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August 2, 2004

Ms. Carole J. Washburn, Executive Secretary
Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive SW
Olympia, WA 98504-7250

Re: Docket No. UW-040375 – Amendment to WAC 480-110-255

Dear Ms. Washburn:

I have reviewed the proposed amendment to WAC 480-110-255. I must say I am very surprised to see the Commission Staff proposing to change the measurement of revenue for jurisdictional purposes to billed revenue. It is my opinion that such a change would place the Commission in violation of RCW 80.04.010.

In RCW 80.04.010, the legislature used the word “revenue” as the determinative factor in setting the jurisdictional threshold. Where a term is not otherwise defined, it is black letter law that the ordinary and common definition of the term shall apply. The term “revenue” is defined by Webster as “the total income produced by a given source” or “the gross income returned by an investment.”¹ Accounts receivable and uncollectibles do not constitute revenue under the common and ordinary meaning of that term.

Prior to this proposed rulemaking, the Commission’s own interpretation of “revenue” has been consistent with the common definition of the term. This is an interpretation that has stood for many years. To now change the regulatory threshold concept to “billed” revenue, which includes accounts receivables and uncollectibles, is an unwarranted effort to extend the

¹ Merriam-Webster’s Collegiate Dictionary, Tenth Edition.

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Commission's jurisdiction. I urge the Commission to not change the threshold to use "billed" revenue.

Sincerely,

RICHARD A. FINNIGAN

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