



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

621 Woodland Square Loop S.E. • Lacey, Washington 98503

P.O. Box 47250 • Olympia, Washington 98504-7250

(360) 664-1160 • TTY 1-800-833-6384 or 711

July 1, 2022

NOTICE OF OPPORTUNITY TO FILE WRITTEN COMMENTS
(By July 29, 2022)

Re: Rulemaking to incorporate amendments to RCW 80.24.010, updating the Commission's regulatory fees,
Docket U-220271

TO ALL INTERESTED PERSONS:

On July 1, 2022, the Washington Utilities and Transportation Commission (Commission) filed with the Code Reviser a Preproposal Statement of Inquiry (CR-101) to consider changes to current rules in Washington Administrative Code (WAC) Chapter 480 governing the Commission's authority to assess regulatory fees for utility companies. During the 2022 session, the legislature passed Senate Bill 5634 which amended RCW 80.24.010, updating the level at which the Commission assesses those fees. The Commission filed the CR-101 under Docket U-220271.

Specifically, WAC 480-90-252(5), 480-100-252(5), 480-110-505(5), 480-120-382(6), and 480-120-385(4) provide that for each utility company the "annual regulatory fee is set by statute at one-tenth of one percent of the first fifty thousand dollars of gross intrastate operating revenue plus **two**-tenths of one percent of any gross intrastate operating revenue in excess of fifty thousand dollars." (Emphasis added.) The legislature amended the referenced statute, RCW 80.24.010, to require these companies to pay an annual "fee equal to one-tenth of one percent of the first fifty thousand dollars of gross operating revenue, plus **four**-tenths of one percent of any gross operating revenue in excess of fifty thousand dollars." (Emphasis added.) The legislature left unchanged the Commission's authority to reduce those fees by rule or order for classes of utilities.

To accurately implement the statute, the Commission must revise the five specified rules to provide that the statute now establishes default regulatory fees at a higher percentage of utility companies' annual gross operating revenues in excess of \$50,000. The Commission does not anticipate any other changes to these rules or to the Commission's process for establishing

regulatory fees. Thus, the Commission will consider whether to decrease fees for classes of utilities from the level authorized by the legislature at an open meeting prior to implementing the new fees if the Commission revises the rules as contemplated. The Commission expects that as a result of that process, the percentage of annual gross operating revenues that the Commission currently uses to calculate regulatory fees for the class of telecommunications companies will remain unchanged.

The CR-101, as filed with the Code Reviser, is available for inspection on the [Commission's website](#).¹ If you are unable to access the Commission's web page and would like a copy of the CR-101 emailed or mailed to you, please contact the Records Center at (360) 664-1234.

The Commission seeks stakeholder input to inform its inquiry, including general comments related to the contemplated amendments to the applicable rules.

WRITTEN COMMENTS

Comments should be filed no later than 5 p.m. on July 29, 2022. Pursuant to WAC 480-07-250(3), written comments must be submitted in electronic form, specifically in searchable .pdf format (Adobe Acrobat or comparable software). As provided in WAC 480-07-140(5), those comments must be submitted via the Commission's web portal at www.utc.wa.gov/e-filing. If you are unable to submit documents via the portal, you may submit your comments by email to the Commission's Records Center at records@utc.wa.gov or by mailing an electronic copy to the Commission's Records Center on a flash drive, DVD, or compact disc that includes the filed document(s). Comment submissions should include:

- The docket number of this proceeding (Docket U-220271).
- The commenting party's name.
- The title and date of the comment or comments.

The Commission will post on its website all comments that are provided in electronic format. The website is located at <https://www.utc.wa.gov/casedocket/2022/220271/docsets>.

If you are unable to file your comments electronically the Commission will accept a paper document. If you have questions regarding this rulemaking, you may contact staff lead Gregory Kopta at (360) 664-1355, or by email at gregory.kopta@utc.wa.gov.

Stakeholders will have further opportunity for comment. 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 <https://www.utc.wa.gov/casedocket/2022/220271/docsets>.

- Call the Commission's Records Center at (360) 664-1139
- Email the Commission at records@utc.wa.gov
- Mail written comments to the address below

When contacting the Commission, please refer to Docket U-220271 to ensure that you are placed on the appropriate service list. The Commission's mailing address is:

Executive Director and Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, WA 98504-7250

NOTICE

If you do not want to comment now, but do want to receive future information about this rulemaking, please notify the Executive Director and Secretary in one of the ways described above and ask to be included on the Interested Persons (IP) list for Docket U-220271. If you do not ask to be added to the IP list, you will not receive further communications about this rulemaking.

AMANDA MAXWELL
Executive Director and Secretary