



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

**Agency:** Washington Utilities and Transportation Commission

- Preproposal Statement of Inquiry was filed as WSR 14-09-087; or
- Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
- Supplemental Notice to WSR \_\_\_\_\_
- Continuance of WSR \_\_\_\_\_

**Title of rule and other identifying information:** (Describe Subject)

Chapter 480-54 WAC; Attachment to Transmission Facilities. Docket U-140621

**Hearing location(s):**

Commission Hearing Room 206  
Second Floor, Richard Hemstad Building  
1300 S. Evergreen Park Drive S.W.  
Olympia, WA 98504-7250

Date: September 17, 2015 Time: 9:30 a.m.

**Submit written comments to:**

Name: Washington Utilities and Transportation Commission  
Address: 1300 S. Evergreen Park Drive S.W.  
P.O. Box 47250  
Olympia, WA 98504-7250  
e-mail [records@utc.wa.gov](mailto:records@utc.wa.gov). Please include: "Docket U-140621"  
in your comments.  
fax (360) 586-1150 by (date) August 24, 2015

**Assistance for persons with disabilities:** Contact

Debbie Aguilar by September 3, 2015

TTY (360) 586-8203 or (360) 664-1132

**Date of intended adoption:** September 17, 2015  
(Note: This is NOT the effective date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

Federal law requires the Federal Communications Commission (FCC) to regulate attachments to utility poles unless a state certifies that it regulates such attachments. The Washington legislature elected to assert jurisdiction over attachment to transmission facilities by enacting RCW ch. 80.54. The statute authorizes the Washington Utilities and Transportation Commission (Commission) "to regulate in the public interest the rates, terms, and conditions for attachments by licensees or utilities," and requires the Commission to adopt implementing rules, regulations, and procedures.

The proposed rules would implement chapter 80.54.RCW governing attachments to utility transmission facilities.

**Reasons supporting proposal:** See above

**Statutory authority for adoption:** RCW 80.01.040, RCW 80.04.160, RCW 80.54.020, and RCW 80.54.060.

**Statute being implemented:** RCW ch. 80.54

**Is rule necessary because of a:**

- Federal Law?  Yes  No
  - Federal Court Decision?  Yes  No
  - State Court Decision?  Yes  No
- If yes, CITATION:

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: July 22, 2015**

**TIME: 9:27 AM**

**WSR 15-15-170**

**DATE**  
July 22, 2015

**NAME** (type or print)  
Steven V. King

**SIGNATURE**

**TITLE**  
Executive Director and Secretary

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

None

**Name of proponent:** (person or organization) Washington Utilities and Transportation Commission

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Gregory J. Kopta	1300 S. Evergreen Park Drive SW, Olympia WA 98504	(360) 664-1355
Implementation.... Steven V. King	1300 S. Evergreen Park Drive SW, Olympia WA 98504	(360) 664-1115
Enforcement..... Steven V. King	1300 S. Evergreen Park Drive SW, Olympia WA 98504	(360) 664-1115

**Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?**

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name: Washington Utilities and Transportation Commission

Address: Records Center, Docket U-140621

1300 S. Evergreen Park Drive S.W.

P.O. Box 47250

Olympia, WA 98504-7250

phone (360) 664-1234

fax (360) 586-1150

e-mail [records@utc.wa.gov](mailto:records@utc.wa.gov)

No. Explain why no statement was prepared.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No: Please explain: The Commission is not an agency to which RCW 34.05.328 applies. The proposed rules are not significant legislative rules of the sort referenced in RCW 34.05.328(5).