

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

In the Matter of Amending and Adopting)	DOCKET A-091124
)	
Several rules in Title 480 WAC)	GENERAL ORDER R-557
)	
)	ORDER AMENDING AND
Relating to adoption-by-reference date revisions and other minor administrative changes.)	ADOPTING RULES
)	PERMANENTLY
)	
.....)	

1 **STATUTORY OR OTHER AUTHORITY:** The Washington Utilities and Transportation Commission (Commission) takes this action under Notice WSR # 09-20-099 for an expedited rulemaking, filed with the Code Reviser on October 7, 2009. The Commission brings this proceeding pursuant to RCW 80.01.040, RCW 80.04.160, RCW 81.04.160 and RCW 34.05.353.

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

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

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

<p>OFFICE OF THE CODE REVISER STATE OF WASHINGTON FILED</p> <p>DATE: January 14, 2010 TIME: 1:52 PM</p> <p>WSR 10-03-044</p>

5 To avoid unnecessary duplication in the record of this docket, the Commission designates the discussion in this Order, including Appendix A, as its concise explanatory statement, supplemented where not inconsistent by the staff memoranda preceding the filing of the CR-105 proposal and the adoption order. Together, the documents provide a complete but concise explanation of the agency actions and its reasons for taking those actions.

6 **REFERENCE TO AFFECTED RULES:** This rule amends the following sections of the Washington Administrative Code, revising references to federal rules and national standards included in adoption by reference sections in several chapters of Commission rules:

Chapter 480-62 WAC, Railroad companies - operations			
Amend	480-62-235	Flaggers	1. Adoption by Reference changed as follows: <ul style="list-style-type: none"> • American National Standards for High-Visibility Public Safety Vests ANSI/ISEA 207-2006 <ul style="list-style-type: none"> ○ No significant changes – new ANSI standard for safety equipment that is already required by current language
Amend	480-62-240	Passenger carrying vehicles – equipment	1. Adoption by Reference changed as follows: <ul style="list-style-type: none"> • ANSI Z308.1-2009, Minimum Requirements for Workplace First Aid Kits – 2009 Edition <ul style="list-style-type: none"> ○ No significant changes – new edition of previously adopted reference
Amend	480-62-999	Adoption by reference	1. Adoption by Reference dates changed as follows: <ul style="list-style-type: none"> • Manual on Uniform Traffic Control Devices (MUTCD) – December 31, 2007 Edition <ul style="list-style-type: none"> ○ No significant changes – new edition of previously adopted reference • Washington state department of transportation rules – December 4, 2005 edition

			<ul style="list-style-type: none"> ○ No significant changes – new edition of previously adopted reference • American National Standard for Minimum Requirements for Workplace First Aid Kits ANSI Z308.1 2009 – May 31, 2009 edition <ul style="list-style-type: none"> ○ No significant changes – new edition of previously adopted reference
Chapter 480-75 WAC, Hazardous Liquid Pipelines - Safety			
Amend	480-75-999	Adoption by reference.	<p>1. Adoption by Reference dates changed as follows:</p> <ul style="list-style-type: none"> • Title 49 Code of Federal Regulations, <ul style="list-style-type: none"> ○ October 1st, 2009 – Part 191 <ul style="list-style-type: none"> ▪ No significant changes - new edition of previously adopted reference ○ October 1st, 2009 – Part 195 <ul style="list-style-type: none"> ▪ No significant changes - new edition of previously adopted reference • The American Society of Mechanical Engineers (ASME) B31.4 – 2002 edition <ul style="list-style-type: none"> ○ No significant changes – new edition of previously adopted reference • Section IX of the ASME Boiler and Pressure Vessel Code - 2004 edition, including addenda through July 1, 2005 <ul style="list-style-type: none"> ○ No significant changes – new edition of previously adopted reference • American Petroleum Institute (API) standard 1104 - 19th edition 1999, including errata October 31, 2001; and 20th edition 2007, including errata 2008 <ul style="list-style-type: none"> ○ No significant changes – new edition of previously adopted reference

			<ul style="list-style-type: none"> • API RP standard 1117 - Third Edition, July 2008, including errata December 2008 <ul style="list-style-type: none"> ○ No significant changes – new edition of previously adopted reference
Chapter 480-93 WAC, Gas Companies - Safety			
Amend	480-93-999	Adoption by reference.	<p>1. Adoption by Reference dates changed as follows:</p> <ul style="list-style-type: none"> • Title 49 Code of Federal Regulations <ul style="list-style-type: none"> ○ October 1, 2009 - Part 191 <ul style="list-style-type: none"> ▪ No significant changes - new edition of previously adopted reference ○ October 1, 2009 – Part 192 <ul style="list-style-type: none"> ▪ No significant changes - new edition of previously adopted reference ○ October 1, 2009 – Part 193 <ul style="list-style-type: none"> ▪ No significant changes - new edition of previously adopted reference ○ October 1, 2009 – Part 199 <ul style="list-style-type: none"> ▪ No significant changes - new edition of previously adopted reference • Section IX of the ASME Boiler and Pressure Vessel Code - 2004 edition, including addenda through July 1, 2005 <ul style="list-style-type: none"> ○ No significant changes – new edition of previously adopted reference • American Petroleum Institute (API) standard 1104 - 19th edition 1999, including errata October 31, 2001; and 20th edition 2007, including errata 2008 <ul style="list-style-type: none"> ○ No significant changes – new edition of previously adopted reference

Chapter 480-100 WAC, Electric Companies			
Amend	480-100-999	Adoption by reference.	1. Adoption by Reference dates changed as follows: <ul style="list-style-type: none"> • ANSI C12.1, Code for Electricity Metering, 2001 – as of 2008 <ul style="list-style-type: none"> ○ No significant changes – new edition of previously adopted reference
Chapter 480-108 WAC, Electric Companies – Interconnection with Electric Generators			
Amend	480-108-999	Adoption by reference.	1. Adoption by Reference changed as follows: <ul style="list-style-type: none"> • Institute of Electrical and Electronics Engineers (IEEE) Standard 929, Recommended Practice for Utility Interface of Photovoltaic (PV) Systems, published in 2000 <ul style="list-style-type: none"> ○ Reference is repealed
Chapter 480-120 WAC, Telecommunications Companies			
Amend	480-120-401	Network Performance Standards	1. Adoption by Reference changed as follows: <ul style="list-style-type: none"> • American National Standards for Telecommunications - “Network Performance Parameters for Dedicated Digital Services for Rates Up To and Including DS3 – Specifications” – (ANSI T1.510-1999) – as of December 29, 1999 and reaffirmed 2008 <ul style="list-style-type: none"> ○ No significant changes – revised title of a previously adopted reference

7 **PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS**

THEREUNDER: A preproposal statement of inquiry is not required under RCW 34.05.353, “Expedited rule making.”

- 8 **NOTICE OF EXPEDITED RULEMAKING:** The Commission filed notice of Expedited Rulemaking (CR-105) on October 7, 2009, at WSR # 09-20-099. The Notice informed interested persons that the Commission was considering a rulemaking to amend adoption-by-reference dates to reflect the most current published versions of adopted publications. The Commission provided notice of its

expedited rulemaking to all persons on the Commission's list of persons requesting such information pursuant to RCW 34.05.353, and by sending notice to all persons interested in the various industries. The Notice provided interested persons the opportunity to submit written comments to the Commission no later than December 8, 2009. The Commission posted the relevant rulemaking information on its Internet web site at www.utc.wa.gov.

9 **COMMENTERS (WRITTEN COMMENTS):** The Commission received one comment, related to WAC 480-120-999, from Richard A. Finnigan on behalf of the Washington Independent Telecommunications Association. Under the expedited rulemaking statute, RCW 34.05.353, if a written notice of objection to the expedited rulemaking is timely filed and is not withdrawn, the notice of proposed expedited rulemaking is considered a statement of inquiry (CR-101). In order to allow the remaining rules noticed at WSR # 09-20-099 to go forward, the Commission will proceed by adopting the rules noticed at WSR # 09-20-099 with the exception of WAC 480-120-999, which will proceed to a Proposed Rulemaking (CR-102).

10 **COMMISSION ACTION:** After considering all of the information regarding this proposal, the Commission finds and concludes that it should amend the rules as proposed in the CR-105 at WSR # 09-20-099, except for WAC 480-120-999.

11 **STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE:** After reviewing the entire record, the Commission determines that WAC 480-62-235, WAC 480-62-240, WAC 480-62-999, WAC 480-75-999, WAC 480-93-999, WAC 480-100-999, WAC 480-108-999 and WAC 480-120-401 should be amended to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380 (2) on the thirty-first day after filing with the Code Reviser.

ORDER

12 **THE COMMISSION ORDERS:**

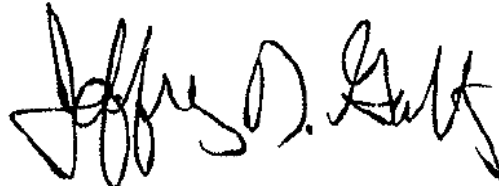
13 The Commission amends WAC 480-62-235, WAC 480-62-240, WAC 480-62-999, WAC 480-75-999, WAC 480-93-999, WAC 480-100-999, WAC 480-108-999 and WAC 480-120-401 to read as set forth in Appendix A, as rules of the Washington

Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380 (2) on the thirty-first day after filing with the Code Reviser.

- 14 This Order and the rules set out in Appendix A, after being recorded in the register of the Washington Utilities and Transportation Commission, shall be forwarded to the Code Reviser for filing pursuant to RCW 80.01, RCW 34.05 and WAC 1-21.

DATED at Olympia, Washington, January 14, 2010.

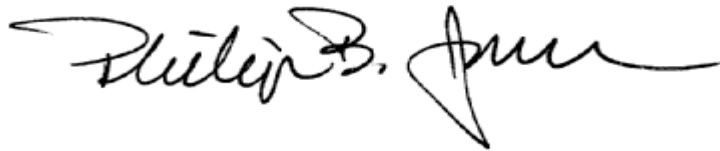
WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION



JEFFREY D. GOLTZ, Chairman



PATRICK J. OSHIE, Commissioner



PHILIP B. JONES, Commissioner

Note: The following is added at Code Reviser request for statistical purposes:

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 8, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Appendix A