

(Clean Version)

CHAPTER 480-04 WAC

Public Access to Information and Records

[Draft]

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WAC 480-04-020 Definitions. (1) "Public record" includes any writing (defined in subsection (5) of this section) prepared, owned, used, or retained by the commission, which contains information relating to the conduct of government or the performance of any governmental or proprietary function.

(2) "Public records officer" means the official responsible for the commission's compliance with the public records act, chapter 42.17 RCW, and for the implementation of this chapter. The commission's secretary is designated as its public records officer. The secretary may designate one or more persons to assist in the implementation and application of this rule.

(3) "Secretary," also referred to as "executive secretary," means the secretary of the commission appointed pursuant to RCW 80.01.030. Unless otherwise restricted, the term "secretary" also refers to the acting secretary and to the secretary's designee.

(4) "Washington utilities and transportation commission," referred to in this chapter as "the commission," is the commission appointed by the governor under RCW 80.01.010. Where appropriate, the term "commission" also refers to the staff and employees of the Washington utilities and transportation commission.

(5) "Writing" means any information (e.g., words, numbers, symbols, images, and sounds) recorded in any media (e.g., handwritten, typewritten, printed, electronic, photographic, and video and audio recording), as defined in RCW 42.17.020(42).

(6) The words "you," or "your," when used in this chapter, refer to a person who requests access to public records.

WAC 480-04-030 Organization of the Washington utilities and transportation commission.

(1) The Washington utilities and transportation commission consists of three members appointed by the governor under RCW 80.01.010. The governor designates one member as the commission chair.

(2) The commission is organized into the following principal sections and divisions: regulatory services; safety and consumer protection; policy and public information; administrative law; knowledge management; financial and budget services; and employee services. The head of each section or division is directly responsible to the commissioners.

WAC 480-04-035 Physical address; telephone; facsimile; e-mail; internet

The information included in this section is current at the time of rule adoption, but may change. Current information and additional contact information are available on the commission's internet site, in person at the commission's offices, or by telephone call to the commission's main public number.

Physical address; address for U. S. Mail or hand-delivery	Washington Utilities and Transportation Commission 1300 S. Evergreen Park Drive S.W. P.O. Box 47250 Olympia, WA 98504-7250
Telephone (general)	(360) 664-1160
Telephone (records center)	(360) 664-1234
Telefacsimile (records center)	(360) 586-1150
Electronic mail (records center)	records@wutc.wa.gov
Internet	www.wutc.wa.gov

WAC 480-04-050 Public information; public submissions or requests other than requests for public documents. Anyone who wishes to obtain general information concerning topics within the commission's jurisdiction may find such information on the commission's internet site or may contact the commission by letter, telephone, or e-mail, as described in this section. The commission will route all

inquiries to staff who can best respond to the inquiry.

(1) Written requests for information should be sent to the commission's public records officer at the commission's mailing address.

(2) Electronic mail and telefacsimile requests for information should be sent to the commission's records center.

(3) Telephone requests for information may be made by contacting the commission's records center, or by call to the commission's general telephone number.

WAC 480-04-060 Public records available; hours for inspection and copying.

(1) All of the commission's public records are available for inspection and copying unless the public record is exempt from disclosure under chapter 42.17 RCW (the public records act), protected from disclosure under RCW 80.04.095 (records that contain valuable commercial information), WAC 480-07-160 (confidential information), WAC 480-07-420 (discovery—protective orders), or under other provision of law. Except as provided in RCW 42.17.260(6), the commission will not give, sell, or provide access to lists of individuals if the information is requested for commercial purposes.

(2) The commission will promptly respond to requests for inspection and copying of public records in accordance with these rules.

(3) Public records are available for inspection and copying during the commission's customary office hours which are from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding official state holidays as defined in RCW 1.16.050 (legal holidays and legislatively recognized days).

WAC 480-04-065 Records index. The commission will publish and index its significant adjudicative decisions; declaratory orders; interpretive statements; and policy statements.

(1) The commission will publish and make available to the public its adjudicative orders that resolve contested issues or which it believes will be of interest or significance, its declaratory orders, its interpretive statements, and its policy statements. The commission will publish these documents by the means it deems best suited to achieve broad availability, consistent with staff resources and technology, including distribution of paper copies, electronic mail, and internet web site posting. The

commission will contemporaneously publish a summary of the decisions, orders, and statements.

(2) The commission will annually publish indices of the principles that are applied in the text of published decisions, orders, and statements.

(3) The commission will make paper copies of its indices available for sale at the commission's estimated actual cost of reproduction and distribution.

WAC 480-04-090 Requests for public records. (1) Many requests for public records can be handled quickly and informally without the need for a formal written request. You may ask orally, in person, or by telephone to look at a document, or get a copy of a document. You may also ask informally in writing, by letter or electronic mail. Requests may be made by electronic mail to the commission records center. Commission staff will advise you if a formal written request, as described in subsection (4) of this section, is required.

(2) The commission may require any person who seeks access to public records to present a formal written request. The commission may require a formal written request, for example, if you ask for large quantities of information or make an unusual request. The formal written request helps the commission make sure that you get all the information you have requested and that any charges for copies are proper.

(3) The commission may require a formal written request if the information you ask for might be within one of the exceptions to the law requiring disclosure. In this situation, your formal written request helps the commission make sure that its decision to disclose or withhold the information is made properly and that you get the public records you are entitled to receive. Examples of information that might be exempt from disclosure include documents that have been designated "confidential" by the person providing them to the commission, documents containing private or personal information, and documents that may be involved in litigation or hearings.

(4) If you need to make a formal written request for information, you may use a "public records request" form provided by the commission or you may write a letter that contains the information listed below. If you want to use the form, you can get a copy at the commission's internet site or office, or you can ask to have it sent to you.

Formal written requests must include the following information:

- (a) Your name, address, and telephone number.
- (b) The date on which you submit your request.
- (c) The identity of any individual, business, or other organization for whom you are making the request, if not only for yourself personally.
- (d) A clear indication, such as a document heading or title, that you are requesting public records, to help make sure that the request is handled properly.
- (e) Whether you want to inspect the public records or get copies, or both.
- (f) A clear description of the public records you want so that commission staff can find the records. If you know how the public records are described in the index

maintained by the commission, provide that description to assist the commission to identify the public records you want to review.

(g) A statement of whether you are making the request in order to obtain a list of individuals to be used for any commercial purpose.

(6) Commission staff will make a reasonable effort to assist in identifying and providing all public records that you request.

(7) The commission may waive the need for a completed form when doing so supports the commission's administrative convenience and is not inconsistent with legal requirements or public policies.

WAC 480-04-095 Disclosure procedure.

(1) The public records officer will promptly notify you if your request is found to be incomplete, and will tell you what the problem is. The public records officer will assist you to complete or correct your request. Notifying you of a deficiency is not a denial of your request. The public records officer may act on a deficient request to the extent that doing so is reasonable.

(2) Upon receiving a complete request, the public records officer will review the requested record to determine whether the record or a portion of it is exempt from disclosure under the public records act, chapter 42.17 RCW, protected from disclosure under RCW 80.04.095 (records that contain valuable commercial information), WAC 480-07-160 (confidential information), WAC 480-07-420 (discovery—protective orders), or under another provision of law.

(3) The commission will delete identifying details from a public record to protect the personal privacy interests as provided by law when it makes the record available or publishes it. The commission will explain the reasons for any such deletion.

(4) Only the public records officer is authorized to deny requests for public records. Any action other than granting access to public records, when taken by a person other than the public records officer, is a deferral of action and not a denial of a request. Any commission staff member who does not grant access to a public record when a complete written request is made must immediately take or send the requested document, together with the written request, to the public records officer for a prompt decision granting or denying the request.

(5) If the public records officer does not grant access to all or part of a requested public record, the public records officer will give you a written statement identifying the exemption authorizing the action and how it applies to the requested record. Any portion of the record that is not subject to exemption shall be promptly disclosed.

(6) If you request a public record that contains information that has been designated confidential under RCW 80.04.095, WAC 480-07-160, or a protective order, and you have not specifically asked to be provided with confidential information, the public records officer will tell you that material has been designated confidential, and ask whether you want the confidential information, before processing your request.

The commission will process any request for a record designated as confidential under RCW 80.04.095 or WAC 480-07-160 in accordance with those provisions of law.

(7) If the public records officer denies your public records request in whole or in part, the public records officer will provide you a written explanation of the basis for the denial. If you want to contest the denial, you may request a review under WAC 480-04-120.

WAC 480-04-100 Copying and service charges. The commission will provide copies of public records upon request.

(1) The commission may charge a published fee for copying public records, if you request copies. The commission may, by order, within the requirements of RCW 42.17.300, establish and change prices and establish the maximum number of various kinds of copies that will be provided without charge.

(2) The commission's charges for copies at the time this rule is adopted are as follows, except as provided in WAC 480-07-145(3)(b). Out-of-state customers and governmental agencies are not charged sales tax.

Charges for Copies	
DESCRIPTION	CHARGES
Photocopies	\$0.15 per page + 8.0% sales tax -- 150 pages or less are free
Photocopies – City and County Agencies, plus all other exempt institutions.	\$0.07 per page – 300 pages or less are free (There is no tax charged)
Certified Copies	\$3.00 per certification sheet + 8.0% sales tax. Photocopies sent with certification are in addition to certification charge, at appropriate rate for photocopies
Fax Copies	\$0.50 per page + 8.0% sales tax -- 5 pages or less are free
Computer Runs	\$0.50 per page + 8.0% sales tax -- 5 pages or less are free
Colored Copies – 8 ½ X 11	\$1.00 per page + 8.0% sales tax No minimum – all colored copies are chargeable
Colored Copies – 8 ½ X 14	\$1.50 per page + 8.0% sales tax No minimum – all colored copies are chargeable
Computer Disks	\$5.00 per disk + 8.0% sales tax No minimum – all disks are chargeable
Audio Tapes	\$5.00 per tape + 8.0% sales tax No minimum – all tapes are chargeable

Video Tapes	\$5.00 per tape + 8.0% sales tax No minimum – all tapes are chargeable
GIS Maps – Premade	\$15.00 per map + 8.0% sales tax No minimum
GIS Maps – Custom	\$25.00 per map + 8.0% sales tax No minimum
Black & White Maps	\$5.00 per map + 8.0% sales tax No minimum – excluding BPA* maps, which are provided free by BPA
Washington & Northern Idaho Exchange Area Maps	\$2.00 per map + 8.0% sales tax No minimum – all WNIEA maps are chargeable
Gas Incident Report	\$13.00 per report + 8.0% sales tax No minimum
Gas Incident Photographs	\$1.00 per photograph + 8.0% sales tax No minimum – all photographs are chargeable

PUBLICATIONS:	CHARGES:
Final Utility Orders	\$72.00 per year + 8.0% sales tax
Final Transportation Orders	\$20.00 per year + 8.0% sales tax
Telecommunication Comm. Digest	\$25.00 + 8.0% sales tax
Publication Safety Manual	\$5.50 + 8.0% sales tax
Cost Assessment Guidelines for Local Solid Waste Management Planning	\$7.70 + 8.0% sales tax

The commission's charges for copies are also published in Administrative Policy 1.60c, except for charges made under WAC 480-07-145(3)(b). If there is a discrepancy between the charges stated in this rule and those stated in Administrative Policy 1.60c, the Administrative Policy 1.60c charges will apply. The commission will provide you with a copy of Administrative Policy 1.60c on request.

(3) WAC 480-07-145(3)(b) fixes the charge for copies when a party to an adjudicative proceeding fails to file the number of copies required to meet the commission's internal distribution needs.

WAC 480-04-120 Review of denials of public records requests.

(1) If the commission does not disclose a public record that you have requested and you disagree with the denial, you may ask the public records officer, in writing, for a review of the denial. Your written request for review must describe or enclose the public records officer's written statement that explains the reasons for the denial, as provided in WAC 480-04-095(5).

(2) You may hand deliver, or have a courier deliver your written request for review in person at the commission's administrative office or you may send it by mail or electronic mail.

(3) The public records officer will promptly review your written request. The public records officer may personally reconsider the denial decision, or may refer the request to the commission for review.

(4) The public records officer's initial denial becomes final unless the commission modifies the decision within two days after the commission receives your request for review. The commission, however, still may modify a denial decision at a later time. Once the public records officer's initial denial decision becomes final or is modified by the commission, you may seek judicial review under RCW 42.17.340.

WAC 480-04-130 Protection of public records.

(1) Only commission staff may copy public documents unless the public records officer decides that copying by others will not disrupt commission business operations or pose any risk to the integrity and safety of the documents.

(2) No person may take any public record from the area the public records officer designates for public inspection of public records unless expressly authorized to do so by the public records officer.

(3) When a member of the public asks to examine an entire file or group of public records, as distinguished from specific public records that can be individually identified and made available, the commission may take a reasonable time to inspect the file or group of public records to remove any material designated as confidential and any information protected from disclosure by chapter 42.17 RCW, or other provision of law.