

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Amending
WAC 480-90-252, WAC 480-100-252,
WAC 480-110-505, WAC 480-120-382,
and WAC 480-120-385,

Relating to Commission Regulatory
Fees.

DOCKET U-220271

GENERAL ORDER R-605

ORDER AMENDING RULES
PERMANENTLY

- 1 **STATUTORY OR OTHER AUTHORITY:** The Washington Utilities and Transportation Commission (Commission) takes this action under Notice WSR # 22-17-113, filed with the Code Reviser on August 22, 2022. The Commission has authority to take this action pursuant to RCW 80.01.040, RCW 80.04.160, RCW 81.01.010, and RCW 84.24.010.
- 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 these rules 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 adopted rules. The statement must identify the Commission's reasons for adopting the rules, 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.
- 5 To avoid unnecessary duplication in the record of this docket, the Commission designates the discussion in this Order as its concise explanatory statement. This Order provides a complete but concise explanation of the agency's actions and its reasons for taking those actions.

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 31, 2022

TIME: 10:34 AM

WSR 22-22-073

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

Amend	WAC 480-90-252	Federal Energy Regulatory Commission (FERC) Form No. 2.
Amend	WAC 480-100-252	Federal Regulatory Commission (FERC) Form No. 1.
Amend	WAC 480-110-505	Accounting and reporting requirements and regulatory fees.
Amend	WAC 480-120-382	Annual report for competitively classified telecommunications companies.
Amend	WAC 480-120-385	Annual report for telecommunications companies not classified as competitive.

7 **PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS THEREUNDER:**

The Commission filed a Preproposal Statement of Inquiry (CR-101) on July 1, 2022, at WSR # 22-14-081. The statement advised interested persons that the Commission was considering entering a rulemaking to implement amendments to RCW 80.24.010 updating the Commission's authority to assess regulatory fees. 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 the Commission's list of regulated utility companies whose rates could be increased. Pursuant to the notice, the Commission invited interested persons to provide written comments to the Commission on the contemplated amendments.

8 **NOTICE OF PROPOSED RULEMAKING:** The Commission filed a notice of Proposed Rulemaking (CR-102) on August 22, 2022, at WSR #22-17-113. The Commission scheduled this matter for oral comment and adoption under Notice WSR #22-17-113 at 9:30 a.m. on October 17, 2022, via Zoom. The Notice provided interested persons the opportunity to submit further written comments to the Commission.

9 **WRITTEN COMMENTS:** The Commission received written comments from the Washington Independent Telecommunications Association (WITA) in response to both the CR-101 and CR-102. In its comments, WITA states that it does not object to the proposed amendments but does object to any future actual increase to the regulatory fees paid by WITA's members. The proposed amendments to the rules only incorporate the legislature's amendment of the statute. The statute and the proposed amended rules all continue to authorize the Commission to adjust the regulatory fees that utilities pay, and

the Commission will address any adjustments to those fees, including WITA's request to maintain the current fee levels for its members, in a separate docket.

- 10 **SMALL BUSINESS ECONOMIC IMPACT STATEMENT:** The only substantive change in the proposed revisions to the rules is to incorporate the legislature's amendment of the statute. Accordingly, no small business economic impact statement is required. The Commission nevertheless undertook an analysis of the proposed rules' economic impact on small businesses. The Commission served a questionnaire on affected companies requesting information on this issue but received no responses. Regulated companies may include their regulatory fees in the rates they charge their customers, and the Commission has no indication that any rate increases to recover the proposed increase in fees would have a significant impact on any small business. The proposed rules, therefore, will not have a significant economic impact on small businesses.
- 11 **RULEMAKING HEARING:** The Commission considered the proposed rules for adoption at a rulemaking hearing on Monday, October 17, 2022, before Chair David W. Danner, Commissioner Ann E. Rendahl, and Commissioner Milton H. Doumit. The Commission heard a presentation from Commission Staff, but no other person made oral comments.
- 12 **SUGGESTIONS FOR CHANGE THAT ARE REJECTED/ACCEPTED:** There were no suggested changes to the proposed rules.
- 13 **COMMISSION ACTION:** After considering all the information regarding this proposal, the Commission finds and concludes that it should amend the rules as proposed in the CR-102 at WSR # 22-17-113.
- 14 **STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE:** After reviewing the entire record, the Commission determines that WAC 480-90-252, WAC 480-100-252, WAC 480-110-505, WAC 480-120-382, and WAC 480-120-385, 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

THE COMMISSION ORDERS:

- 15 The Commission amends WAC 480-90-252, WAC 480-100-252, WAC 480-110-505, WAC 480-120-382, and WAC 480-120-385, to read as set forth in Appendix A, as rules

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).

16 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 Lacey, Washington, October 28, 2022.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



DAVID W. DANNER, Chair



ANN E. RENDAHL, Commissioner



MILTON H. DOUMIT, 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 5, 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 0, 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 5, repealed 0.

Appendix A
[REVISED - RULES]