



# 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:** This rulemaking would consider amending sections of WAC chapters 480-31 (Private, Nonprofit Transportation Providers) and 480-70 (Solid Waste Collection Companies) to reflect recent changes to chapters 81.66 and 81.77 RCW, relating to notice and opportunity for hearing prior to suspension or revocation of a certificate, and in conjunction with a request for a certificate to operate in a territory served by an existing certificate holder. This notice supplements the original CR-101 filed at WSR 05-20-093 to consider adding new language or sections to implement the statutory amendments. In addition, this notice removes chapter 480-51 WAC, Commercial Ferries, from this inquiry. In other respects the original CR-101 at WSR 05-20-093 remains applicable.

Docket No. T-051359

**Statutes authorizing the agency to adopt rules on this subject:** RCW 80.01.040; 81.04.160.

**Reasons why rules on this subject may be needed and what they might accomplish:** On July 24, 2005, a new law, SSB 5105, amending Title 81 RCW took effect. RCW 81.66.060, 81.77.030, and 81.77.040, are among the statutes amended by SSB 5105. Under SSB 5105, the Commission is no longer required to hold a hearing in every case before it can suspend or revoke a certificate, or consider a request for a certificate to operate in a territory served by an existing certificate holder. Instead, the Commission is only required to provide notice and an opportunity for a hearing, and then provide a hearing if one is requested.

**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 written comments, and will provide the opportunity for additional comments. The Commission will conduct a workshop if there is stakeholder interest or disagreement.

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

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 **December 21, 2005**.

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.

**DATE**  
November 23, 2005

**NAME (TYPE OR PRINT)**  
Carole J. Washburn

**SIGNATURE**

**TITLE**  
Executive Secretary

**CODE REVISER USE ONLY**

**Filed with the Code Reviser's Office**

**November 23, 2005, 11:04 a.m.**  
**WSR 05-23-175**

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**  
**CR-101 - ATTACHMENT**  
**DOCKET NO. T-051359**

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 **December 21, 2005**. **Please submit comments in Word format to facilitate creation by Commission Staff of summaries.**

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. Please provide electronic files in .pdf (Adobe Acrobat) and in .doc (MS Word 97 or later) to make them most useful to the Commission. 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 numbers of this proceeding (T-051359)
- The commenting party's name
- The title and date of the comment or comments

An alternative method for submitting electronic comments is by mailing/delivering an electronic copy on a 3 ½ inch, IBM-formatted, high-density disk. 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/051359>.

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 Washburn, Executive Secretary. When contacting the Commission, please refer to Docket No. T-051359 to ensure that you are placed on the appropriate service list. Questions may be addressed to Sharyn Bate by phone at (360) 664-1295 or e-mail at [sbate@wutc.wa.gov](mailto:sbate@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. T-051359, and the words "Please keep me on the mailing list"; or (2) E-mail your name, address, telephone and fax numbers, referencing Docket No. T-051359, 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/051359>. **THOSE PARTIES WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULEMAKING.**