



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do **NOT** use for expedited rule making

Agency: Washington Utilities and Transportation Commission

Subject of possible rule making: This rulemaking would consider possible corrections and clarifications to selected sections of Chapter 480-75 WAC, "Petroleum Pipeline Companies – Safety," rules governing hazardous liquid pipeline operators, specifically rules that need to reflect changes in Chapter 19.122 RCW during the 2011 legislative session. The rulemaking has been assigned Docket PL-120350.

Statutes authorizing the agency to adopt rules on this subject: RCW 80.01.040(4), RCW 81.01.010, RCW 81.04.160, RCW 81.88.040, RCW 81.88.060, and Laws of 2007, ch. 142, § 1, § 2, and § 4.

Reasons why rules on this subject may be needed and what they might accomplish: The 2011 Legislature amended the underground utilities law, Chapter 19.122 RCW.¹ These changes take effect on January 1, 2013. This new law assigned to the Washington Utilities and Transportation Commission (Commission) affects the authority to enforce violations of the underground utilities law as these related to pipelines. The Commission has initiated this rulemaking to determine whether pipeline companies need to report additional information about damage to their facilities caused by excavators that have violated the underground utilities law.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:
None

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study

Other (describe) The Commission will ask for initial comments, and will provide the opportunity to provide additional comments. The Commission will conduct a stakeholder workshop on Thursday, May 10, 2012.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.) Interested persons may file comments with the Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W., Olympia, Washington, 98504-7250; telephone (360) 664-1174; by facsimile (360) 586-1150, e-mail at records@utc.wa.gov, or through the UTC Web portal <http://www.utc.wa.gov> by **Monday April 23, 2012**. For specific information regarding opportunities for written comments, participation in stakeholder workshop, and to ensure receipt of further information concerning this rulemaking, please see the attachment to this form.

DATE
March 21, 2012

NAME (TYPE OR PRINT)
David W. Danner

SIGNATURE

TITLE
Executive Director and Secretary

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: March 21, 2012

TIME: 9:11 AM

WSR 12-07-087

¹ The bill, the Underground Utility Damage Prevention Act (E2SHB-1634), was passed unanimously by the Legislature and signed by the Governor on May 5, 2011.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
CR-101 - ATTACHMENT
DOCKET PL-120350

Interested persons may contact the Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, Washington, 98504-7250, 360-664-1234.

WRITTEN COMMENTS AND STAKEHOLDER WORKSHOP

Written comments on the proposal to consider damage reporting rules for intrastate pipeline operators may be submitted to the Commission at the address given above and should be filed with the Commission no later than **5:00 p.m., Monday, April 23, 2012**, for consideration at the May 10, 2012, stakeholder workshop.

Electronic copies. The Commission requests that comments be provided in electronic format to enhance public access, for ease of providing comments, to reduce the need for paper copies, and to facilitate quotations from the comments. You may submit comments via the Commission's Web portal at www.utc.wa.gov/e-filing or by electronic mail to the Commission's Records Center at records@utc.wa.gov. Please include:

- The docket number of this proceeding (Docket PL-120350).
- The commenting party's name.
- The title and date of the comment or comments.

An alternative method for submitting comments may be by mailing/delivering an electronic copy on a 3 ½ inch, IBM-formatted, high-density disk in .pdf Adobe Acrobat format or in Word 97 or later. Include all of the information requested above. The Commission will post on its web site all comments that are provided in electronic format. The web site is located at <http://www.utc.wa.gov/120350>. If you are unable to file your comments electronically the Commission will accept a paper document. In addition to filing written comments, interested persons are invited to attend a stakeholder workshop on **Thursday, May 10, 2012, beginning at 1:30 p.m., in Room 206, Richard Hemstad Building, 1300 S. Evergreen Park Drive SW, Olympia, Washington**. At the workshop, Commission staff will review and discuss comments with the stakeholders.

Opportunity for further comment is anticipated. Information about the schedule and other aspects of the rulemaking, including comments, will be posted on the Commission's website as it becomes available. If you wish to receive further information on this rulemaking you may (1) Call the Commission's Records Center at (360) 664-1234, (2) Email the Commission at records@utc.wa.gov, or (3) Mail written comments to the address above to the attention of David W. Danner, Executive Director and Secretary. When contacting the Commission, please refer to Docket PL-120350 to ensure that you are placed on the appropriate service list. Questions may be addressed to David Lykken at (360) 664-1219 or email at dlykken@utc.wa.gov.

NOTICE

TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULEMAKING -- The Commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. **ANY PERSON WHO COMMENTS** will continue to receive notices and information. If you do not submit comments but wish to remain on the mailing list for this rulemaking, please advise the Records Center by any one of the following methods: (1) Send a note with your name, address (or a copy of your mailing label), and telephone and fax numbers referencing Docket PL-120350, and the words "Please keep me on the mailing list"; or (2) Email your name, address, telephone and fax numbers, referencing Docket PL-120350, and the words "Please keep me on the mailing list" to <records@utc.wa.gov>. Please note that all information in the mailings will be accessible through the Commission's Internet web site at <http://www.utc.wa.gov/120350>. **THOSE INTERESTED PERSONS WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULEMAKING.**