



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: The Washington Utilities and Transportation Commission (Commission) commences this inquiry to consider whether it should develop rules on revenue sharing as a result of the Commission's Interpretive and Policy Statement on Revenue Sharing issued on May 30, 2012, in Docket TG-112162. In 2002 the Legislature enacted RCW 81.77.185 allowing Commission regulated companies that collect recyclable materials to retain up to fifty percent of revenue received by companies for the material collected. The statute requires a company to submit a revenue sharing plan" to the Commission, certified by the appropriate local government authority as being consistent with its local solid waste management plan, that demonstrates how the collected revenues will increase recycling. Residential customers receive the remaining revenue as a credit to their bill. This rulemaking has been assigned Docket TG-151838.

Statutes authorizing the agency to adopt rules on this subject: RCW 81.04.160; RCW 80.01.040; RCW 34.05.230.

Reasons why rules on this subject may be needed and what they might accomplish: RCW 34.05.230 encourages agencies to convert long-standing interpretive and policy statements into rules, this rulemaking may develop rules to inform the regulated community of the Commission's policy reflected in its Interpretive Policy Statement on Revenue Sharing in Docket TG-112162.

The Interpretive and Policy Statement outlines procedures for industry and Commission Staff to use while preparing or reviewing Revenue Sharing Plans. Specifically, the statement directs a company to file the following with the Commission at least 45 days prior to the effective date of a revenue sharing plan: (1) a copy of the plan, including a budget of anticipated revenues and expenditures; (2) certification by the appropriate local government authority that the proposed plan is consistent with the local government's solid waste plan; (3) a narrative explanation of how the proposed retained revenues will be used to increase recycling; (4) an analysis of the company's performance under the existing or prior plan, including the quantifying and explaining of any discrepancy between budgeted and actual revenues and expenditures; (5) the name and contact information for at least one person at the company and one person at the local government to whom the Commission can address questions or requests for additional information; any other documentation on which the company relies to demonstrate how the related revenues will be used to increase recycling; and (6) the amount of recycling revenues to be returned to customers as a result of the proposed revision to the company's commodity credit adjustment tariff.

The Commission also may consider developing rules that clarify (1) filing requirements for the deferred accounting mechanism calculation used to determine the annual commodity credit; (2) the limit for incentives or rewards of 5% of expenditures, part of the overall 50% retained revenue; and (3) requirements for revenue sharing plans spanning more than 12 consecutive months and consider other issues that may be introduced by stakeholders.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:
N/A

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 written comments, schedule a workshop, and conduct such other process as necessary to gather the information to determine whether rules should be proposed.

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; Fax (360) 586-1150, Web portal at www.utc.wa.gov/e-filing; or through email at records@utc.wa.gov; by 5:00 p.m., November 23, 2015.

DATE
October 21, 2015

NAME (TYPE OR PRINT)
Steven V. King

SIGNATURE

TITLE
Executive Director and Secretary

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 21, 2015

TIME: 11:22 AM

WSR 15-21-101

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
CR-101 - ATTACHMENT
DOCKET TG-151838

Interested persons may contact the Executive Director and Secretary, Washington Utilities and Transportation Commission, P. O. Box 47250, Olympia, Washington, 98504-7250, 360-664-1174 (Fax: 360-586-1150).

WRITTEN COMMENTS AND STAKEHOLDER WORKSHOP

The Commission has scheduled a stakeholder workshop in this rulemaking for **Monday, December 14, 2015, beginning at 9:30 a.m.**, in the Commission's Hearing Room, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington. Written comments may be submitted to the Commission at the address given above and should be filed with the Commission no later than Monday, November 23, 2015, for consideration at the December 14, 2015, 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. Comments may be submitted 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 (TG-151838)
- 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 flash drive, DVD, or compact disk, in .pdf Adobe Acrobat format or in Word 97 or later. Include all of the information requested above. The Commission will post on the Commission's web site all comments that are provided in electronic format. The web site is located at <http://www.utc.wa.gov/151838>. If you are unable to file your comments electronically or to submit them on a disk, the Commission will always accept a paper document.

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 web site 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) e-mail the Commission at [<records@utc.wa.gov>](mailto:records@utc.wa.gov), or (3) mail written comments to the address above to the attention of Steven V. King, Executive Director and Secretary. When contacting the Commission, please refer to Docket TG-151838 to ensure that you are placed on the appropriate service list. Questions may be addressed to Mike Young (360) 664-1155 or e-mail at myoung@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 TG-151838, and the words "Please keep me on the mailing list"; or (2) E-mail your name, address, telephone and fax numbers, referencing Docket TG-151838, 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/151838>>. **THOSE INTERESTED PERSONS WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULEMAKING.**