



# PROPOSED RULE MAKING

## CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: July 31, 2018

TIME: 12:03 PM

WSR 18-16-096

**Agency:** Washington Utilities and Transportation Commission

**Original Notice**

**Supplemental Notice to WSR** \_\_\_\_\_

**Continuance of WSR** \_\_\_\_\_

**Preproposal Statement of Inquiry was filed as WSR** 18-13-020 ; or

**Expedited Rule Making--Proposed notice was filed as WSR** \_\_\_\_\_ ; or

**Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**

**Proposal is exempt under RCW** \_\_\_\_\_.

**Title of rule and other identifying information:** (describe subject) The Washington Utilities and Transportation Commission has been engaged in this rulemaking to consider amendments to the rules in WAC Chapter 480-04, the Commission's rules governing public access to information and records in order to better reflect current law and Commission practice..

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
September 10, 2018	9:30 a.m.	Richard Hemstad Building Room 206 1300 S. Evergreen Park Dr. SW Olympia, WA 98504	Public hearing to consider adoption of proposed rules

**Date of intended adoption:** 9/10/18 (Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name: Washington Utilities and Transportation Commission  
Address: 1300 S. Evergreen Park Dr. SW, Olympia, Washington 98504  
Email: [records@utc.wa.gov](mailto:records@utc.wa.gov)  
Fax:  
Other:  
By (date) **August 31, 2018**

**Assistance for persons with disabilities:**

Contact Ashley Miller  
Phone: 360-664-1130  
Fax: 360-586-1150  
TTY: 360-586-8230 or 360-664-1132  
Email: [ashley.miller@utc.wa.gov](mailto:ashley.miller@utc.wa.gov)  
Other:  
By (date) August 31, 2018

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The Commission proposes to amend WAC Chapter 480-04 to reflect current Commission practice and implement statutory authority.

**Reasons supporting proposal:** The Commission last revised WAC Chapter 480-04 in 2006. Since that time, there have been technological changes and new legislation. In addition, the Commission has received suggestions to clarify the rules in this chapter to incorporate and better reflect current Commission practice.

**Statutory authority for adoption:** RCW 34.05.020

**Statute being implemented:** RCW 80.01.040

**Is rule necessary because of a:**

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

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

**Name of proponent:** (person or organization) Washington Utilities and Transportation Commission

<input type="checkbox"/> Private
<input type="checkbox"/> Public
<input checked="" type="checkbox"/> Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Gregory J. Kopta	1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504	360-664-1355
Implementation:	Mark L. Johnson	1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504	360-664-1115
Enforcement:	Mark L. Johnson	1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504	360-664-1115

**Is a school district fiscal impact statement required under RCW 28A.305.135?**  Yes  No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

**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:  
TTY:  
Email:  
Other:

No: Please explain: The Commission is not an agency to which RCW 34.05.328 applies. The proposed rules are not significant legislative rules of the sort referenced in RCW 34.05.328(5).

**Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- RCW 34.05.310 (4)(b) (Internal government operations)
- RCW 34.05.310 (4)(c) (Incorporation by reference)
- RCW 34.05.310 (4)(d) (Correct or clarify language)
- RCW 34.05.310 (4)(e) (Dictated by statute)
- RCW 34.05.310 (4)(f) (Set or adjust fees)
- RCW 34.05.310 (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW \_\_\_\_.

Explanation of exemptions, if necessary:

**COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES**

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. The Commission issued a notice requesting comment and cost information on any economic impact the proposed rules would have on businesses, and received no comments. The proposed rules primarily reflect current Commission practices and procedures and thus will not impose any costs on businesses that they do not presently incur.

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name: Washington Utilities and Transportation Commission  
Address: 1300 S. Evergreen Park Dr. SE, Olympia, WA 98504  
Phone: 360-664-1160  
Fax: 360-586-1150  
TTY: 360-586-8230 or 360-664-1132  
Email: records@utc.wa.gov  
Other:

**Date:** July 31, 2018  
**Name:** Mark L. Johnson  
**Title:** Executive Director and Secretary

**Signature:**  
