



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Washington Utilities & Transportation Commission

Preproposal Statement of Inquiry was filed as WSR # 02-20-105, # 02-22-030, & # 03-07-034 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____; or
 Proposal is exempt under RCW 34.05.310(4).

Original Notice

Supplemental Notice to WSR # 05-01-224

Continuance of WSR _____

Title of rule and other identifying information: This rulemaking would establish rules relating to reporting of transactions between regulated utility and transportation companies and their subsidiaries to the Commission. The supplemental notice would revise several rules noticed at WSR # 05-01-224, relating to issuance of securities.

Docket No. A-021178 & TO-030288

Hearing location(s):

Commission Hearing Room 206
Second Floor, Chandler Plaza Building
1300 S. Evergreen Park Drive S.W.
Olympia, WA 98504

Date June 15, 2005 Time: 9:30 A.M.

Date of intended adoption: Wednesday, June 15, 2005

(Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Carole J. Washburn, Secretary
Address: P. O. Box 47250, Olympia, WA 98504
e-mail records@wutc.wa.gov Please include
Docket No. A-021178 & TO-030288 in your
communication.

fax (360) 586-1150 by (date) May 25, 2005

Assistance for persons with disabilities: Contact

Mary DeYoung by Monday, June 13, 2005

TTY (360) 586-8203 or (360) 664-1133

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

This supplemental proposal would revise sections in Chapters 480-73, 480-90, 480-100, 480-110, 480-120, and 480-121 WAC relating to issuing securities.

Affected WACs are: (See Attachment A)

Reasons supporting proposal: Language is proposed that would constitute a substantial change from the Supplemental CR-102 proposal at WSR # 05-01-224. The revisions proposed in this Supplemental CR-102 would include removal of the "five business days prior to issuance" requirement, removal of the investment grade reporting waiver, repeal of the remainder of Chapter 480-146 WAC, and deletion of cross-references and other references to Chapter 480-146 WAC from rules adopted recently in these two dockets at WSR # 05-06-051.

Statutory authority for adoption: RCW 80.01.040,
RCW 80.04.160, and RCW 81.04.160

Statute being implemented: N/A

Is rule necessary because of a:

Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes No
If yes, CITATION:

CODE REVISER USE ONLY

Filed with the Code Reviser's Office
May 4, 2005, 9:44 a.m.

WSR # 05-10-099

DATE
MAY 4, 2005

NAME (type or print)
CAROLE J. WASHBURN

SIGNATURE

TITLE
EXECUTIVE SECRETARY

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None

Name of proponent: Washington Utilities & Transportation Commission

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Sharyn Bate	1300 S. Evergreen Park Drive S.W., Olympia, WA 98504	(360) 664-1295
Implementation....Carole J. Washburn, Secretary	1300 S. Evergreen Park Drive S.W., Olympia, WA 98504	(360) 664-1174
Enforcement..... Carole J. Washburn, Secretary	1300 S. Evergreen Park Drive S.W., Olympia, WA 98504	(360) 664-1174

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared.

The proposed corrections and changes to rules will not result in or impose an increase in costs. Because there will not be any increase in costs resulting from the proposed rule changes, an SBEIS is not required under RCW 19.85.030(1)

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No: Please explain:

The Commission is not an agency to which RCW 34.05.328 applies. The proposed rule is not a significant legislative rule of the sort referenced in RCW 34.05.328(5).

ATTACHMENT A

Chapter 480-73 WAC, Hazardous Liquid Pipeline Companies

Amend

480-73-110 Filing information.

1. Adopts language from proposed repealers:
 - 480-146-250 (Filing)
 - 480-146-260 (Commission may require additional information)
 - 480-146-270 (Applicant may include information by reference)
 - 480-146-280 (Applicant duty when information is unavailable)

Adopt

480-73-170 Issuing securities.

1. Adopts language from proposed repealers:
 - 480-146-290 (Securities statements and applications)
 - 480-146-300 (Filing requirements for securities statements and applications)
 - 480-146-320 (Minimum time required for commission order)
 - 480-146-330 (Supplemental securities filings may be exempt from time limitations)
2. Adds procedures for filing a notice of a securities issuance with Commission.
3. Adds exemption for supplemental orders from proposed repealer WAC 480-146-330 (Supplemental securities filing may be exempt from time limitations).

Adopt

480-73-200 Securities report.

1. Adopts language from proposed repealer WAC 480-146-340 (Reporting of securities transactions), and revises language to obtain pertinent information.

Chapter 480-90 WAC, Gas Companies -- Operations

Amend

480-90-207 Filing information.

1. Adopts language from proposed repealers:
 - 480-146-250 (Filing)
 - 480-146-260 (Commission may require additional information)
 - 480-146-270 (Applicant may include information by reference)
 - 480-146-280 (Applicant duty when information is unavailable)

Adopt

480-90-242 Issuing securities.

1. Adopts language from proposed repealers:
 - 480-146-290 (Securities statements and applications)
 - 480-146-300 (Filing requirements for securities statements and applications)
 - 480-146-320 (Minimum time required for commission order)
 - 480-146-330 (Supplemental securities filings may be exempt from time limitations)
2. Adds procedures for filing a notice of a securities issuance with Commission.
3. Adds exemption for supplemental orders from proposed repealer WAC 480-146-330 (Supplemental securities filing may be exempt from time limitations).

Amend

480-90-248 Transfers of property.

1. Removes reference to Chapter 480-146 WAC.

Adopt

480-90-262 Securities report.

1. Adopts language from proposed repealer WAC 480-146-340 (Reporting of securities transactions), and revises language to obtain pertinent information.

Chapter 480-100 WAC, Electric Companies -- Operations

Amend

480-100-207 Filing information.

Adopts language from proposed repealers:

- 480-146-250 (Filing)
- 480-146-260 (Commission may require additional information)
- 480-146-270 (Applicant may include information by reference)
- 480-146-280 (Applicant duty when information is unavailable)

Adopt

480-100-242 Issuing securities.

1. Adopts language from proposed repealers:
 - 480-146-290 (Securities statements and applications)
 - 480-146-300 (Filing requirements for securities statements and applications)
 - 480-146-320 (Minimum time required for commission order)
 - 480-146-330 (Supplemental securities filings may be exempt from time limitations)
2. Adds procedures for filing a notice of a securities issuance with Commission.
3. Adds exemption for supplemental orders from proposed repealer WAC 480-146-330 (Supplemental securities filing may be exempt from time limitations).

Amend

480-100-248 Transfers of property.

1. Removes reference to Chapter 480-146 WAC.

Adopt

480-100-262 Securities report.

1. Adopts language from proposed repealer WAC 480-146-340 (Reporting of securities transactions), and revises language to obtain pertinent information.

Adopt

480-100-282 Application for approval of lease of utility facilities.

1. Adopts language from proposed repealer WAC 480-146-370 (Application for approval of lease of utility facilities).

Adopt

480-100-287 Form of lease application.

1. Adopts language from proposed repealer WAC 480-146-380 (Form of lease application).

Chapter 480-110 WAC, Water Companies

Amend

480-110-457 Filing information.

Adopts language from proposed repealers:

- 480-146-250 (Filing)
- 480-146-260 (Commission may require additional information)
- 480-146-270 (Applicant may include information by reference)
- 480-146-280 (Applicant duty when information is unavailable)

Adopt

480-110-525 Issuing securities.

1. Adopts language from proposed repealers:
 - 480-146-290 (Securities statements and applications)
 - 480-146-300 (Filing requirements for securities statements and applications)
 - 480-146-320 (Minimum time required for commission order)
 - 480-146-330 (Supplemental securities filings may be exempt from time limitations)
- 2.. Adds procedures for filing a notice of a securities issuance with Commission.
3. Adds exemption for supplemental orders from proposed repealed WAC 480-146-330 (Supplemental securities filing may be exempt from time limitations).

Adopt

480-110-555 Transfers of property.

1. Removes reference to Chapter 480-146 WAC.

Adopt

480-110-565 Securities report.

1. Adopts language from proposed repealer WAC 480-146-340 (Reporting of securities transactions), and revises language to obtain pertinent information.

Chapter 480-120 WAC, Telecommunications Operations

Amend

480-120-331 Filing information.

1. Adopts language from proposed repealers:
 - 480-146-250 (Filing)
 - 480-146-260 (Commission may require additional information)
 - 480-146-270 (Applicant may include information by reference)
 - 480-146-280 (Applicant duty when information is unavailable)

Adopt

480-120-365 Issuing securities.

1. Adopts language from proposed repealers:
 - 480-146-290 (Securities statements and applications)
 - 480-146-300 (Filing requirements for securities statements and applications)
 - 480-146-320 (Minimum time required for commission order)
 - 480-146-330 (Supplemental securities filings may be exempt from time limitations)
2. Adds procedures for filing a notice of a securities issuance with Commission.

3. Adds exemption for supplemental orders from proposed repealer WAC 480-146-330 (Supplemental securities filing may be exempt from time limitations).

Adopt

480-120-389 Securities report.

1. Adopts language from proposed repealer WAC 480-146-340 (Reporting of securities transactions), and revises language to obtain pertinent information.

Chapter 480-121 WAC, Registration, Competitive Classification and Price Lists of Telecommunications Companies

Amend

480-121-063 Regulatory requirements that may be waived for competitively classified telecommunications companies.

1. Removes reference to Chapter 480-146 WAC and adds references to new financial reporting rules, WAC 480-120-389 (Securities report) and WAC 480-120-395 (Affiliated interest and subsidiary transactions report).

Chapter 480-146 WAC, Commission general—Securities, Liens, Affiliated Interests, Refunding of Notes, Lease of Utility Facilities

Repeal

480-146-240 Application of rules.

Repeal

480-146-250 Filing.

1. This section adopted in proposed WAC:
480-73-110 (Filing information).
480-90-207 (Filing information).
480-100-207 (Filing information).
480-110-457 (Filing information).
480-120-331 (Filing information).

Repeal

480-146-260 Commission may require additional information.

1. This section adopted in proposed WAC:
480-73-110 (Filing information).
480-90-207 (Filing information).
480-100-207 (Filing information).
480-110-457 (Filing information).
480-120-331 (Filing information).

Repeal

480-146-270 Applicant may include information by reference.

1. This section adopted in proposed WAC:
480-73-110 (Filing information).
480-90-207 (Filing information).
480-100-207 (Filing information).
480-110-457 (Filing information).
480-120-331 (Filing information).

Repeal

480-146-280 Applicant duty when information is unavailable.

1. This section adopted in proposed WAC:
480-73-110 (Filing information).
480-90-207 (Filing information).
480-100-207 (Filing information).
480-110-457 (Filing information).
480-120-331 (Filing information).

Repeal

480-146-290 Securities statements and applications.

1. This section adopted in proposed WAC:
480-73-170 (Issuing securities).
480-90-242 (Issuing securities).
480-100-242 (Issuing securities).
480-110-525 (Issuing securities).
480-120-365 (Issuing securities).

Repeal

480-146-300 Filing requirements for securities statements and applications.

1. This section adopted in proposed WAC:
480-73-170 (Issuing securities).
480-90-242 (Issuing securities).
480-100-242 (Issuing securities).
480-110-525 (Issuing securities).
480-120-365 (Issuing securities).

Repeal

480-146-310 Commission may set securities application or statement for public hearing.

1. Repealer – No longer relevant.

Repeal

480-146-320 Minimum time required for commission order.

1. This section adopted in proposed WAC:
480-73-170 (Issuing securities).
480-90-242 (Issuing securities).
480-100-242 (Issuing securities).
480-110-525 (Issuing securities).
480-120-365 (Issuing securities).

Repeal

480-146-330 Supplemental securities filing may be exempt from time limitations.

1. This section adopted in proposed WAC:
480-73-170 (Issuing securities).
480-90-242 (Issuing securities).
480-100-242 (Issuing securities).
480-110-525 (Issuing securities).
480-120-365 (Issuing securities).

Repeal

480-146-340 Reporting of securities transactions.

1. This section adopted in proposed WAC:
480-73-200 (Securities report).
480-90-262 (Securities report).
480-100-262 (Securities report).
480-110-565 (Securities report).
480-120-389 (Securities report).

Repeal

480-146-370 Application for approval of lease of utility facilities.

1. This section adopted in proposed WAC 480-100-282 (Application for approval of lease of utility facilities).

Repeal

480-146-380 Form of lease application.

1. This section adopted in proposed WAC 480-100-287 (Form of lease application).