

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

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| In the Matter of Amending and Adopting |) | DOCKET A-060464 |
| |) | |
| |) | |
| WAC 480-75-999 and WAC 480-93-999 |) | GENERAL ORDER NO. R-535 |
| |) | |
| |) | |
| Relating to adoption-by-reference date revisions for petroleum pipeline companies and gas companies – safety. |) | ORDER AMENDING RULES PERMANENTLY |
| |) | |
| |) | |

1 STATUTORY OR OTHER AUTHORITY: The Washington Utilities and Transportation Commission takes this action under Notice WSR # 06-08-059 for an expedited rulemaking, filed with the Code Reviser on March 31, 2006. The Commission brings this proceeding pursuant to RCW 80.01.040, RCW 80.04.160, RCW 80.28.210, RCW 81.04.160, RCW 81.88.020, 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 preceding the filing of the CR-105 and the adoption order. 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 |
| Chapter 480-75 WAC, Petroleum Pipeline Companies | | | |
| Amend | 480-75-999 | Adoption by reference. | Adoption by Reference dates changed as follows: Title 49 Code of Federal Regulations October 1, 2005 – Parts 195 and 199 |
| Chapter 480-93 WAC, Gas Companies – Safety | | | |
| Amend | 480-93-999 | Adoption by reference. | Adoption by Reference dates changed as follows: Title 49 Code of Federal Regulations October 1, 2005 – Parts 191, 192, 193, and 199 |

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 March 31, 2006, at WSR #06-08-059. 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 June 5, 2006. The Commission posted the relevant rulemaking information on its Internet web site at www.wutc.wa.gov.

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

10 **RULEMAKING HEARING:** A rulemaking hearing is not required under RCW 34.05.353, "Expedited rule making."

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 # 06-08-059.

12 **CHANGES FROM PROPOSAL:** The Commission adopted the proposal noticed at WSR # 06-08-059.

13 **STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE:** After reviewing the entire record, the Commission determines that WAC 480-75-999 and WAC 480-93-999 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:**

15 (1) The Commission amends and adopts WAC 480-75-999 and WAC 480-93-999 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 (2) This Order and the rules set out below, 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.

DATED at Olympia, Washington, June 26, 2006.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK H. SIDRAN, Chairman

PATRICK J. OSHIE, 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 2, 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.