

MEMORANDUM

August 4, 2004

TO: File, Docket No. TG-041349
Bob Wallis, Director, Administrative Law Division

FROM: Karen M. Caillé, Rules Coordinator

SUBJECT: Solid Waste Rulemaking to review form of bills and methods
of payment, including WACs 480-70-401 and 480-70-396.
Docket No. TG-041349

Statement justifying only minimal participation by
interested persons prior to rule proposal. RCW
34.05.310(3)(b)

RCW 34.05.310(3)(b) requires an agency to include written justification in the rulemaking file if the agency has not provided an opportunity for interested persons to participate in the rulemaking process prior to publication of the proposed rule.

We intend to forgo the pre-CR-102 workshop with interested persons due to the nature of this rulemaking and industry involvement on the issues prior to our initiating this rulemaking. This rulemaking would consider expanding payment options and allowing solid waste/refuse companies to issue electronic billing to customers on request, by amending WAC 480-70-401, Payment option, and WAC 480-70-396, Billing.

Several solid waste companies recently petitioned for exemptions from WAC 480-70-401 to allow limited electronic billing, and Commission Staff supported the petition. The Commission granted the exemption to allow the companies to accept customer payments in electronic form and, with the customer's consent, to send bills to customers in electronic form. Staff has also discussed the issue with other solid waste companies and the WRRRA, who are supportive of amending

the solid waste/refuse collection rules to accommodate electronic payment and billing.

Many of the companies are familiar with the rules for billing and payment that apply to telecommunications companies, which allow such measures at the customer's option. WAC 480-120-116(3) and WAC 480-120-161(8).

Interested persons will be able to file written comments prior to the drafting of a rule proposal and will have an opportunity to provide oral comments on a rule proposal during the open meeting where the Commission considers filing proposed rules with the Code Reviser (CR-102).

In summary, this inquiry appears to address an issue that has the support of industry, and that would impose no obligations on customers, but could allow them additional choices and some savings, and that involves no matter of law or discretion on which there appears to be disagreement.