

**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

	)	
In the Matter of Amending and Adopting	)	DOCKET NO. A-050271
	)	
Several rules in Title 480 WAC	)	GENERAL ORDER NO. R-521
	)	
	)	ORDER AMENDING RULES
Relating to adoption-by-reference date revisions and other minor administrative changes.	)	PERMANENTLY
	)	
.....	)	

**1 STATUTORY OR OTHER AUTHORITY:** The Washington Utilities and Transportation Commission takes this action under Notice WSR # 05-15-161 for an expedited rulemaking, filed with the Code Reviser on July 20, 2005. The Commission brings this proceeding pursuant to RCW 80.01.040, RCW 80.04.160, RCW 81.04.160 and RCW 34.05.353.

**2 STATEMENT OF COMPLIANCE:** This proceeding complies with the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

**3 DATE OF ADOPTION:** The Commission adopts this rule on the date that this Order is entered.

**4 CONCISE STATEMENT OF PURPOSE AND EFFECT OF THE RULE:** RCW 34.05.325(6) requires that the Commission prepare and provide to commenters a concise explanatory statement about an adopted rule. The statement must include the identification of the Commission’s reasons for adopting the rule, a

description of the differences between the version of the proposed rules published in the register and the rules as adopted (other than editing changes), a summary of the comments received regarding the proposed rule changes, and the Commission’s responses to the comments, reflecting the Commission’s consideration of them.

5 In this docket, to avoid unnecessary duplication, the Commission designates the discussion in this Order as its concise explanatory statement, supplemented where not inconsistent by the staff memoranda presented at the adoption hearing and at the open meetings where the Commission considered whether to propose adoption of specific language. Together, the documents provide a complete but concise explanation of the agency actions and its reasons for taking those actions.

6 **REFERENCE TO AFFECTED RULES:** This rule amends the following sections of the Washington Administrative Code:

Rule Changes			
Action	WAC No.	Rule Title	Changes
<b>Chapter 480-14 WAC, Motor Carriers Excluding Household Goods Carriers and Common Brokers</b>			
Amend	480-14-999	Adoption by reference.	1. Adoption by Reference dates changed as follows: <ul style="list-style-type: none"> <li>· <b>North American Standard Out-of Service Criteria (CVSA)</b>  <b>April 1, 2005</b> – No significant change</li> <li>· <b>Title 49 Code of Federal Regulations,</b>  <b>October 1, 2004</b> – Part 390</li> </ul> 2. Updated reference title in subsection (1) 3. Updated availability of resource materials
<b>Chapter 480-15 WAC, Household Goods Carriers</b>			
Amend	480-15-999	Adoption by reference.	1. Adoption by Reference dates changed as follows: <ul style="list-style-type: none"> <li>· <b>North American Standard Out-of Service Criteria</b>  <b>April 1, 2005</b> – No significant change</li> <li>· <b>Title 49 Code of Federal Regulations</b>  <b>October 1, 2004</b> – Part 390</li> </ul> 2. Updated reference title in subsection (1) 3. Updated availability of resource materials

<b>Chapter 480-30 WAC, Auto Transportation Companies</b>			
Amend	480-30-999	Adoption by reference.	1. Adoption by Reference dates changed as follows: <ul style="list-style-type: none"> <li>· <b>North American Standard Out-of Service Criteria</b>  <b>April 1, 2005</b> – No significant change</li> <li>· <b>Title 49 Code of Federal Regulations</b>  <b>October 1, 2004</b> – No significant change</li> </ul> 2. Updated reference title in subsection (1) 3. Updated availability of resource materials
<b>Chapter 480-31 WAC, Private, Nonprofit Transportation Providers</b>			
Amend	480-31-999	Adoption by reference.	1. Adoption by Reference dates changed as follows: <ul style="list-style-type: none"> <li>· <b>North American Standard Out-of Service Criteria</b>  <b>April 1, 2005</b> – No significant change</li> <li>· <b>Title 49 Code of Federal Regulations</b>  <b>October 1, 2004</b> – No significant change</li> </ul> 2. Updated reference title in subsection (1) 3. Updated availability of resource materials
<b>Chapter 480-40 WAC, Passenger Charter Carriers</b>			
Amend	480-40-999	Adoption by reference.	1. Adoption by Reference dates changed as follows: <ul style="list-style-type: none"> <li>· <b>North American Standard Out-of Service Criteria</b>  <b>April 1, 2005</b> – No significant change</li> <li>· <b>Title 49 Code of Federal Regulations</b>  <b>October 1, 2004</b> – Parts 382 and 391</li> </ul> 2. Updated reference title in subsection (1) 3. Updated availability of resource materials
<b>Chapter 480-62 WAC, Railroad Companies—Operations</b>			
Amend	480-62-999	Adoption by reference.	1. Adoption by Reference dates changed as follows: <ul style="list-style-type: none"> <li>· <b>Title 49 Code of Federal Regulations</b>  <b>October 1, 2004</b> – Part 219</li> <li>· <b>MUTCD</b>  <b>November 2004</b> – No significant change</li> <li>· <b>WSDOT Chapter 468-95 WAC</b>  <b>March 25, 2004</b> – No significant change</li> <li>· <b>ANSI Z308.1</b>  <b>April 29, 2003</b> – No change to current rule</li> <li>· <b>ANSI/ISEA 107-1999 changed to ANSI/ISEA 107-2004</b>  <b>September 15, 2004</b></li> <li>· <b>Title 49 United States Code</b>  <b>January 2, 2002</b> – No change to current rule</li> </ul> 2. Updated availability of resource materials

<b>Chapter 480-70 WAC, Solid Waste Collection Companies</b>			
Amend	480-70-999	Adoption by reference.	1. Adoption by Reference dates changed as follows: <ul style="list-style-type: none"> <li>· <b>North American Standard Out-of Service Criteria</b>                April 1, 2005 – No significant change</li> <li>· <b>Title 40 Code of Federal Regulations</b>                July 1, 2005 – No significant change</li> <li>· <b>Title 49 Code of Federal Regulations</b>                October 1, 2004 – Parts 390 and 391</li> </ul> 2. Updated availability of resource materials
<b>Chapter 480-73 WAC, Hazardous Liquid Pipeline Companies</b>			
Amend	480-73-999	Adoption by reference	1. Adoption by Reference dates changed as follows: <ul style="list-style-type: none"> <li>· <b>Title 18 Code of Federal Regulations</b>                April 1, 2005 – No significant change</li> </ul> 2. Updated availability of resource material
<b>Chapter 480-75 WAC, Hazardous Liquid, Gas, Oil and Petroleum Pipeline Companies – Safety</b>			
Amend	480-75-999	Adoption by reference.	1. Adoption by Reference dates changed as follows: <ul style="list-style-type: none"> <li>· <b>Title 49 Code of Federal Regulations</b>                October 1, 2004 – Part 199</li> <li>· <b>The American Society of Mechanical Engineers (ASME) B31.4</b>                1998 edition - No change to current rule</li> <li>· <b>Section IX, ASME Boiler and Pressure Vessel Code – as of 2001</b>                No change to current rule</li> <li>· <b>American Petroleum Institute (API), Standard 1104 – 19<sup>th</sup> edition</b></li> <li>· <b>API RP standard 1117 – as of August 1996</b>                No change to current rule</li> </ul> 2. Updated availability of resource materials
<b>Chapter 480-90 WAC, Gas Companies – Operations</b>			
Amend	480-90-252	Federal Energy Regulatory Commission (FERC) Form No. 2.	1. Correct part reference for Title 18 of the Code of Federal Regulations
Amend	480-90-999	Adoption by reference.	1. Adoption by Reference dates changed as follows: <ul style="list-style-type: none"> <li>· <b>Title 18 Code of Federal Regulations</b>                April 1, 2005 – Part 201</li> <li>· <b>NARUC, The Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies – as of 1985</b>                No change to current rule</li> </ul> 2. Added language in subsection (1) to preserve the Commission's ratemaking authority. See Note 7 3. Updated availability of resource materials

<b>Chapter 480-100 WAC, Electric Companies</b>			
Amend	480-100-999	Adoption by reference.	1. Adoption by Reference dates changed as follows: <ul style="list-style-type: none"> <li>· <b>Title 18 Code of Federal Regulations</b> April 1, 2005 – Part 101</li> <li>· <b>NARUC, The Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies – as of 1985</b> No change to current rule</li> <li>· <b>National Electrical Code – as of 2002</b> No change to current rule</li> <li>· <b>ANSI C12.1, Code for Electricity Metering, 2001 – as of 2001</b> No change to current rule</li> </ul> 2. Added language in subsection (1) to preserve the Commission’s ratemaking authority. See Note 7 3. Updated availability of resource materials
<b>Chapter 480-110 WAC, Water Companies</b>			
Amend	480-110-999	Adoption by reference	1. No change to current references: <ul style="list-style-type: none"> <li>· <b>NARUC, Uniform System of Accounts for Water Utilities – as of 1996</b> No change to current rule</li> <li>· <b>NARUC, The Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies – as of 1985</b> No change to current rule</li> </ul>
<b>Chapter 480-120 WAC Telecommunications Companies</b>			
Amend	480-120-999	Adoption by reference	1. Adoption by Reference dates changed as follows: <ul style="list-style-type: none"> <li>· <b>American National Standards for Telecommunications - “Network Performance Parameters for Dedicated Digital Services – Specifications” – (ANSI T1.510-1999) – as of December 29, 1999</b> No change to current rule</li> <li>· <b>The Institute of Electrical and Electronic Engineers (IEEE) Standard Telephone Loop Performance Characteristics as of March 22, 1984 and reaffirmed September 16, 1992</b> No change to current rule</li> <li>· <b>National Electrical Safety Code</b> January 1, 2002 – No change to current rule</li> <li>· <b>Title 47 Code of Federal Regulations, except Sections 64.2003 through 64.2009</b> October 1, 1998 – No change to current rule</li> <li>· <b>Title 47 Code of Federal Regulations, Sections 64.2003 through 64.2009</b> October 1, 2004 – No significant change</li> </ul> 2. Updated availability of resource materials

7     **PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS**

**THEREUNDER:** A preproposal statement of inquiry is not required under RCW 34.05.353, "Expedited rule making."

8     **NOTICE OF EXPEDITED RULEMAKING:** The Commission filed notice of Expedited Rulemaking (CR-105) on July 20, 2005, at WSR #05-15-161. The Notice informed interested persons that the rules were being proposed under an expedited rulemaking process as required by RCW 34.05.353. The Commission provided notice of its expedited rulemaking to all persons on the Commission's list of persons requesting such information pursuant to RCW 34.05.353, and by sending notice to all companies affected by the adoption-by-reference rule proposal. The Notice provided interested persons the opportunity to submit written comments to the Commission not later than September 19, 2005. The Commission posted the relevant rulemaking information on its Internet web site at [www.wutc.wa.gov](http://www.wutc.wa.gov).

9     **COMMENTERS (WRITTEN COMMENTS):** No comments were received on the proposed rules.

10    **RULEMAKING HEARING:** The rule proposal was considered for adoption, pursuant to the notice, at a rulemaking hearing scheduled during the Commission's regularly scheduled open public meeting on September 28, 2005, before Chairman Mark H. Sidran, Commissioner Patrick J. Oshie, and Commissioner Philip B. Jones. No interested person commented.

11    **COMMISSION ACTION:** After considering all of the information regarding this proposal, the Commission amended the rules as proposed in the CR-105 at WSR # 05-15-161.

12 **CHANGES FROM PROPOSAL:** The Commission adopted the proposal noticed at WSR # 05-15-161.

13 **STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE:** In reviewing the entire record, the Commission determines that WAC sections 480-14-999, 480-15-999, 480-30-999, 480-31-999, 480-40-999, 480-62-999, 480-70-999, 480-73-999, 480-75-999, 480-90-252, 480-90-999, 480-100-999, 480-110-999,<sup>1</sup> and 480-120-999 should be amended to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380 (2) on the thirty-first day after filing with the Code Reviser.

## ORDER

14 **THE COMMISSION ORDERS That :**

15 WAC sections 480-14-999, 480-15-999, 480-30-999, 480-31-999, 480-40-999, 480-62-999, 480-70-999, 480-73-999, 480-75-999, 480-90-252, 480-90-999, 480-100-999, 480-110-999,<sup>2</sup> and 480-120-999 are amended to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380 (2) on the thirty-first day after filing with the Code Reviser.

16 This Order and the rules set out in Appendix A, after being recorded in the register of the Washington Utilities and Transportation Commission, shall be forwarded to the Code Reviser for filing pursuant to chapters 80.01 and 34.05 RCW and chapter 1-21 WAC.

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<sup>1</sup> WAC 480-110-999 is amended to reflect "bold" typeface of two titles. Because the Order Typing Service does not supply text if the only change is to "bold" rule language, the amendments to WAC 480-110-999 are not shown in Appendix A.

<sup>2</sup> See footnote 1.

DATED at Olympia, Washington, this 6th day of October, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK H. SIDRAN, Chairman

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner

*Note: The following is added at Code Reviser request for statistical purposes:*

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 14, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.