

Chapter 480-07 WAC

PROCEDURAL RULES Last Update: 8/22/08WAC

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WAC 480-07-010 Scope of this chapter. This chapter includes rules that explain how to conduct business with the Washington utilities and transportation commission (~~the~~ commission). The commission interacts both informally and formally with the public and with the businesses it regulates.

Part I of this chapter includes basic information about the commission, such as the agency's office hours, its physical address and other contact information, and general requirements for communicating with the commission.

Part II includes provisions that relate specifically to rule-making proceedings, such as how a person may submit comments that will be taken into account when the commission considers making changes to its rules.

Part III concerns adjudicative proceedings including hearings on formal complaints, general rate proceedings, applications for authority, petitions for relief, and abbreviated proceedings that may be used in some circumstances.

Part IV concerns other types of commission proceedings, including regular and special open public meetings, interpretive and policy statements, declaratory orders, penalty assessments, and informal complaints.

These rules are authorized by and supplement the Administrative Procedure Act, chapter 34.05 RCW, and the ~~principal~~ statutes that define the commission's authority and responsibilities. ~~These statutes are~~ found principally in

Titles 80 and 81 ~~of the Revised Code of Washington (RCW)~~. These commission's procedural rules should be interpreted~~read and understood~~ in conjunction with these statutes~~Administrative Procedure Act and Titles 80 and 81 RCW~~. ~~Certain of these statutes establish procedural requirements for conducting particular types of business with the commission.~~

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-010, filed 11/24/03, effective 1/1/04.]

PART I: GENERAL PROVISIONS

WAC 480-07-100 Scope of Part I. Part I of this chapter contains information about the commission~~r~~ and general rules that apply in rule-making, adjudicative, and other proceedings described in this chapter.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-100, filed 11/24/03, effective 1/1/04.]

WAC 480-07-110 Exemptions from and modifications to

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commission rules; conflicts ~~with other involving~~ rules. (1)

Exceptions and modifications. The commission, in response to a request or on its own initiative, may grant an exemption from, or modify the application of, any of its rules in individual ~~circumstances~~ if the exemption or modification is consistent with the public interest, the purposes underlying regulation, and applicable statutes. The commission may modify the application of procedural rules in this chapter during a particular adjudication ~~or other docket consistent with other adjudicative decisions~~, without following the process identified in subsection (2) of this section.

(2) **Process.**

(a) *How to request an exemption ~~to~~from, or modification ~~to~~to, a rule.* To request a rule exemption or modification, a person must file with the commission a written petition identifying the rule for which the person seeks an exemption ~~is sought~~, and providing ing a full explanation of the reason for requesting the exemption. Telecommunications companies, gas companies, or electric companies filing petitions for exemption under this section ~~must~~shall provide an electronic copy of the request towith the public counsel ~~unit~~section of the attorney general's office by ~~mail or e-mail, within one business day of~~ on the same day the request is filed with the commission.

(b) *Commission process.* The commission will assign the petition a docket number, if the request~~it~~ does not arise in an existing docket, and will schedule the petition for

consideration at one of the commission's regularly scheduled open meetings or in an adjudicative proceeding, if appropriate under chapter 34.05 RCW, ~~in an adjudication~~. The commission will notify the person requesting the exemption, and other interested persons, of the date of the open meeting or hearing when the commission will consider the petition.

(c) *Standard for determination consideration*. The commission uses the public interest standard ~~for to determine whether to grant an exemption from, or modification to, a commission rule~~ consideration is the public interest standard. Factors the commission may consider in making this determination include whether ~~application of the rule would~~ imposes an undue hardship on the requesting person, of a degree or a kind different from hardships imposed on other similarly situated persons, and whether the effect of applying the rule to the requesting person would be contrary to the underlying purposes of the rule and the public interest.

~~(d) **Disposition**. The commission will enter an order granting or denying the petition, or setting it for hearing.~~

(3) **Conflicts with other involving rules**. Statutes or other commission rules may establish a process for requesting rule exemption or modification, and if they ~~In the event of conflict with this rule between these rules and statutes, or rules in other chapters of Title 480 of the Washington Administrative Code, applicable to specific types of companies regulated by the commission or to others who may conduct business with the~~

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~~commission, or to particular persons or proceedings,~~ those statutes or other special rules govern the request.

(4) **Emergency situations.** In the event of a state of emergency⁷ and for good cause shown, the commission may enter an order on its own motion, or upon the motion of any person or public service company affected by the rule, exempting public service companies, the commission⁷, and all affected persons⁷ from complying with the requirements of specific rules in this title.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 08-18-012 (Docket A-072162, General Order R-550), § 480-07-110, filed 8/22/08, effective 9/22/08; 06-16-053 (Docket A-050802, General Order R-536), § 480-07-110, filed 7/27/06, effective 8/27/06; 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-110, filed 11/24/03, effective 1/1/04.]

WAC 480-07-120 Office hours. ~~"Business day," as used in this chapter, means any day when the commission's offices are open to the public.~~ The Commission's offices are open to the public between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, except on official state holidays⁷ as defined in RCW 1.16.050⁷ or when closed due to inclement weather, emergencies, or other similar circumstances~~legal holidays and legislatively recognized days.~~

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[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-120, filed 11/24/03, effective 1/1/04.]

WAC 480-07-125 ~~Physical address; telephone; fax; web portal; e-mail; Internet.~~ The information included in this section is current at the time of rule adoption, but may change. Persons may obtain current information and additional contact information for the commission and its personnel by accessing the commission's Internet website or by requesting the information in person at the commission offices, or by a telephone call to the commission's main public number, or through an email to the commission's records center.

Location and mailing address:	Washington Utilities and Transportation Commission 1300 S. Evergreen Park Drive S.W. P.O. Box 47250 Olympia, WA 98504-7250
Telephone:	
Public number	360-664-1160
Records center number	360-664-1234
Consumer inquiries, comments and informal complaints	1-800-562-6150
Fax:	

Public and records center <u>Conference bridge for participating in proceedings by telephone</u>	360-586-1150 <u>360-664-3846</u>
Web portal	www.utc.wa.gov/e-filing
Records center e-mail	records@utc.wa.gov
Internet web-site	www.utc.wa.gov

[Statutory Authority: RCW 80.01.040 and 80.04.160. 08-18-012 (Docket A-072162, General Order R-550), § 480-07-125, filed 8/22/08, effective 9/22/08; 06-16-053 (Docket A-050802, General Order R-536), § 480-07-125, filed 7/27/06, effective 8/27/06; 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-125, filed 11/24/03, effective 1/1/04.]

WAC 480-07-130 Time periods specified for acts governed by this chapter. (1) ~~Computation of time~~Definitions.

(a) "Day" means calendar day whenever used in this chapter, unless otherwise specified.

(b) "Business day" as used in this chapter, means any day when the commission's offices are open to the public as provided in WAC 480-07-120.

(2) Computation of time. The period of time for doing an act governed by this chapter is determined by excluding the first day and including the last day, unless the last day is not

~~a business day an official state holiday, Saturday, or Sunday, in which circumstance event the period runs until the end of the next business day that is not an official state holiday, Saturday, or Sunday. For example, if a formal complaint is served on the first day of the month, any answer to the complaint must be filed by the twenty-first day of the same month, unless the twenty-first day is an official state holiday, in which case the answer will be timely if filed on the next business day after the holiday.~~

(32) **Variation from time limits.** The commission may modify the time limits stated in chapter 34.05 RCW, subject to the requirements of RCW 34.05.080. The commission may modify the time limits stated in a commission rule, subject to other requirements of law. WAC 480-07-385 ~~sets out procedures for and governs when the commission will grant~~ continuances or extensions of time in adjudicative proceedings.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-130, filed 11/24/03, effective 1/1/04.]

WAC 480-07-140 Communicating General requirements for submitting documents to with the commission. (1) General.

(a) Informal submissions. Informal submissions are oral or written comments or information directed to the commission that

do not seek, or respond to, formal commission action. Informal submissions include, but are not limited to, consumer complaints other than complaints requesting commencement of an adjudicative proceeding; public comments made on matters the commission considers at its open meetings; and public comments made in an adjudicative proceeding by persons who are not, and do not seek to be, parties to that proceeding. A person may make informal submissions by using the comment form available on the commission's website or by contacting the commission records center or consumer protection section by telephone, letter, or email at the contact information listed in WAC 480-07-125.

(b) *Formal filings.* Formal filings are written submissions that seek or respond to formal commission action. Except as provided in WAC 480-07-143, all documents submitted to the commission for formal filing, including documents that contain confidential information, must be submitted electronically to the commission records center in conformance with this rule. The commission will not accept a document for formal filing unless the commission receives that document in electronic form.

(2) **Where to send written communications.** Persons should send written communications to the commission using the contact information contained in WAC 480-07-125 or on the commission's website. Correspondence directed to the commission should be addressed to the commission secretary.

(3) **Cover letters.** Persons submitting documents to the commission for formal filing must include a cover letter with

the submission unless the sole document submitted is a letter or the document is one page in length and includes the information identified in subsection (4) below.

(4) **Requirements.** The following requirements enable the commission to identify submissions and to facilitate prompt delivery of communications to commission personnel.

(a) *Identification of sender.* All persons who communicate with the commission should provide their full name, mailing address, telephone number, and email address to assist the commission in responding. Persons who communicate with the commission on behalf of a business, organization, or other entity must state their name and title or position, and the name of the entity on whose behalf they are sending the communication. All submissions on behalf of a company the commission regulates must identify the company using the exact name of the company in the commission's records. The commission's website includes a list of all such companies by the names in the commission's records. The commission may reject or require resubmission of any submission that does not comply with this requirement.

(b) *Identification of permit, license, or certificate.* Any person or entity holding a commission-issued permit, license, or certificate must identify the permit, license, or certificate number (if any), including the exact name under which the authority is held, when communicating with the commission concerning the permit, license, or certificate.

(c) Identification of proceeding. Persons who communicate with the commission concerning a formal commission proceeding (e.g., rulemaking or adjudication) must identify the proceeding to the best of their ability, including the docket number and name of the proceeding.

(d) Identification of documents. All documents submitted to the commission must be named in conformance with subsection (6)(b) below.

(5) **Electronic submission of documents.** The commission accepts only electronic versions of documents for formal filing. Unless required in a specific rule or order, the commission does not require a paper copy of the document.

(a) Electronic submission via web portal. Documents submitted electronically must be submitted using the commission's records center web portal except as provided in this rule.

(i) How to use the web portal. To use the web portal to submit documents for filing, persons should navigate to, and follow the instructions on, the following web page: www.utc.wa.gov/e-filing.

(ii) Official commission receipt. The commission officially receives a document submitted through the web portal on the date and at the time registered by the portal; provided that documents the commission receives after 5:00 p.m. are not considered officially received or filed until the next business day. The web portal will send an automated notification to the

person submitting the document when the commission has received the document.

(iii) Insufficient capacity. If a submission exceeds the size limitations of the commission's web portal for a single submission, the person may submit the documents in multiple web portal submissions, via one or more emails as provided in subsection (6)(c) below, or on a disc or other commonly used electronic storage medium delivered by mail or hand delivery. The commission includes on its website the current size limitation of submissions on the web portal and instructions for making multiple web portal submissions.

(b) Electronic submission via email. If a person is unable to use the records center web portal to submit documents for filing, the commission will accept a submission via email. The commission may also accept correspondence or comments directed to the commission in the form of an email. An email transmitting documents must explain the reason the documents are not being submitted via the web portal and must comply with the following requirements:

(i) Where to send electronic documents. Emails and emailed submissions for filing must be directed to the commission's records center at records@utc.wa.gov. Courtesy or informational copies may be sent to other email addresses for individual commission personnel. The commission will receive for filing only email submissions sent to the records center.

(ii) When deemed received. An email and any transmitted

documents are deemed received only when the email and the entire document or set of documents successfully reach the commission's records center electronic mailbox. Emails or documents wholly or partly received by email in the commission's records center after 5:00 p.m. are not considered officially received or filed until the next business day.

(iii) Insufficient capacity. If a submission exceeds the size limitations of the commission's email system for a single message, the person may submit the documents in multiple messages as provided in subsection (6) (c) below or on a disc or other commonly used electronic storage medium delivered via mail or hand delivery.

(c) Electronic submission by mail or hand delivery. A person may submit for filing electronic copies of documents on a disc or other commonly used electronic storage medium by mail or hand delivery (e.g., courier delivery service) to the commission's business address. The commission deems it has received an electronic document submitted by mail or hand delivery when the commission's records center physically receives it. Documents delivered to the commission's records center after 5:00 p.m. are not considered officially received or filed until the next business day.

(d) Additional requirements. The following additional requirements apply when submitting documents in the circumstances identified below.

<u>Submissions in these dockets or types of documents:</u>	<u>Must comply with these rules:</u>
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<u>Rule-making dockets</u>	<u>This rule and Part II of this chapter</u>
<u>Adjudicative dockets</u>	<u>This rule and Part III of this chapter, <i>plus</i> any requirements in the specific adjudication</u>
<u>Utility tariffs and contracts</u>	<u>This rule, chapter 480-80 WAC, and WAC 480-07-141</u>
<u>Transportation tariffs and time schedules</u>	<u>This rule, WAC 480-07-141; and</u>
<u>(i) For auto transportation companies</u>	<u>Chapters 480-30 and 480-149 WAC;</u>
<u>(ii) For commercial ferry companies</u>	<u>Chapters 480-51 and 480-149 WAC;</u>
<u>(iii) For solid waste collection companies</u>	<u>Chapter 480-70 WAC</u>
<u>For public records requests</u>	<u>Chapter 42.56 RCW and chapter 480-04 WAC</u>

(6) **Electronic file format requirements.** Electronic versions of all documents filed with the commission must conform to the following file format requirements.

(a) *Acceptable format.*

(i) All documents other than email correspondence or comments must be filed in searchable .pdf (Adobe Acrobat) format and to the extent feasible should be saved or otherwise converted directly from the native format in which the document was created. Parties that cannot create .pdf files directly from the document in its native format must provide a copy of the document converted to .pdf via scanning or other available technology. Scanned documents should be submitted separately from other .pdf files and must be searchable unless readily available software does not support searchable scanned documents.

(ii) Any document in the form of a spreadsheet that

displays results of calculations based on formulas must be filed in its native Excel format (.xls, .xlsx, .xlsm) or the updated version of, or successor to, that software program. Such documents must include all formulas and may not include locked, password protected, or hidden cells or tabs, or any other restrictions that impair or hamper the commission's ability to review or modify the data in those cells.

(iii) Correspondence or comments in the form of an email must conform to standard conventions for email communications.

(b) File naming conventions. Documents must be named in a way that describes the contents. Each document a person submits must be labeled with the docket number of the proceeding (except in the case of original submissions), any confidentiality designation, the name of the document, the name of the person or party on whose behalf the document is submitted, the last name of any witness sponsoring the document, and the date the document is submitted. Words may be abbreviated as necessary in the file name of an electronic document if the full name is too long. The cover letter accompanying the submission must list all of the documents included in the submission using the same identifying information. The commission maintains a sample list of acceptable file names and abbreviations on its website.

(c) Acceptable organization. Except as provided in WAC 480-07-160(4)(d)(vii) when submitting documents that include information designated as confidential, all files required to meet a single deadline must be submitted at the same time and in

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the same message, if possible, or on the same disc or commonly used electronic storage medium. A person may submit files in more than one submission or message when submitting those files via the commission's web portal or via email as authorized in subsections (5) (a) (iii) and (5) (b) (iii) above if the total size of the submission exceeds the size constraints of the commission's web portal or email system for a single submission. If the documents are submitted in multiple email messages, each email message must prominently identify which one it is in the sequence of messages and, to the extent possible, the total number of messages used (e.g., "Message 2 of 4"). The first and final messages in the sequence must be identified as such. The first message also must explain the reason for the multiple messages and must include the cover letter and any required certificate of service. All such messages must be submitted as close to simultaneously as practicable.

~~_(1) **Scope of rule.** This rule includes general requirements for effective communication with the commission.~~

~~—The commission encourages use of the commission's records center web portal for filing and submitting documents with the commission. Customers of regulated companies who have a complaint about their service provider are encouraged to contact the commission as described in WAC 480-07-910. Anyone wishing to comment on a matter before the commission may submit comments by telephone, letter, fax, e-mail or by using the comment form~~

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~~available on the commission's web site.~~

~~—— (a) **Electronic filing, limitations.** You may **file** documents electronically using the commission's records center web portal (see WAC 480-07-125) if you are submitting documents that are not part of an adjudicative proceeding. Examples include registration applications, tariffs, contracts, rule-making comments, and comments on open meeting items. Electronic filing means the commission accepts the electronic version of the document as the official filing and does not require a paper copy of the documents.~~

~~—— (b) **Electronic submission, adjudications.** You may **submit** documents electronically using the commission's records center web portal (see WAC 480-07-125) or e-mail if you are submitting documents in an adjudicative proceeding. Electronic submission means the commission allows submission of electronic versions of documents, but requires a paper copy of the document as the official filing. Except for testimony and exhibits filed in general rate cases, parties may submit one paper copy of documents of less than twenty five pages, but must follow the filing requirements in WAC 480-07-510(1) (nineteen copies) and WAC 480-07-150 (3) (a) (twelve copies) for documents exceeding twenty five pages.~~

~~—— (c) **Electronic filing of public records requests.** You may file requests for public records electronically using the commission's records center web portal (see WAC 480-07-125). You do not have to file a paper copy of the public records~~

~~request if it is filed electronically.~~

~~(d) Use of e-mail for electronic filing or submission.~~ The commission encourages you to use its records center web portal for filing or submitting electronic documents, because it is more reliable and secure than e-mail. If you are unable to use the records center web portal to file or submit documents, the commission will accept a filing or submission received via e-mail addressed to the records center.

~~(e) You must also comply with other requirements when submitting certain documents, as shown below.~~

Submissions in these dockets or filings:	Must comply with these rules:
Rule making dockets	This rule, WAC 480-07-143, and Part II of this chapter
Adjudicative dockets	This rule, WAC 480-07-145, and Part III of this chapter, plus any requirements in the specific adjudication
Utility tariffs and contracts	This rule, chapter 480-80 WAC, and WAC 480-07-141
Transportation tariffs and time schedules	This rule, WAC 480-07-141; and
(i) For auto transportation companies	Chapters 480-30 and 480-149 WAC;
(ii) For commercial ferry companies	Chapters 480-51 and 480-149 WAC;
(iii) For solid waste collection companies	Chapter 480-70 WAC
For public records requests	Chapter 42.56 RCW and chapter 480-04 WAC

~~(2) Content of letters and e-mail messages to the commission.~~ Letters and e-mail messages to the commission should include only one subject.

~~(3) Where to send letters and e-mail messages.~~ WAC 480-07-

~~125 includes the commission's mailing address and other contact information current at the time of rule publication. Persons who communicate with the commission are encouraged to do so by e-mail to the commission's records center. The commission's internet site includes current and additional contact information.~~

~~—— (4) **Cover letters.** Persons submitting or filing documents with the commission must include a cover letter with the filing, unless the letter or document is one page and includes the information identified in subsection (5) of this section.~~

~~—— (5) **Identification of sender; identification of permit, license, or certificate; identification of proceeding.** The following requirements will make sure your message to the commission is delivered promptly to the person or persons who need to receive it, and to allow a prompt response. If you do not include the necessary information, we may not be able to promptly handle your message or provide a prompt response.~~

~~—— (a) **Identification of sender.** All persons who communicate with the commission must provide their full name and are asked to provide a mailing address, telephone, fax, and e-mail address to assist the commission in responding. Persons who communicate with the commission on behalf of a business, organization, or other entity must state their name and title or position, and the name of the entity on whose behalf the communication is sent, in addition to the contact information described above.~~

~~—— (b) **Identification of permit, license, or certificate held**~~

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~~**by sender.** Any person or entity that holds a commission-issued permit, license, or certificate must identify the permit, license, or certificate number (if any), including the exact name under which the authority is held, when communicating with the commission concerning the permit, license, or certificate.~~

~~—— (c) **Identification of proceeding.** Persons who communicate with the commission concerning a formal commission proceeding (e.g., rule-making or adjudication) must identify the proceeding to the best of their ability, including the docket number and name of the proceeding, if known.~~

~~—— (6) **Electronic file format requirements.** The commission requires electronic versions of all documents filed with the commission, including confidential versions of documents that include confidential information.~~

~~—— (a) **Acceptable media.** You may submit documents electronically through the commission's records center web portal, by e-mail file attachment addressed to the commission's records center, or submitted to the records center on a 3 1/2-inch IBM formatted high-density disk or compact disc (CD) labeled with the docket number of the proceeding, if a number has been assigned, the name of the entity and the name of the individual submitting the document, and a description of the contents (e.g., "direct evidence," "motion to dismiss," etc.).~~

~~—— (b) **Acceptable format.** Electronic versions of all documents, including confidential versions of documents that include confidential information, must be filed in .pdf (Adobe~~

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~~Acrobat) format, supplemented by a separate file in .doc, .docx, .docm (MS Word), .xls, .xlsx, .xslm (Excel), or .ppt, .pptx, .pptm (Power Point) formats, so that spreadsheets displaying results of calculations based on formulas include all formulas, and do not include locked, password protected or hidden cells.~~

~~—— (i) The following documents are exempt from the requirement in (b) of this subsection for formatting other than .pdf (Adobe Acrobat):~~

~~—— (A) Documents not created by, for, or on behalf of a party to or a witness in the proceeding for which no version in the required formatting is available; and~~

~~—— (B) Published, copyrighted material and voluminous material not originally prepared in the required format.~~

~~—— (ii) Any person who requests a document to be provided in a format other than .pdf (Adobe Acrobat), whose request is denied, may request relief from the commission.~~

~~—— (iii) **Confidential and redacted versions.**~~

~~—— (A) Parties must separately submit and clearly identify electronic versions of confidential and redacted documents when submitting documents via e-mail or the commission's web portal.~~

~~—— (B) Redacted versions of electronic documents that mask confidential information should be filed exclusively in .pdf format. Parties who cannot create Adobe Acrobat files directly must provide a copy of the document converted to Adobe Acrobat via scanning or other available technology.~~

~~—— (c) **File naming conventions.** Electronic files must be~~

~~named in a way that describes the file contents. Parties should use the format identified in the following examples, identifying the docket number, the nature of the document, and the party submitting it:~~

Testimony	UE-010101 Smith direct (name of party) (date)
Motions	UT-020202 Jones rebuttal attachment 1 (name of party) (date) UG-030303 motion to dismiss (name of party) (date)
Correspondence	UW-040404 answer to motion to dismiss (name of party) (date) TG-010203 (name of party) request for continuance (date)

~~(d) **Acceptable organization.** Each party must submit all files to meet a single deadline at the same time and in the same message or diskette. When a party submits two or more files at the same time, the files must be organized into folders, and the party must provide a printed index. The index may be included in a cover letter or provided as an attachment to a cover letter. The index also must be provided in the form of an electronic file.~~

~~**Example:**~~

Folder and diskette name	I. U-020304 (name of party) direct evidence (date)
Subfolders	A. U-020304 (name of party) (name of witness) direct (date) B. U-020304 (name of party) (name of witness) direct (date)
Files	1. U-020304 (name of witness)- direct (name of party) (date) 2. U-020304 (name of witness)- direct att 1 (name of party) (date)

[Statutory Authority: RCW 80.01.040 and 80.04.160. 08-18-012 (Docket A-072162, General Order R-550), § 480-07-140, filed 8/22/08, effective 9/22/08; 06-16-053 (Docket A-050802, General Order R-536), § 480-07-140, filed 7/27/06, effective 8/27/06; 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-140, filed 11/24/03, effective 1/1/04.]

WAC 480-07-141 Commission receipt of Receiving and filing
a document is not filing or acceptance. The commission ~~assigns docket numbers to a filing or proceeding and~~ receives documents ~~under docket numbers~~ for administrative purposes, and such receipt alone does not to denote constitute filing or legal acceptance of a document. _

(1) Compliance review. Upon receipt, the commission will review a submission to determine whether it complies with applicable filing requirements prior to accepting it for filing and assigning a docket number, if applicable. Receipt of a document for filing in a docket, or the assignment of a docket number to a document, does not mean that the commission has accepted the document, or waived any deficiencies that would allow the commission to reject the document. After a receiving a document, t

(2) Notice of, and opportunity to correct, noncompliance.
The commission will identify any areas of noncompliance may

address any deficiencies in the documents submission and will notify the person who made the submission within two business days, or as soon thereafter as practicable, of any material areas of noncompliance. The notification and either will, may require the documents to be resubmitted with the deficiencies corrected within a specified period of time, or will may reject the documents and return them to the sender. The commission will consider corrected documents to have been filed on the date the original documents were submitted if the deficiencies are not substantive or otherwise do not impair or hamper the commission's ability to timely review, analyze, or act on the merits of the submission. If the deficiencies are substantive or otherwise impair or hamper the commission's ability to timely review, analyze, or act on the merits of the submission, the commission will consider the documents to have been filed on the date the corrected documents are submitted.

(3) **No waiver of noncompliance.** By accepting a submission for filing in a docket or assigning a docket number, the commission does not necessarily certify that the submission complies with all filing requirements or waive the commission's ability to subsequently reject a document as deficient or require deficiencies to be corrected; Provided that in the absence of extraordinary circumstances, the commission will not reject a document for failure to comply with applicable filing requirements more than five business days after the document has been submitted.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-16-053
(Docket A-050802, General Order R-536), § 480-07-141, filed
7/27/06, effective 8/27/06.]

~~WAC 480-07-143 Submitting documents in rule-making proceedings.~~ (1) ~~Scope of rule.~~ This section governs communications to the commission in rule-making proceedings. These rules are in addition to the general rules for communicating with the commission in WAC 480-07-140.

~~(2) Submitting comments.~~ All written comments submitted in a rule making must be addressed to the commission secretary.

~~(3) Methods for delivering comments and other communications.~~ The commission encourages communication through the records center web portal rather than by e-mail or paper copy delivery or fax.

~~(a) Through the web portal.~~ A person should may submit comments in rule-making proceedings by sending them to the commission through the records center web portal, without providing a paper copy.

~~(i) How to use the web portal.~~ Persons using the web portal to submit filings should first view the following web page: www.wute.wa.gov/e-filing.

~~(ii) When deemed received.~~ A document submitted through

~~the web portal is deemed received only when the sender receives notification from the commission that the document has been received. Documents received electronically through the commission's records center web portal after 5:00 p.m. are not considered officially received or filed until the next business day.~~

~~(b) By e-mail message or fax. A person may submit comments in rule-making proceedings by e-mail, either in the body of the message or in an attached e-mail file, attachment, or fax transmission without providing a paper copy.~~

~~(i) Where to send electronic documents. All e-mails sent and fax transmissions made under this rule should be directed to the commission's records center using the contact information as noted in WAC 480-07-125. Courtesy or informational copies may be sent to other e-mail addresses or fax numbers for individual commission personnel staff members. When a person files a document by e-mail or fax, the document should not be sent more than once except to cure transmission or receiving errors.~~

~~(ii) When deemed received. A document or set of documents submitted by e-mail or fax is deemed received only when the entire document or set of documents sent by via e-mail successfully reaches the commission's records center electronic mailbox or fax machine. Documents wholly or partly received by via fax or e-mail in the commission's records center after 5:00 p.m. are not considered officially received or filed until~~

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~~the next business day when they are stamped with the date and time.~~

~~—— (c) By mail or hand delivery (e.g., courier delivery service). A person may submit comments or otherwise communicate with the commission concerning rule-making proceedings by mail or by hand delivery (e.g., courier delivery service).~~

~~—— (i) When deemed received/filed. A document submitted in a rule-making proceeding by mail or hand delivery is deemed received or filed when physically received by the commission records center and stamped with the date and time. Documents delivered to the commission's records center after 5:00 p.m. are not considered officially received or filed until the next business day when they are stamped with the date and time.~~

~~—— (ii) Electronic file supplement. The commission encourages parties who submit written comments in rule-making proceedings to supplement any paper filing delivered by mail or courier with an electronic version, as specified in WAC 480-07-140(5).~~

~~[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-16-053 (Docket A-050802, General Order R-536), § 480-07-143, filed 7/27/06, effective 8/27/06; 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-143, filed 11/24/03, effective 1/1/04.]~~

~~—— **WAC 480-07-145 Filing documents in adjudicative**~~

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~~proceedings. (1) **Scope of rule.** This section governs communications to the commission by parties in adjudicative proceedings. These rules are in addition to the general rules for communicating with the commission in WAC 480-07-140 and any requirements in a specific adjudication. The commission will not consider documents to be filed until all the requirements in this are satisfied.~~

~~(2) **Electronic filing is required.**~~

~~(i) Exact copy. The original and paper copies of the document the commission must conform exactly in form and content to the electronic version.~~

~~(i) Simultaneous delivery to all parties and presiding officer. All electronic documents submitted to the commission through the web portal or by email on a filing deadline date must be delivered to all parties and the presiding administrative law judge by email. should **not** be sent to the commissioners.~~

~~(2) **Mail or hand delivery service is required for all documents.** Parties to adjudicative proceedings before the commission must file original, signed documents and paper copies by mail or hand delivery (e.g., courier delivery service) as provided in this rule to satisfy official filing requirements and meet the commission's administrative needs. The commission provides for the expedited exchange of documents among parties and the commission by e-mail and fax transmission in~~

~~adjudicative proceedings.~~

~~—— (a) *When deemed received/filed.* A document submitted in an adjudicative proceeding is officially received for filing only when the original document, including the required certificate of service under subsection (6) of this section, and the required number of copies, are physically received at the commission's records center by mail or in-hand delivery and stamped with the date and time. The date-stamped time will determine whether a document meets any deadline that applies and will determine the timing of any later deadlines based on filing. Documents that are delivered to the commission's records center after 5:00 p.m. are not considered officially received or filed until the next business day when they are stamped with the date and time.~~

~~—— (3b) **Exception for documents offered and received at hearing.** When authorized by the presiding officer in an adjudicative proceeding before the commission, a document may be officially received for purposes of the proceeding when the presiding officer receives the document for the record at hearing. The presiding officer may also require that a copy be filed in the commission records center.~~

~~—— (c) **Where to mail/deliver.** All written communications mailed or hand-delivered to the commission must be addressed to the commission's secretary at the address specified in WAC 480-07-125.~~

~~—— (d) **Filings must be supplemented by an electronic version**~~

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~~of the document.~~ Parties filing pleadings, motions, prefiled testimony and exhibits, and briefs must supplement their filing by submitting the document in electronic form, as specified in WAC 480-07-140(5), unless excused from the obligation by the presiding officer.

~~(43) Number of copies; failure to file required sufficient number of copies.~~

~~(a) Number of copies.~~ Unless the commission specifies a different number of copies, every pleading, motion, response, and brief submitted to the commission by mail or courier must be filed with twelve copies. A party for whom providing the required number of copies would be a hardship may describe the hardship and request permission to file fewer copies.

~~(b) Failure to file sufficient number of copies.~~ If a person fails to file all required types of electronic copies of a document or files fewer than the required number of paper copies of a document, the commission may reject the filing or the commission may require the person to file the required electronic or paper copies. he commission will not consider the document to be officially filed until the commission receives all required copies. make the additional copies for distribution and processing within the commission. If the commission makes copies to meet the total number required, the commission will bill the filing person at a rate of thirty cents per page, plus sales tax. This rate compensates for the loss of the worker's attention to assigned duties, the unscheduled use

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~~of equipment, and the cost of materials.~~

~~—— (54) **Filing and service are separate requirements.** Filing documents with the commission under this rule and service of the documents to parties under WAC 480-07-150 are both required in all adjudicative proceedings. Filing a document with the commission does not constitute service upon the assistant attorney general or any other party, and. Likewise, service upon the assistant attorney general or any other party does not constitute a filing with the commission.~~

~~—— (65) **Service and certificate of service are required.** Filing a pleading, motion, response, or brief with the commission in an adjudicative proceeding is not complete unless service has been made upon all parties to the proceeding pursuant to WAC 480-07-150. Service must be confirmed by submitting with the filing a valid certificate of service, or its equivalent, as provided in WAC 480-07-150(9).~~

~~—— (6) **Web portal, e-mail or fax transmission may be used to expedite the filing process.**~~

~~—— (a) **Paper copy required.** Parties may submit documents to the commission electronically through the web portal, e-mail or fax on the date established for paper filing under the procedural schedule in an adjudicative proceeding, subject to the following conditions:~~

~~—— (i) **Timing.** Electronic submissions must be completed by 3:00 p.m. on the date established for filing. The commission~~

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~~encourages the use of the web portal rather than via e-mail or fax.~~

~~—— (ii) *Paper copy required.* The commission must physically receive the original and required number of copies by 12:00 noon on the first business day following the filing deadline established under the procedural schedule.~~

~~—— (iii) *Exact copy is required.* The original and paper copies of the document delivered to the commission on the day following the filing deadline must conform exactly in form and content to the electronic version or the document will not be considered to have been timely filed and may be rejected on that basis.~~

~~—— (iv) *Simultaneous delivery to all parties and presiding officer is required.* All electronic documents submitted to the commission through the web portal, by e-mail message or fax transmission on a filing deadline date must be simultaneously delivered to all parties by e-mail or fax. You must also provide courtesy copies via e-mail to the presiding officer. Service by other required means is not excused, subject to the requirements of WAC 480-07-150.~~

~~—— (b) ***Where to send web portal or e-mail message or fax transmission.*** Persons using the commission's records center web portal to submit filings electronically should access the following web page: www.utc.wa.gov/e-filing. All e-mail and fax transmissions made under this rule should be directed to the commission's records center. Courtesy or informational copies~~

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~~may be sent to other e-mail addresses for the presiding officer or other individual commission employees. When a person submits a document through the web portal, by e-mail or fax, the document should not be sent more than once except to cure transmission or receiving errors.~~

~~—— (c) **When deemed received.** A document submitted through the commission's records center web portal is deemed received only when the sender receives notification from the commission that the document has been received. A document submitted by e-mail or fax is deemed received when the entire document successfully reaches the commission's records center electronic mailbox or fax machine. Documents submitted electronically are not considered officially received or filed until the commission receives the original and paper copies the next business day, when they are stamped with the date and time received.~~

~~—— (7) **Additional rules regarding adjudicative proceedings.** Rules relating to general rate proceedings (subpart B of this chapter) and abbreviated adjudicative proceedings (subpart C of this chapter) govern filing requirements in those proceedings.~~

~~[Statutory Authority: RCW 80.01.040 and 80.04.160. 08-18-012 (Docket A-072162, General Order R-550), § 480-07-145, filed 8/22/08, effective 9/22/08; 06-16-053 (Docket A-050802, General Order R-536), § 480-07-145, filed 7/27/06, effective 8/27/06; 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-145, filed 11/24/03, effective 1/1/04.]~~

~~WAC 480-07-150 Service of documents in adjudicative proceedings.~~ (1) ~~Service defined.~~ Service means sending or delivering, in accordance with RCW 34.05.010(19) and this rule, documents relating to commission adjudications, to parties and any other persons to whom service may be required by statute. Service includes the formal exchange of documents among parties to adjudicative proceedings.

~~(2) Designation of person to receive service.~~

~~(a) Each party in an adjudicative proceeding must designate at least one person to receive service of documents relating to the adjudication.~~

~~(b) When any party has appeared by one or more attorneys or other authorized representatives in a proceeding before the commission, the party must name at least one of those representatives, or one of the representatives if there is more than one, to receive service of documents. Service on the representative is valid service upon the party, except as provided by law. When an individual party appears on his or her own behalf, she or he must be the person to receive service.~~

~~(c) The commission may order different arrangements for service in individual proceedings.~~

~~(3) Person to receive service of orders.~~

~~The commission will serve orders in adjudicative proceedings upon the party's representative and also on the~~

~~party. Therefore, all parties must provide the name and mailing address of a person for purposes of direct service on the party.~~

~~—— (4) **Contact information.** Each party must supply the following information about every individual that it names to receive service:~~

~~—— (a) Name.~~

~~—— (b) Mailing address.~~

~~—— (c) Telephone number.~~

~~—— (d) Fax number, if any.~~

~~—— (e) E-mail address, if any.~~

~~—— (f) Relationship to party (e.g., executive director, etc.).~~

~~—— (5) **Waiver of electronic service by statutory means.**~~

~~—— (a) party to an adjudicative proceeding to electronic service of all documents in that proceeding, including orders and notices the commission serves. A party may to electronic choose to waive service of process by means of personal delivery, United States mail or parcel delivery service, in whole or in part, and elect to receive service by electronic means.~~

~~—— (b) Waiver must be made in writing, filed with the commission, and must specify alternative methods of communication to effect service. Alternates may include fax or e-mail.~~

~~—— (c) Waiver excuses other parties and the commission from the obligation to use methods of service specified in rule or~~

~~statute.~~

~~Neither the commission nor any party is foreclosed from making service by statutory means upon a party who has waived such service, and timely service by a method specified in the statute will satisfy legal requirements for service when it is used.~~

~~(6) **Service by parties.** Parties must serve documents by delivering one copy to each other party by one of the following methods:~~

~~(a) In person.~~

~~(b) By mail, properly addressed with first class postage prepaid.~~

~~(c) By delivering to a commercial parcel delivery company and making or arranging payment of the pertinent fee.~~

~~(d) By fax transmission, if other forms of service are waived.~~

~~(e) By e-mail, if other forms of service are waived.~~

~~(7) **Service by commission.** All notices, complaints, petitions, findings of fact, opinions, and orders required to be served by the commission may be served by one of the following methods:~~

~~(a) In person.~~

~~(b) By mail, properly addressed with first class postage prepaid.~~

~~(c) By commercial parcel delivery company.~~

~~(d) By fax transmission, when a paper copy is~~

~~simultaneously mailed or tendered to a commercial parcel delivery company.~~

~~—— (c) By e-mail if originals are simultaneously mailed or sent by commercial parcel delivery company.~~

~~—— (8) **When service is deemed complete.** Unless otherwise ordered by the commission in a particular proceeding, service is complete as follows:~~

~~—— (a) Service by mail is complete when a copy of the document is properly addressed, stamped, and deposited in the United States mail.~~

~~—— (b) Service by commercial parcel delivery is complete when the parcel delivery company accepts a copy of the document for delivery.~~

~~—— (c) Service by fax transmission is complete when the party receiving service has filed a waiver of service by statutory methods and requested service by fax transmission, and the document being served has been entirely received in the recipient's fax machine.~~

~~—— (d) Service by e-mail is complete when the party receiving service has filed a waiver of service by statutory methods and requested service by e-mail, and the document being served has been entirely received at the recipient's designated e-mail address.~~

~~—— (e) Proof of service by electronic means. Parties effecting service by electronic means are encouraged to secure~~

~~electronic return receipts or otherwise confirm successful delivery.~~

~~(9) **Certificate of service.** Each person filing a pleading, motion, response, or brief with the commission must include with or on the original of the document either an acknowledgment of service or the following certificate:~~

~~"I hereby certify that I have this day served this document upon all parties of record in this proceeding, by electronic transmission to email address listed in the commission's service list for this docket(state the authorized method of service selected under WAC 480-07-150)"~~

~~Dated at this day of~~

~~(Signature of person who served the document)~~

~~[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-16-053 (Docket A-050802, General Order R-536), § 480-07-150, filed 7/27/06, effective 8/27/06; 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-150, filed 11/24/03, effective 1/1/04.]~~

WAC 480-07-160 Confidential information under RCW 80.04.095 or RCW 81.77.210. The commission will provide special handling of, and will limited access to, confidential information submitted in compliance with this rule or WAC 480-WAC (6/1/165/31/1611/14/139/13/13 1:23 PM8:18 AM8:55 AM8:45 AM)

07-423. This rule applies to any information ~~submitted under a~~
~~the provider~~ claims to be confidentiality under RCW 80.04.095
or RCW 81.77.210. Title 81 RCW, other than RCW 81.77.210, does
not contain a similar statute, and the commission will not
accept documents marked as confidential pursuant to this rule
and submitted on behalf of companies regulated under Title 81
RCW other than solid waste collection companies. ~~See also, WAC~~
~~480-07-420 regarding protective orders in adjudicative~~
~~proceedings.~~

(1) **Implementation.**

(a) *Designated official.* The commission's secretary is the
designated official responsible for the commission's compliance
with the Public Records Act, chapter 42.56 RCW, and for the
implementation of this rule. The secretary may designate one or
more persons to serve as public records officer to assist in the
implementation and application of this rule.

(b) *Provider.* Any person who submits information to the
commission or commission staff under a claim of confidentiality
pursuant to this rule or a commission protective order is a
"provider," as that term is used in this rule.

(c) *Requester.* Any person who submits a request for public
records under the Public Records Act, chapter 42.56 RCW, or a
data request in an adjudicative proceeding is a "requester," as
that term is used in this rule.

(2) **Confidential information defined.** Confidential
information is valuable information that meets any of the

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~~following criteria:~~

~~(a) Information protected from inspection or copying under an exemption from disclosure requirements under the Public Records Act, chapter 42.56 RCW.~~

~~(b) Information protected under the terms of a protective order in an adjudicative proceeding.~~

~~(c) Valuable~~ commercial information, including trade secrets or confidential marketing, cost, or financial information, or customer-specific usage and network configuration and design information, as provided in RCW 80.04.095 or RCW 81.77.210. Only information that satisfies this definition may be designated as confidential. Accordingly, the commission will rarely, if ever, accept the designation of an entire document as confidential.

(3) **Highly confidential information.** The commission may authorize protection of information as highly confidential only pursuant to a protective order. Highly confidential information is confidential information to which even more restricted access is necessary to ensure the information is not disclosed to the detriment of the provider (or the party designating the information as confidential, if not the provider). Highly confidential information remains subject to the requirements in RCW 80.04.095 or RCW 81.77.210, and the provisions of this section apply to highly confidential information as well as confidential information unless this rule or the protective order authorizing highly confidential treatment of information

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states otherwise.

(43) How to designate and seek protection of confidential information under this section. A provider may claim the protection of this rule only by strict compliance with the following requirements. The commission will not accept for filing any documents containing information a provider claims is confidential that~~Any failure to comply with these requirements—may result in the submission not being accepted as one including confidential information.~~

(a) *Contents.* The provider must submit the claim of confidentiality in writing, ~~in the same form (i.e., paper or electronic) and~~ at the same time the information claimed to be confidential is submitted. The provider must state the basis ~~upon~~ upon which the information is claimed to be confidential ~~under this rule~~, and if the document is not submitted pursuant to a protective order in an adjudicative proceeding, the provider must identify any person (other than the provider) ~~who~~~~that~~ might be directly affected by disclosure of the confidential information.

(b) Confidential and redacted versions. The provider must submit two versions of all documents claimed to include either (but not both) confidential or highly confidential information:

(i) An electronic copy (as required in WAC 480-07-140(6)), and any paper copies the commission has required, of the version of the document that contains all information designated as confidential (confidential version) or highly confidential

(highly confidential version); and

(ii) An electronic copy in .pdf format, and any paper copies the commission has required, of the version of the document that masks the information claimed to be confidential or highly confidential (redacted version).

(c) Highly Confidential, confidential, and redacted versions. The provider must submit three versions of all documents claimed to include both highly confidential and confidential information:

(i) An electronic copy (as required in WAC 480-07-140(6)), and any paper copies the commission has required, of the version of the document that contains all information designated as highly confidential or confidential (highly confidential version);

(ii) An electronic copy (as required in WAC 480-07-140(6)), and any paper copies the commission has required, of the version of the document that contains all information designated as confidential and masks all information designated as highly confidential (confidential version); and

(iii) An electronic copy in .pdf format, and any paper copies the commission has required, of the version of the document that masks all information claimed to be highly confidential or confidential (redacted version).

(d) Marking and submission.

(i) Paper copies. When the document is in paper format, and there is no protective order in place, the provider must

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clearly mark each copy of the confidential version of the document with the designation "Shaded information is confidential per protective order in Docket [insert docket number]" if the provider submits confidential information under the provisions of a protective order, or "Shaded information is confidential per WAC 480-07-160-" if not submitted under the terms of a protective order. The provider must clearly mark each copy of the highly confidential version of the document with the designation "Shaded information is highly confidential per protective order in Docket [insert docket number]." The provider must place the applicable~~this~~ mark on the first page of a multipage document and each specific page where the provider claims there is confidential or highly confidential information. The email or the disc or electronic storage medium containing the electronic copies of the document also must state that the document contains information designated as confidential or highly confidential under a protective order or WAC 480-07-160, as applicable.

(ii) Each page of the electronic document and any required paper copies of the confidential version that includes information claimed to be confidential must clearly designate that information on each page by highlighting the text with no more than twenty percent grey shading. Each such page of any paper copies must be printed on yellow paper.

(iii) Each page of the electronic document and any required paper copies of the highly confidential version that contains

information designated as highly confidential under a protective order must clearly designate the highly confidential information by highlighting the text with no more than twenty percent grey shading. Each such page of any paper copies must be printed on light blue paper.

(iv) If a document includes both confidential and highly confidential information, each page of any paper copies of the confidential version that contains only information designated as confidential must be printed on yellow paper, and pages containing information designated as highly confidential must be printed on light blue paper, including pages that contain both highly confidential and confidential information. The provider is responsible for ensuring that highly confidential information is clearly distinguished from confidential information when a document includes both highly confidential and confidential information.

(v) Any required paper copy of the confidential or highly confidential version of a document, in its entirety, must be submitted in a sealed envelope. A person submitting more than one confidential or highly confidential document in a single submission must collate all of the confidential documents into a set and all of the highly confidential documents into a set, and to the extent feasible, must enclose each entire set in a separate envelope. If the commission requires more than one paper copy of documents to be submitted, each set of confidential or highly confidential documents must be submitted

in a separate envelope to the extent feasible.

(vi) The redacted version of the document must be labeled as redacted and submitted simultaneously with the corresponding confidential or highly confidential document. The redacted version must completely black out the information claimed to be confidential or highly confidential or leave a blank space where that information is located in the document. The redacted and confidential or highly confidential versions of a document must have the same pagination, and the text on each page must appear on the same lines. If the provider submits a document under a claim that all of the substantive information contained on multiple contiguous pages is confidential or highly confidential, the provider may submit a single page in the redacted version for the contiguous confidential pages if that page identifies the pages claimed to be confidential or highly confidential.

(vii) Documents containing information designated as confidential or highly confidential must be submitted as follows:

(A) All documents containing information designated as confidential that are required or intended to be submitted to meet a single deadline must be submitted at the same time and in the same message or on the same disc or electronic storage medium, separately from documents that include information designated as highly confidential or do not include any information designated as confidential;

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(B) All documents containing information designated as highly confidential that are required or intended to be submitted to meet a single deadline must be submitted at the same time and in the same message or on the same disc or electronic storage medium, separately from documents that include information designated as confidential or do not include any such information;

(C) The fully redacted versions of all documents containing information designated as confidential or highly confidential, along with any other nonconfidential documents that are part of the filing, must be submitted separately from the documents containing information designated as confidential or highly confidential, and all of the nonconfidential documents must be submitted in a single message or on the same electronic storage medium;

(D) If the volume of documents of any type exceeds the size constraints of the commission's web portal or email system for a single submission, those documents may be submitted in multiple submissions as provided in WAC 480-07-140(6)(c); and

(E) All submissions comprising a single filing must be made as close to simultaneously as practicable. ~~Electronic copies. When the document is in electronic format, such as an e-mail message, or a word processing or spreadsheet file, the "confidential per WAC 480-07-160" mark must be inserted in the e-mail message or on the disk or diskette, on the first page in the file and on each page that the provider claims contains~~

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~~confidential information. The provider must follow the requirements in (c) of this subsection and the format requirements in WAC 480-07-140(6) for submitting electronic documents. Specifically, parties must separately submit and clearly identify electronic versions of confidential and redacted documents when submitting documents via e-mail or the commission's web portal.~~

~~(iii) Protective order, if any, must be cited. If the provider submits confidential information under the provisions of a protective order, the "confidential" identification on the disk, diskette, or e-mail, on the first page of the document and each page that includes confidential information must state: "Confidential per protective order in WUTC Docket [insert docket number]." When the provider submits confidential information in an electronic format, the provider must mark the document as with a paper copy and follow the format requirements in WAC 480-07-140(6) for submitting electronic documents.~~

~~(c) **Unredacted version under seal; redacted version.** The provider must submit an original and the required number of complete copies of the version of the document as to which confidentiality is claimed (unredacted version) and an original and one complete copy of the version of the document with the information claimed to be confidential masked (redacted version). If the provider submits a document under a claim that the entire document is confidential, the provider may submit only the first page of the redacted version if the page~~

~~indicates that the entire document is claimed to contain confidential information.~~

~~—— (i) *Sealing and labels.* The redacted version must be so labeled and submitted along with a set of any confidential documents. The confidential unredacted version must be so labeled and submitted in a sealed envelope or similar wrapping. A party submitting multiple confidential documents must collate the documents into sets and, to the extent feasible, must enclose each set of confidential documents in a separate envelope and each set of highly confidential documents for filing in a separate envelope.~~

~~—— (ii) *Marking.*~~

~~Each page of the unredacted version that includes information claimed to be confidential must be printed on yellow or canary paper with the confidential information clearly designated (e.g., by highlighting text with no more than twenty percent grey shading, outlining the confidential information in a box or border, or setting the text off with asterisks).~~

~~Similarly, each page of the unredacted version that contains information designated highly confidential under a protective order, must be printed on light blue paper with the highly confidential information clearly designated (e.g., by highlighting text with no more than twenty percent grey shading, outlining the highly confidential information in a box or border, or setting the text off with asterisks). The redacted version will be available for public disclosure if requested.~~

~~The redacted and unredacted versions must have the same pagination and line numbering.~~

~~(iii) Number of copies. The provider must submit an original and one redacted copy of each confidential or highly confidential document and an original and twelve copies of the unredacted version of each confidential or highly confidential document, unless the commission has required a different number of copies to be filed. If a document includes both confidential and highly confidential information, the provider must submit unredacted copies including both the confidential and highly confidential information in the same document.~~

(4) **Challenges to designations ~~claims~~ of confidentiality.**

The commission or a party to an adjudicative proceeding in which a provider submits a document with information designated as a ~~claim of~~ confidentiality may challenge that designation ~~claim~~.

If a confidentiality designation is challenged ~~When a challenge is made,~~ the commission will continue to protect the information from public disclosure for ten days from the date the challenge is served on the provider (and the party that has designated the information as confidential or highly confidential, if ~~different)~~ commission will provide an opportunity to respond before ruling on the challenge. ~~If a confidential designation is challenged, the provider of the confidential information bears the burden to show that part or all of a document should be protected from disclosure under chapter 42.56 RCW, RCW 80.04.095, or a protective order. The commission may express~~

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~~its ruling orally on the record in an adjudicative proceeding, or in a written order. Unless the commission is served with a court order within that ten day period directing the commission not to disclose the challenged information, the commission will remove the confidential or highly confidential designation of the information from the commission's files and will make the information publicly available.~~

(5) **Requests for "confidential" information.** Subject to ~~the requirements of this subsections (6) and (7) of this section,~~ the commission will release information designated as confidential or highly confidential in response to a written request for public records made in compliance with WAC 480-04-090. ~~properly filed under the following requirements:~~

~~— (a) The requester must submit a written request to the commission's secretary or designated public records officer on a form provided by the commission or in a letter containing equivalent supporting information, including the requester's name and address and the name and address of any organization on whose behalf or for whose benefit the request is being made. The requester must state whether the information sought is to be used for a commercial purpose.~~

~~— (b) The request must be sufficiently specific to allow the public records officersecretary to readily identify the document or other material that contains the requested information. Following receipt of a request for confidential information, the public records officersecretary will notify the requester of any~~

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~~deficiency in the request and will. The requester is required the requester to correct any deficiency and resubmit the request and resubmit it pursuant to this rule. The commission will take no action pending resubmission.~~

~~(c) If a requester wants copies of any documents identified in response to a request, the requester must make arrangements with the public records officer/commission's secretary to pay the designated copying fees, if any.~~

~~(a6) **Informal resolution.** Avoidance of disclosure. If the public records officer/secretary and the requester agree that the commission/secretary can satisfy the requester's need for information without disclosing information designated as confidential or highly confidential information, the public records officer/secretary will provide or make available for review the publicly available information in the commission's possession that is responsive to the request available.~~

~~(b7) Notice of request for, and information designated confidential; release of, information designated confidential. If the requester does not agree that the commission can satisfy the request without disclosing information designated as confidential or highly confidential, the commission will implement the following procedure:~~

~~(i) Pursuant to RCW 80.04.095 or RCW 81.77.210, as applicable, tThe commission will provide written notice of any request for information designated as confidential or highly confidential to the provider (and the party that has designated~~

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the information as confidential or highly confidential, if different) and any person that has been identified ~~by the provider~~ as a person who might be directly affected by release of the information. ~~This is to permit any person asserting confidentiality or who might be affected by the release of the information to invoke the statutory procedures for securing a court order to protect the records from disclosure or to take similar steps in compliance with a protective order in an adjudicative proceeding.~~ The commission will issue such notice not more than two days after locating the requested materials ~~are located~~ and ~~the commission~~ ~~it~~ determininges that they contain information designated as ~~claimed to be~~ confidential or highly confidential. The commission will send a copy of the notice to the requester at the same time it sends a copy to the provider (and the party that has designated the information as confidential or highly confidential, if different).

(ii) The commission need not assist any person in seeking or resisting judicial intervention to protect from disclosure any information designated as confidential or highly confidential, but the commission may participate in any such proceeding.

(iii) If the provider (and the party that has designated the information as confidential or highly confidential, if different) consents in writing to the release of the information designated as confidential or highly confidential, or does not restrain disclosure of that information by obtaining away of

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court order within ten days following the commission's notice of the request, the commission will consider the information public, remove the confidential or highly confidential designation from its files, and release the information to the requester.

~~(8) **Judicial intervention by the commission.** The commission need not assist any person in seeking or resisting judicial intervention, but may participate in any such proceeding.~~

~~——(69) **Designation or redesignation of confidential information in adjudications.** No later than the time for filing briefs or, if no briefs are filed, within ten days after the close of the record inAt the conclusion of an adjudication in which a party has designated information as confidentiality or highly confidential, that partywas asserted as to documents or portions of the record, the party originally asserting confidentiality must , no later than the time for filing briefs or, if no briefs are filed, within ten days after the close of the record, do the following:~~

~~——(a) Verify the accuracy of all confidential designations in the record and in the exhibit list for the proceeding, and submit any proposed corrections or changes. Absent a statement of proposed corrections or changes, the designations in the record and in the exhibit list are final, and the commission will ~~be changed~~ those designations only if the provider (or the party that has designated the information as confidential or~~

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~~highly confidential, if different) party asserting confidentiality~~ voluntarily removes, or is required to remove, a confidential designation. If there is conflict between designations, the commission will adopt the designation that is least restrictive to public access ~~will be adopted.~~

~~(b) File a redacted and unredacted copy of any document as to which confidentiality was asserted during the proceeding but which is not reflected in the record or exhibit list as a document designated confidential.~~

~~(c) File an unredacted version of any document designated as confidential during the proceeding, but as to which the party claiming confidentiality wishes to remove the confidential designation, or as to which the confidential designation was terminated by order. In the case of briefs, testimony, and similar documents, the authoring party must file the unredacted version.~~

[Statutory Authority: RCW 80.01.040 and 80.04.160. 08-18-012 (Docket A-072162, General Order R-550), § 480-07-160, filed 8/22/08, effective 9/22/08; 06-16-053 (Docket A-050802, General Order R-536), § 480-07-160, filed 7/27/06, effective 8/27/06; 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-160, filed 11/24/03, effective 1/1/04.]

NOTES:

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[55]

Reviser's Note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

WAC 480-07-170 Official communications from the commission.

(1) Definition. An official communication from the commission notifies interested parties and the public of the agency's position, anticipated action, or resolution of issues in matters that come within the commission's statutory authority.

(2) When a communication is official. A communication from the commission is ~~not~~ an "official communication" ~~unless~~ only if it is signed or otherwise verifiably issued or entered by the commissioners, the commission's secretary or other assistant deputized, designated, or delegated to perform commission duties pursuant to RCW 80.01.030, or the secretary's designee signs it. In addition, the presiding administrative law judge or the administrative law judge's designee may sign, issue, or enter official communications relating to an adjudicative proceeding.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-170, filed 11/24/03, effective 1/1/04.]

WAC 480-07-175 Inspection and production of documents in
commission investigations.

(1) **Inspection.** Every public service company must make
its accounts, books, papers, and documents available for
commission inspection at any and all times.

(2) **Production.** The commission may require a public
service company to provide copies of documents to the commission
for inspection at the commission's offices.

(a) *Format.* The commission will require a public service
company to provide documents for commission inspection by
sending the company a letter or other writing signed by the
secretary or an administrative law judge.

(b) *Response.* The public service company must provide the
required documents, or any objections to providing those
documents, within 10 business days of the date the commission
sends the letter or other writing unless the commission
specifies a different deadline.

(c) *Objections.* Any objections the public service company
gives in lieu of providing the requested documents must describe
in detail the legal and factual basis for the company declining
to provide the documents. Commission staff must file a response
to the objections within five business days. The commission
will notify the company of the disposition of its objections and
the date by which the company must provide any requested
documents the commission determines that the company must

provide.

WAC 480-07-180 Incorporated and referenced materials in commission rules and orders. Any document that is incorporated by reference in a commission rule or order is available for public inspection at the commission unless exempt from the public disclosure requirements in chapter 42.56 RCW, or under a protective order in an adjudicative proceeding. The commission's secretary or public records officer will provide a copy of a referenced document upon request, allowing reasonable time for any necessary copying, subject to any applicable~~pertinent~~ charge, and subject to copyright restrictions or statutory exemptions from public disclosure. The commission incorporates or references the version of the incorporated or referenced material that is current on the day the commission adopts a rule, makes a ruling, or enters an order that makes the incorporation or reference, unless the commission specifies another version or unless another version is apparent from the reference. In most instances, such information is available to the public on the commission's web-site ~~(see WAC 480-07-125)~~.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 08-18-012 (Docket A-072162, General Order R-550), § 480-07-180, filed 8/22/08, effective 9/22/08; 03-24-028 (General Order R-510, WAC (6/1/165/31/1611/14/139/13/13 1:23 PM8:18 AM8:55 AM8:45 AM)

WAC 480-07-190 Electronic signatures.

(1) Authorization. To the extent authorized under RCW 19.360.020, the commission will accept electronic signatures on all documents submitted to the commission for filing that applicable law requires or allows to be signed by hand if the electronic signature complies with this rule and any other applicable requirements (e.g., of the entity on whose behalf the person is signing). The commission may use electronic signatures on documents it issues, enters, or serves, including but not limited to orders, notices, and correspondence, to the extent authorized under RCW 19.360.020.

(2) Definitions.

(a) "Electronic signature" means one or more letters, characters, numbers, or other symbols in digital form incorporated in, attached to, or otherwise logically associated with an electronic document that

(i) identifies and authenticates a particular person as the source of the document; and

(ii) indicates such person's intent to sign the document and approval of the information contained in that document.

(b) "Secure electronic signature" is an electronic signature that

(i) is unique to the person making the signature;
(ii) the technology or process used to make the signature is under the sole control of the person making the signature;
(iii) the technology or process can be used to identify the person using the technology or process; and
(iv) the electronic signature can be linked with the document in such a way that the signature can be used to determine whether the document has been changed since the electronic signature was incorporated in, attached to, or otherwise associated with the document.

(3) Requirements.

(a) Attorney signatures. An electronic document that requires an attorney's signature must include the date on which the document was signed and be signed with

(i) a secure electronic signature;
(ii) the symbol "/s/" followed by the attorney's name, state bar number, and full contact information; or
(iii) by hand and the entire document scanned and submitted in searchable adobe acrobat (.pdf) format; the party or person submitting the electronic document must maintain the original signed paper document for at least sixty days beyond the close of the proceeding in which it is filed, including any period of judicial review.

(b) Other signatures. An electronic document that requires a signature and is signed by a person who is not an attorney acting in a representative role must include the date on which

it was signed and be signed

(i) with a secure electronic signature;

(ii) with the symbol "/s/" followed by the person's name, title, company, street address, telephone number, and email address; or

(iii) by hand and the entire document scanned and submitted in searchable adobe acrobat (.pdf) format; the party or person submitting the electronic document must maintain the original signed paper document for at least sixty days beyond the close of the proceeding in which it is filed, including any period of judicial review, or for as long as the document is effective, whichever period of time is longer.

(c) Signatures subject to penalty of perjury. An electronic document required to be signed under penalty of perjury must include the date on which it was signed and be signed by the person subject to penalty of perjury

(i) with a secure electronic signature; or

(ii) by hand and the entire document scanned and submitted in searchable adobe acrobat (.pdf) format; the party or person submitting the electronic document must maintain the original signed paper document for at least sixty days beyond the close of the proceeding in which it is filed, including any period of judicial review.

(4) **Effect.**

(a) Submissions. An electronic document submitted to the commission in compliance with this rule shall bind each person

whose electronic signature is incorporated in, attached to, or otherwise logically associated with the document and shall be deemed the equivalent of an original signed document.

(b) Commission communications. All notices, orders, or other documents issued, entered, or served by the commission with one or more electronic signatures in compliance with this rule and WAC 480-07-170 shall be deemed an official communication of the commission.
