

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

In the Matter of Amending and Adopting)	DOCKET TN-080875
)	
WAC 480-31-080)	GENERAL ORDER R-552
)	
Relating to Fees and Annual Reports for Non-Profit Transportation Providers)	ORDER AMENDING AND ADOPTING RULE PERMANENTLY
)	
.....)	

1 **STATUTORY OR OTHER AUTHORITY:** The Washington Utilities and Transportation Commission (Commission) takes this action under Notice WSR # 08-16-049, filed with the Code Reviser on July 30, 2008. The Commission brings this proceeding pursuant to RCW 80.01.040, RCW 80.04.160, and RCW 81.66.030.

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

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

4 **CONCISE STATEMENT OF PURPOSE AND EFFECT OF THE RULE:** RCW 34.05.325(6) requires the Commission to prepare and publish a concise explanatory statement about an adopted rule. The statement must identify the Commission’s reasons for adopting the rule, describe the differences between the version of the proposed rules published in the register and the rules adopted (other than editing changes), summarize the comments received regarding the proposed rule changes, and state the Commission’s responses to the comments reflecting the Commission’s consideration of them.

OFFICE OF THE CODE REVISER STATE OF WASHINGTON FILED
DATE: October 07, 2008 TIME: 10:00 AM
WSR 08-21-027

5 To avoid unnecessary duplication in the record of this docket, the Commission
designates the discussion in this Order, including appendices, as its concise
explanatory statement, supplemented where not inconsistent by the staff memoranda
preceding the filing of the CR-102 proposal and the adoption hearing. Together,
these documents provide a complete but concise explanation of the agency actions
and its reasons for taking those actions.

6 **REFERENCE TO AFFECTED RULES:** This Order amends one section of the
Washington Administrative Code, WAC 480-31-080(1) Fees and annual report.

7 **PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS**

THEREUNDER: The Commission filed a Preproposal Statement of Inquiry
(CR-101) on June 4, 2008, at WSR # 08-12-085.

8 The statement advised interested persons that the Commission was considering the
need to revise WAC 480-31-080, concerning fees and annual reports for non-profit
transportation providers. The Commission also informed persons of this inquiry by
providing notice of the subject and the CR-101 to everyone on the Commission's list
of persons requesting such information pursuant to RCW 34.05.320(3) and by
sending notice to all registered non-profit transportation providers. The Commission
attached draft rule language to this notice and requested comments from interested
persons.

9 The Commission received no comments concerning the notice of the CR-101 inquiry
or the draft rule language.

10 **NOTICE OF PROPOSED RULEMAKING:** The Commission filed a notice of
Proposed Rulemaking (CR-102) on July 30, 2008, at WSR #08-16-049. The
Commission scheduled this matter for oral comment and adoption under Notice WSR
#08-16-049 for October 1, 2008, in the Commission's Hearing Room, Second Floor,
Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia,
Washington. The Notice provided interested persons the opportunity to submit
written comments to the Commission.

11 **MEETINGS OR WORKSHOPS:** The Commission held no meetings or workshops on this matter.

12 **WRITTEN COMMENTS:** The Commission received no written comments.

13 **RULEMAKING HEARING:** The Commission considered the proposed rule for adoption at a rulemaking hearing on October 1, 2008, before Chairman Mark H. Sidran, Commissioner Patrick J. Oshie, and Commissioner Philip B. Jones. No interested person made oral comments.

14 **COMMISSION ACTION:** After considering all of the information regarding this proposal, the Commission finds and concludes that it should amend and adopt the rule as proposed in the CR-102 at WSR # 08-16-049.

15 **STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE:** After reviewing the entire record, the Commission determines that WAC 480-31-080(1) should be amended to read as set forth in Appendix A, as a rule 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

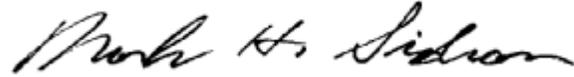
16 **THE COMMISSION ORDERS:**

17 The Commission amends WAC 480-31-080(1) to read as set forth in Appendix A, as a rule of the Washington Utilities and Transportation Commission, to take effect on the thirty-first day after the date of filing with the Code Reviser pursuant to RCW 34.05.380(2).

18 This Order and the rule 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 RCW 80.01 and RCW 34.05 and WAC 1-21.

DATED at Olympia, Washington, October 6, 2008.

WASHINGTON STATE 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 1, 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.