



PROPOSED RULE MAKING

CR-102 (July 2022)
(Implements RCW 34.05.320)
Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: August 22, 2022
TIME: 8:10 AM

WSR 22-17-113

Agency: Washington Utilities and Transportation Commission

- Original Notice**
- Supplemental Notice to WSR** _____
- Continuance of WSR** _____

- Preproposal Statement of Inquiry was filed as WSR 22-14-081 ; or**
- Expedited Rule Making--Proposed notice was filed as WSR _____; or**
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**
- Proposal is exempt under RCW _____.**

Title of rule and other identifying information: (describe subject) Rulemaking to implement amendments to RCW 80.24.010 updating the Commission's authority to assess regulatory fees. The rules the Commission is amending in this rulemaking are WAC 480-90-252, 480-100-252, 480-110-505, 480-120-382, and 480-120-385. The Commission has coordinated this rulemaking under Docket U-220271.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
10/17/2022	9:30 a.m.	Zoom: https://utc-wa-gov.zoom.us/j/87497880066?pwd=dnZUMkloU1FYRWVxbnJPbm0wMDhqdz09 Phone: (253) 215 8782 Meeting ID: 874 9788 0066 Passcode: 384286	Public hearing to consider adoption of the proposed rule.

Date of intended adoption: October 17, 2022 (Note: This is **NOT** the effective date)

Submit written comments to:

Name: Amanda Maxwell, Executive Director and Secretary
Address: P.O. Box 47250, Olympia, WA 98504-7250
Email: records@utc.wa.gov
Fax:
Other: (360) 664-1160
By (date) September 30, 2022

Assistance for persons with disabilities:

Contact Human Resources
Phone: (360)664-1160
Fax:
TTY: (360) 586-8203
Email: human_resources@utc.wa.gov
Other:
By (date) October 10, 2022

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The legislature adopted amendments to RCW 80.24.010, increasing the maximum regulatory fees the Commission may assess to utility companies. This rulemaking will conform the Commission's rules to the formula adopted by RCW 80.24.010.

Reasons supporting proposal: The legislature amended RCW 80.24.010 so the Commission could increase its maximum regulatory fees. This rulemaking will implement that purpose.

Statutory authority for adoption: RCW 80.01.040, RCW 81.01.010, RCW 81.04.160, and RCW 84.24.010.

Statute being implemented: RCW 84.24.010

Is rule necessary because of a:

- Federal Law? Yes No
- Federal Court Decision? Yes No
- State Court Decision? Yes No

If yes, CITATION:

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

Type of proponent: Private Public Governmental

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

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Gregory J. Kopta	621 Woodland Square Loop SE, Lacey, Washington 98503	(360) 664-1355
Implementation:	Amanda Maxwell	621 Woodland Square Loop SE, Lacey, Washington 98503	(360) 664-1110
Enforcement:	Amanda Maxwell	621 Woodland Square Loop SE, Lacey, Washington 98503	(360) 664-1110

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)?

Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

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:

TTY:

Email:

Other:

No: Please explain: RCW 34.05.328 does not apply to the Washington Utilities and Transportation Commission as it is not one of the listed agencies in RCW 34.05.328(5)(a)(i).

Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570\(2\)](#) because it was adopted by a referendum.

- This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\)](#). Check all that apply:
- | | |
|---|--|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |
- This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(4\)](#) (does not affect small businesses).
- This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of how the above exemption(s) applies to the proposed rule:

(2) Scope of exemptions: *Check one.*

- The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.
- The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. The proposed rule amendments incorporate the legislature's amendment of RCW 80.24.010 increasing the amount of the regulatory fees the Commission collects from privately-owned utilities. The only substantive change the Commission proposes is the one the legislature adopted. The Commission nevertheless undertook a small business economic impact analysis. The increased regulatory fees are operational expenses that the utilities recoup through the rates they charge for their services. The Commission also retains the authority to impose regulatory fees that are lower than the amount specified in the statute and proposed rule amendments when warranted, which the Commission anticipates doing for telecommunications companies. On July 1, 2022, the Commission sent a notice to all potential stakeholders and interested persons providing the proposed rule amendment language and requesting responses on an SBEIS questionnaire. The notice requested that entities affected by the proposed rules provide information about possible cost impacts of the rules with specific information for each rule that the entity identified as causing an impact. The Commission did not receive any information in response to the questionnaire. Based on the information available to the Commission, the proposed rule amendments will not impose more than minor costs on any small business.

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

Date: August 22, 2022

Name: Amanda Maxwell

Title: Executive Director and Secretary

Signature:

