contains the same basic material.

(g) In the construction of a tariff it should be remembered that it will probably be necessary in the future to file additional rates, rules and regulations, etc. To provide a proper place for these subsequent filings in proper relation to schedules, etc., already filed, reservation of sheet numbers should be considered.

(3) The tariff or price list transmittal letter must bear the actual or facsimile signature of the one authorized to issue and file tariffs.

Tariff/price list revisions shall be accompanied by supporting data and an explanation as to the effect thereof, when applicable.

A utility may be required to completely refile its tariff when the commission deems a refiling of the tariff necessary. A tariff that is received in a form or filed in a method not in accordance with the form or method of tariff publication named in these tariff rules or that reflects retroactive rate treatment will be rejected by the commission and that tariff will have the same status as if it had not been issued and full statutory notice must be given on any reissue thereof.

WAC 480-80-240 Less than statutory notice.

(1) On every tariff that is to become effective on less than thirty days' statutory notice L.S.N. by permission or by regulation or order of the commission, if it is not otherwise excluded from that requirement, notation must be made on the tariff that it is issued under special permission or by order of the commission as follows:

- (a) By authority of W.U.T.C. L.S.N. Order No.
- (b) By authority of order of the Washington utilities and transportation commission, Cause No.U-. . . .

Note: The commission will not accept a tariff for L.S.N. action unless the cover letter under

which the tariff is filed clearly and prominently specifies that the tariff is submitted to become effective in less than thirty days.

(2) Tariffs providing (a) rates for service, etc. not previously rendered and covered by the utility's tariff, (b) revisions which reflect no basic change affecting the public, (c) changes in banded rates as to which notice to customers has been or will be given in accordance with tariff rules applicable to such service, or (d) initial tariffs not affecting regulated service, may become effective on a minimum of one day's notice.

(3) Requests for permission to change tariffs on less than statutory notice will be granted by the commission only when it deems that circumstances or conditions fully justify the lack of notice. A complete explanation with reasons for the request is required with the tariff revision. The revision shall bear an effective date not less than thirty days after the revision is filed with the commission. All notices relating to the revision shall contain, in addition to the minimum requirements set forth above, a statement to the effect that the utility is seeking an earlier effective date than the inserted effective date by means of an L.S.N. Order, which date is (date sought). If the commission grants the request, it will alter the inserted effective date to conform with the authorized effective date. The utility shall then alter the effective date on the tariff revision to show the effective date that the commission has approved. The alterations shall cite the applicable L.S.N. Order.

WAC 480-80-250 Adoption notice.

(1) In case of a change of ownership, or when a utility or portion thereof is transferred from the operating control of one utility to that of another or when the name of the utility is changed, the utility thereafter operating, if it intends to use the tariff of the former operating utility, shall, for each tariff so used, issue and file with the commission an adoption notice substantially as follows:

(Name of utility) hereby adopts, ratifies, and makes its own in every respect, as if the same had been originally filed by it, all tariffs, rules, notices, concurrences, provisions, authorities, power of attorney or whatsoever other instruments filed with the Washington utilities and transportation commission or its predecessors by (Name of old utility) prior to (Date), the beginning of its possession. By this notice, it also adopts and ratifies all supplements or amendments to any of the above tariffs, etc. which have heretofore been filed with the Washington utilities and transportation commission or its predecessors. This notice may be filed and made effective on one day's notice. A similar adoption notice must be filed by a receiver when assuming control and possession of a utility's facilities.

(2) Until such time as an adopted tariff is refiled in the name of the utility which adopted same, all revisions thereto, subsequent to adoption, will bear at the top part of the sheet in the appropriate place the name of the utility whose tariff was adopted and at the bottom part of the sheet after "issued by" the name of the utility which adopted said tariff and is issuing the revision of the tariff.

WAC 480-80-260 Tariff of acquired utility.

Every utility acquiring ownership or control of another utility or portion thereof and filing a notice adopting the rates, rules and regulations, etc. of that utility, filed with the commission, shall within one year of the filing of such adoption notice, file its rates, rules and regulations, etc. in its own name.

WAC 480-80-280 Issuing agent.

The utility shall provide the commission with a list of the officials or persons and their titles who are authorized to issue and file tariffs on behalf of the utility and shall keep such list current.

WAC 480-80-290 Suspension of tariffs.

(1) When the commission suspends a utility's tariff or part of a tariff, it will enter a suspension order setting forth the tariff or the parts of the tariff suspended. In that circumstance, the utility affected thereby shall cause a copy of said order to be associated with the tariff revision on file and shall alter the tariff revision to bear reference to the terms of the order.

(2) When the commission vacates an order of suspension, it will issue an order stating the date on which the rates, rules and regulations, etc. are to become effective, if appropriate. In that circumstance, the utility affected thereby shall proceed as set forth in the preceding paragraph with respect to the filed tariff revision and continue such filing for at least thirty days from the date of filing where the order provides for changes other than those sought.

The tariff sheets affected by the vacation of an order of suspension will bear reference to said order.

WAC 480-80-320 Discontinuance of service.

When a utility desires to discontinue a service or services, it shall file a cancellation of the particular tariff to be discontinued or file a revised tariff omitting the particular item or items discontinued, accompanied by advice referring to the items discontinued and the reason therefor. Such filing of cancellations shall be subject to full thirty days' statutory notice, unless made effective by a without statutory notice order, and shall be subject to all other provisions with respect to tariff filings.

WAC 480-80-330 Telecommunications contracts.

Contracts to be filed. All contracts with end use customers for the retail sale of tariffed intrastate telecommunications services which contain or state rates or conditions not in any applicable tariff or which provide for regulated telecommunications services which are not specifically addressed in the telecommunications company's published tariffs shall be filed with the commission in accordance with this section. For purposes of this section the modification of a previously executed contract will be treated as a new contract. This section shall not apply to contracts which offer services subject to a price list filed pursuant to WAC 480-80-X03.

Application. This section shall apply prospectively to all contracts as defined in subsection (1) of this section executed after the effective date of this section.

(3) Time for filing and effectiveness. With the exception of firm bid contracts allowed under subsection (4) of this section, each contract shall be filed with the commission in accordance with this subsection. A contract which does not qualify for treatment under subsection (4) of this section shall be filed with the commission not less than thirty days prior to the proposed effective date of the contract, and shall become effective according to its terms unless earlier approved or rejected by the commission: Provided, That upon application and for good cause shown, the commission may approve the contract as of an effective date prior to the date that the contract would have become effective in accordance with this section.

(4) Federal contracts. Where a federal agency asserts its authority to solicit a firm offer of services and a contract subject to this section is submitted in response to that solicitation, the provisions of subsection (3) of this section will not apply.

(5) Documentation. Each contract and substantial contract modification filed pursuant to this section shall be accompanied by documentation to show that the contract does not result in undue or unreasonable discrimination between customers receiving like and contemporaneous service under substantially similar circumstances; and provides for the recovery of all costs associated with the provision of the services. In addition, the telecommunications company shall file the following information in conjunction with each contract submitted:

- (a) A statement summarizing the basis of the rate or charge proposed in the contract and an explanation of the derivation of the proposed rate or charge;
- (b) An explanation of all cost computations involved in arriving at the derivation of the level of the rate or charge in the contract; and
- (c) A statement indicating the basis for the use of a contract rather than a filed tariff for the specific service involved.

(6) Duration of contract. All contracts shall be for a stated time period.

(7) Confidentiality. Filings under this section may be submitted with portions designated "confidential" pursuant to WAC 480-08-015. However, any filing which designates as "confidential" the essential terms and conditions will be rejected by the commission.

Federal universal service contracts with schools, libraries, and rural health care providers pursuant to 47 CFR, Part 54. When a telecommunications company enters into a contract to provide service to a school, library, or rural health care provider, as part of the federal universal service program, the telecommunications company must file the contract if the rates, terms, or conditions of the prediscounted contract service depart from the tariff. The contract must be filed immediately upon acceptance by the administrator of the federal universal service program. The filing must include the same documentation required for approval by subsection (5) of this section. The contract shall become

effective immediately upon filing with the commission, or at such later time as is specified in the contract.

WAC 480-80-335 Special contracts for electric, water, and natural gas companies.

- (1) Contracts to be filed. Electric, water, and natural gas companies must file with the commission all contracts for the retail sale of regulated utility services to end-use customers that: (a) State charges or conditions that do not conform to any existing tariff; or (b) Provide for utility services not specifically addressed in the company's existing tariffs.
- (2) Significant modification of a previously executed contract will be treated as a new contract for purposes of this section.
- (3) Essential terms and conditions of all contracts filed pursuant to this section are considered a part of the company's filed tariffs and are subject to enforcement, supervision, regulation, control, and public inspection as such. The provisions of this chapter will apply except for those provisions governing the filing, notice, and form of tariffs, including those stated in WAC 480-80-060 through 480-80-320.
- (4) Filing and effective dates. The contract will become effective on the effective date stated on the contract or thirty days after the filing date, whichever occurs later, unless suspended or rejected by the commission. The commission, for good cause shown, may approve an earlier effective date. In no event may a contract become effective on a date that precedes commission approval. The request for an earlier effective date must include a complete explanation of why an earlier effective date is appropriate.
- (5) Each application filed for commission approval of a contract must: (a) Include a complete copy of the proposed contract; (b) Show that the contract meets the requirements of RCW 80.28.090 (prohibiting unreasonable preference) and RCW 80.28.100 (prohibiting rate discrimination); (c) Demonstrate, at a minimum, that the contract charges recover all costs resulting from providing the service during its term, and, in addition, provide a contribution to the company's fixed costs; (d) Summarize the basis of the charge(s) proposed in the contract and explain the derivation of the proposed charge(s) including all cost computations involved; and (e) Indicate the basis for using a contract rather than a filed tariff for the specific service involved. If the basis for using a contract is the availability of an alternative service provider, identify that provider.
- (6) All contracts must be for a stated time period. The commission may approve terms and conditions that prescribe the charge(s) to be applied during the time period, if such charge(s) are found to be appropriate. Unless otherwise provided by the commission, such approval will not be determinative with respect to the expenses and revenues of the company for subsequent ratemaking considerations.
- (7) Filings under this section may be submitted with portions designated "confidential" pursuant to WAC 480-09-015. However, any filing that designates the essential terms and conditions of the contract as "confidential" shall be rejected by the commission as not in compliance with the public inspection requirement of RCW 80.28.050. Essential terms and conditions are:
 - (a) Identity of the customer;
 - (b) Nature and characteristics of the service provided, including interruptible, firm, or peak delivery;
 - (c) Duration of the contract, including any options to renew;
 - (d) Charge(s) for service, including minimum charge provisions;
 - (e) Geographic location where service will be provided; and
 - (f) Additional obligations specified in the contract, if any.