

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Amending Chapters)	
480-04, 480-14, 480-15, 480-30, 480-31,)	DOCKET NO. A-010648
480-51, 480-60, 480-62, 480-66, 480-70,)	
480-75, 480-80, 480-90, 480-92, 480-)	
100, 480-110, 480-120, 480-121, 480-)	GENERAL ORDER NO. R-510
140 WAC, Repealing Chapter 480-09)	
WAC, and Adopting Chapter 480-07)	
WAC)	
)	ORDER AMENDING, ADOPTING
Relating to the Commission's rules)	AND REPEALING RULES
governing public access to)	PERMANENTLY
information and records the)	
Commission's procedural rules)	
.....)	

1 **STATUTORY OR OTHER AUTHORITY:** The Washington Utilities and Transportation Commission takes this action under Notice WSR # 03-17-100, filed with the Code Reviser on August 20, 2003, and Notice WSR # 03-20-117, filed with the Code Reviser on October 1, 2003. The Commission brings this proceeding pursuant to RCW 80.01.040 and RCW 80.04.160.

2 **STATEMENT OF COMPLIANCE:** This proceeding complies with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

3 **DATE OF ADOPTION:** The Commission adopts these rules to be effective on January 1, 2004.

4 **CONCISE STATEMENT OF PURPOSE AND EFFECT OF THE RULES:** RCW 34.05.325 requires that the Commission prepare and provide to commenters a concise explanatory statement about adopted rules. The statement

must include the identification of the reasons for adopting the rules, a summary of the comments received regarding the proposed rules, and responses reflecting the Commission's consideration of the comments.

5 The Commission often includes a discussion of those matters in its rule adoption Order. In addition, to avoid unnecessary duplication, the Commission designates the discussion in this Order as its concise explanatory statement, supplemented where not inconsistent by the Staff memoranda presented at the adoption hearing and at the open meetings where the Commission considered whether to begin a rulemaking and whether to propose adoption of specific language. Together, the documents provide a complete but concise explanation of the agency actions and its reasons for taking those actions.

6 **REFERENCE TO AFFECTED RULES:** This rule repeals the following sections of the Washington Administrative Code:

- WAC 480-04-070 Public records officer.
- WAC 480-04-110 Information for commercial purposes.
- WAC 480-09-005 Scope of this chapter--How to communicate with the commission.
- WAC 480-09-010 When this chapter applies--Exceptions.
- WAC 480-09-012 Incorporated and referenced materials.
- WAC 480-09-015 Submission of "confidential" information.
- WAC 480-09-100 Sending communications to the commission.
- WAC 480-09-101 When communications are received; required identification of sender; communications from the commission.
- WAC 480-09-110 Office hours.
- WAC 480-09-115 Procedure at open public meetings.
- WAC 480-09-120 Filing and service filing by telefacsimile; number of copies.
- WAC 480-09-125 Failure to file sufficient copies--Costs of copying.
- WAC 480-09-130 Computation of time.
- WAC 480-09-135 Variation from time limits.
- WAC 480-09-140 Ex parte communications.

- WAC 480-09-150 Informal complaints.
- WAC 480-09-200 Interpretive and policy statements.
- WAC 480-09-210 Rule-making procedures--Rules coordinator.
- WAC 480-09-220 Petitions for rule making, amendment, or repeal.
- WAC 480-09-230 Declaratory orders.
- WAC 480-09-300 Filing requirements--Statement of policy.
- WAC 480-09-310 Filing requirements--Definition.
- WAC 480-09-320 Filing requirements--Master service.
- WAC 480-09-330 Filing requirements--General rate increases.
- WAC 480-09-335 Filing requirements--General rate increases solid waste collection companies.
- WAC 480-09-337 Filing requirements--General rate increases water companies.
- WAC 480-09-340 Compliance filings.
- WAC 480-09-390 Objections to closures of highway-railroad grade crossings.
- WAC 480-09-400 Applications for adjudicative proceedings.
- WAC 480-09-410 Parties.
- WAC 480-09-420 Pleadings and briefs--Applications for authority--Protests.
- WAC 480-09-425 Pleadings--Verification, time for filing, responsive pleadings, liberal construction, amendments.
- WAC 480-09-426 Motion for summary disposition.
- WAC 480-09-430 Intervention.
- WAC 480-09-440 Continuances--Extensions of time.
- WAC 480-09-450 Interpreters.
- WAC 480-09-460 Prehearing and other conferences.
- WAC 480-09-465 Alternate dispute resolution.
- WAC 480-09-466 Settlement conference; settlements.
- WAC 480-09-467 Collaboratives.
- WAC 480-09-470 Stipulation as to facts.
- WAC 480-09-475 Subpoenas.
- WAC 480-09-480 Methods for obtaining data in adjudicative proceedings.
- WAC 480-09-500 Brief adjudicative proceedings.
- WAC 480-09-510 Emergency adjudicative proceedings.
- WAC 480-09-520 Formal investigation and fact-finding.

- WAC 480-09-530 Petitions for enforcement of interconnection agreements.
- WAC 480-09-600 Conversion of proceedings.
- WAC 480-09-610 Consolidation of proceedings.
- WAC 480-09-620 Joint hearings.
- WAC 480-09-700 Hearings--Notice and failure to appear.
- WAC 480-09-705 Notice to limited-English-speaking parties.
- WAC 480-09-710 Appearance and practice before commission.
- WAC 480-09-720 Appearances--Party status.
- WAC 480-09-730 Conduct at hearings.
- WAC 480-09-735 Order of procedure.
- WAC 480-09-736 Hearing guidelines.
- WAC 480-09-740 Evidence.
- WAC 480-09-745 Exhibits and documentary evidence.
- WAC 480-09-750 Rules of evidence; official notice; resolutions.
- WAC 480-09-751 Witness panels.
- WAC 480-09-760 Interlocutory orders.
- WAC 480-09-770 Briefs.
- WAC 480-09-780 Entry of initial and final orders--Administrative review.
- WAC 480-09-800 Stay.
- WAC 480-09-810 Reconsideration.
- WAC 480-09-815 Amendment, rescission or correction of order.
- WAC 480-09-820 Rehearing or reopening.

7 This Order amends the following sections of the Washington Administrative Code:

- WAC 480-04-020 Definitions.
- WAC 480-04-030 Organization of the Washington utilities and transportation commission.
- WAC 480-04-050 Public information; public submissions or requests other than requests for public documents.
- WAC 480-04-060 Public records available; hours for inspection and copying.
- WAC 480-04-065 Records index.
- WAC 480-04-090 Requests for public records.
- WAC 480-04-095 Disclosure procedure.
- WAC 480-04-100 Copying and service charges.

- WAC 480-04-120 Review of denials of public records requests.
- WAC 480-04-130 Protection of public records.
- WAC 480-14-050 Reference to other chapters.
- WAC 480-14-190 Permanent common carrier permits.
- WAC 480-15-035 Exemptions from rules.
- WAC 480-15-080 How do I file documents with the commission?
- WAC 480-15-090 May I submit information to the commission confidentially?
- WAC 480-15-120 What rules apply to commission proceedings?
- WAC 480-15-310 May I comment on a decision to grant or deny temporary authority?
- WAC 480-15-350 Will my application be set for a hearing?
- WAC 480-15-440 What happens if my permit is suspended for cause?
- WAC 480-15-460 What happens if my permit is canceled for cause?
- WAC 480-15-510 Changing commission-published tariffs.
- WAC 480-15-520 Procedure for filing individual carrier tariffs.
- WAC 480-30-032 Notice of application; protests; contemporaneous applications.
- WAC 480-31-090 Passenger complaints and disputes.
- WAC 480-51-040 Notice of application--Protests--Contemporaneous applications.
- WAC 480-51-050 Waiver of ten-mile restriction. (1) Application.
- WAC 480-51-060 Temporary certificates.
- WAC 480-51-120 Failure to initiate service--Extensions of time to initiate service--Progress reports.
- WAC 480-60-012 Contacting the commission.
- WAC 480-60-014 Rules of practice and procedure.
- WAC 480-60-020 Exemptions.
- WAC 480-62-140 Exemptions from rules.
- WAC 480-62-145 Commission proceedings.
- WAC 480-66-120 Contacting the commission.
- WAC 480-66-140 Rules of practice and procedure.
- WAC 480-66-150 Exemptions from rules.
- WAC 480-66-160 Filing a complaint.
- WAC 480-70-036 Rules of practice and procedure.
- WAC 480-70-051 Exemptions from rules.
- WAC 480-70-106 Certificates, application docket, protests, and intervention.

- WAC 480-70-131 Certificates, temporary.
- WAC 480-70-231 Tariffs, general.
- WAC 480-70-256 Tariffs, rejection.
- WAC 480-70-339 Tariffs, suspension by the commission.
- WAC 480-70-386 Complaints.
- WAC 480-75-260 Exemption for rules in chapter 480-75 WAC.
- WAC 480-80-010 Application of rules.
- WAC 480-80-015 Exemptions from rules in chapter 480-80 WAC.
- WAC 480-80-105 Tariff filing instructions.
- WAC 480-80-142 Special contracts for telecommunications companies not classified as competitive.
- WAC 480-80-143 Special contracts for gas, electric, and water companies.
- WAC 480-80-241 Filing contracts for services classified as competitive.
- WAC 480-90-003 Application of rules.
- WAC 480-90-008 Exemptions from rules in chapter 480-90 WAC.
- WAC 480-90-123 Refusal of service.
- WAC 480-90-173 Gas utility's responsibility for complaints and disputes.
- WAC 480-92-060 Minimum filing requirements.
- WAC 480-92-090 Site operator responsibility for complaints and disputes.
- WAC 480-100-003 Application of rules.
- WAC 480-100-008 Exemptions from rules in chapter 480-100 WAC.
- WAC 480-100-123 Refusal of service.
- WAC 480-100-173 Electric utility responsibility for complaints and disputes.
- WAC 480-110-215 Exemptions from rules.
- WAC 480-110-295 Adopted and initial tariffs.
- WAC 480-110-385 Water company responsibility for complaints and disputes.
- WAC 480-120-011 Application of rules.
- WAC 480-120-015 Exemptions from rules in chapter 480-120 WAC.
- WAC 480-120-166 Commission-referred complaints.
- WAC 480-120-305 Streamlined filing requirements for Class B telecommunications company rate increases.
- WAC 480-120-560 Collocation.
- WAC 480-121-011 Application of rules.
- WAC 480-121-015 Exemptions from rules in chapter 480-121 WAC.

WAC 480-121-061 General requirements to classify a telecommunications company as competitive or to classify a service provided by a telecommunications company as competitive.

WAC 480-140-015 Exemptions from rules.

WAC 480-140-080 Confidentiality provision.

8 This Order adopts the following sections of the Washington Administrative Code:

WAC 480-04-035 Physical address-Telephone-Facsimile-E-mail-Internet.

WAC 480-07-010 Scope of this chapter

PART I: GENERAL PROVISIONS

WAC 480-07-100 Scope of Part I

WAC 480-07-110 Exceptions from and modifications to the rules in this chapter; special rules

WAC 480-07-120 Office hours

WAC 480-07-125 Physical address; telephone; facsimile; e-mail; Internet

WAC 480-07-130 Time periods specified for acts governed by this chapter

WAC 480-07-140 Communicating with the commission

WAC 480-07-143 Submitting documents in rulemaking proceedings

WAC 480-07-145 Filing documents in adjudicative proceedings

WAC 480-07-150 Service of documents in adjudicative proceedings

WAC 480-07-160 Confidential information

WAC 480-07-170 Official communications from the commission

WAC 480-07-180 Incorporated and referenced materials in commission rules and orders

PART II: RULEMAKING PROCEEDINGS

WAC 480-07-200 Scope of Part II

WAC 480-07-210 Administrative Procedure Act requirements

WAC 480-07-220 Monitoring rulemaking proceedings; lists of interested persons

WAC 480-07-230 Inquiring about rulemaking proceedings

WAC 480-07-240 Petitions for rulemaking, amendment, or repeal

PART III: ADJUDICATIVE PROCEEDINGS

SUBPART A: Rules of General Applicability

- WAC 480-07-300 Scope of Part III
- WAC 480-07-305 Commencement of an adjudicative proceeding
- WAC 480-07-310 Ex parte communications
- WAC 480-07-320 Consolidation of proceedings
- WAC 480-07-330 Presiding officers
- WAC 480-07-340 Parties—General
- WAC 480-07-345 Appearance and practice before commission
- WAC 480-07-350 Access for limited-English speakers and hearing-impaired persons
- WAC 480-07-355 Parties—Intervention
- WAC 480-07-360 Parties—Master service list
- WAC 480-07-370 Pleadings—General
- WAC 480-07-375 Motions
- WAC 480-07-380 Motions that are dispositive—Motion to dismiss; motion for summary determination; motion to withdraw
- WAC 480-07-385 Motion for continuance, postponement, or extension of time
- WAC 480-07-390 Briefs; oral argument; findings and conclusions
- WAC 480-07-395 Pleadings, motions, and briefs—Format requirements; citation to record and authorities; verification; errors; construction; amendment
- WAC 480-07-400 Discovery
- WAC 480-07-405 Discovery—Data requests, record requisitions, and bench requests
- WAC 480-07-410 Discovery—Depositions
- WAC 480-07-415 Discovery conference
- WAC 480-07-420 Discovery—Protective orders
- WAC 480-07-423 Discovery—Protective orders—Submission requirements for documents.
- WAC 480-07-425 Discovery disputes
- WAC 480-07-430 Prehearing conferences

- WAC 480-07-440 Hearing notice
- WAC 480-07-450 Hearing—Failure to appear
- WAC 480-07-460 Hearing—Predistribution of exhibits and prefiled testimony
- WAC 480-07-470 Hearing guidelines
- WAC 480-07-480 Hearing—Stipulation of facts
- WAC 480-07-490 Hearing—Exhibits and documentary evidence
- WAC 480-07-495 Hearing—Rules of evidence; official notice
- WAC 480-07-498 Hearing—Public Comment

SUBPART B: General Proceedings

- WAC 480-07-500 General rate proceedings—Statement of policy
- WAC 480-07-505 General rate proceedings—Definition
- WAC 480-07-510 General rate proceedings—Electric, natural gas, pipeline, and telecommunication companies
- WAC 480-07-520 General rate proceedings—Solid waste collection companies
- WAC 480-07-530 General rate proceedings—Water companies
- WAC 480-07-540 General rate proceedings—Burden of proof
- WAC 480-07-550 General rate proceedings—compliance filings and other resulting filings

SUBPART C: Abbreviated and Specialized Forms of Adjudicative Proceedings

- WAC 480-07-600 Scope
- WAC 480-07-610 Brief adjudicative proceedings
- WAC 480-07-620 Emergency adjudicative proceedings
- WAC 480-07-630 Telecommunication companies—Arbitration under the Telecommunications Act of 1996
- WAC 480-07-640 Telecommunication companies—Review and approval of interconnection agreements under the Telecommunications Act of 1996
- WAC 480-07-650 Petitions for enforcement of telecommunications company interconnection agreements
- WAC 480-07-660 Railroad grade crossing closures—Objections

SUBPART D: Alternative Dispute Resolution

- WAC 480-07-700 Alternative dispute resolution
- WAC 480-07-710 Mediation
- WAC 480-07-720 Collaboratives
- WAC 480-07-730 Settlement
- WAC 480-07-740 Settlement consideration procedure
- WAC 480-07-750 Commission discretion to accept settlement, impose conditions, or reject a proposed settlement

SUBPART E: Orders and Post-Order Process

- WAC 480-07-800 General; definitions
- WAC 480-07-810 Interlocutory orders
- WAC 480-07-820 Initial and final orders
- WAC 480-07-825 Initial orders—Petitions for administrative review
- WAC 480-07-830 Motion to reopen the record prior to entry of a final order
- WAC 480-07-835 Clarification of final order by motion
- WAC 480-07-840 Clarification of a final order by conference
- WAC 480-07-850 Reconsideration of a final order by petition
- WAC 480-07-860 Stay
- WAC 480-07-870 Rehearing
- WAC 480-07-875 Amendment, rescission, or correction of order
- WAC 480-07-880 Compliance filing; Subsequent filing; reporting requirement
- WAC 480-07-883 Compliance filing—filing requirements; timing; commission action
- WAC 480-07-885 Subsequent filing—filing requirements; timing; commission action

PART IV: OTHER COMMISSION PROCEEDINGS

- WAC 480-07-900 Open public meetings
- WAC 480-07-910 Informal complaints
- WAC 480-07-920 Interpretive and policy statements
- WAC 480-07-930 Declaratory orders under RCW 34.05.240
- WAC 480-07-940 Conversion of proceedings

WAC 480-07-950 Joint hearings with other administrative bodies

9 **PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS**

THEREUNDER: The Commission filed a Preproposal Statement of Inquiry (CR-101) on June 1, 2001, at WSR # 01-12-053.

10 **ADDITIONAL NOTICE AND ACTIVITY PURSUANT TO PREPROPOSAL**

STATEMENT: The statement advised interested persons that the Commission was considering entering a rulemaking to review rules relating to procedure and the conduct of business with the Commission for content and readability consistent with Executive Order 97-02, with attention to the rules' need, effectiveness and efficiency, clarity, intent, and statutory authority, coordination, cost, and fairness. The statement also advised that the review would include consideration of whether substantive changes or additional rules are required. The Commission also informed persons of the inquiry into this matter by providing notice of the subject and the CR-101 to all persons on the Commission's list of persons requesting such information pursuant to RCW 34.05.320(3) and by sending notice to all regulated companies and the Commission's lists of regulatory attorneys. The Commission posted the relevant rulemaking information on its internet web site at <http://www.wutc.wa.gov>.

11 **MEETINGS OR WORKSHOPS; ORAL COMMENTS; WRITTEN**

COMMENTS: The Commission held rulemaking workshops on June 22, 2001 and June 9, 2003. In addition, Staff met informally to discuss issues related to process and procedure before the Commission with groups of counsel who appear regularly before the Commission. Representatives of a diverse group of regulated companies and several consumer advocacy organizations attended one or more of the workshops and informal meetings, and/or filed written comments.

12 **NOTICE OF PROPOSED RULEMAKING:** The Commission filed a notice of Proposed Rulemaking (CR-102) on August 20, 2003, at WSR #03-17-100. The Commission scheduled this matter for oral comment and adoption under Notice

WSR #03-17-100 at 9:30 a.m., Wednesday, September 24, 2003, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington. The Notice provided interested persons the opportunity to submit written comments to the Commission.

- 13 The Commission filed a supplemental notice of Proposed Rulemaking (Supplemental CR-102) on October 1, 2003, at WSR # 03-20-117. The Commission scheduled this matter for oral comment and adoption under Notice WSR # 03-20-117 at 1:30 p.m., Wednesday, November 12, 2003, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington. The Notice provided interested persons the opportunity to submit written comments to the Commission.
- 14 **COMMENTERS (WRITTEN COMMENTS):** The Commission received written comments on the proposed rules (*i.e.*, CR-102) from: Puget Sound Energy ("PSE"), Qwest, AT&T Communications of the Pacific Northwest, Inc. ("AT&T"), and the Public Counsel Section Of The Attorney General's Office ("Public Counsel"). The Commission received written comments concerning the supplemental rules (*i.e.*, Supplemental CR-102) from Public Counsel.
- 15 **RULEMAKING HEARING:** The Commission considered the rule proposal (*i.e.*, CR-102) for adoption, pursuant to the Notice, at a rulemaking hearing scheduled during the Commission's regularly scheduled open public meeting on September 24, 2003, before Chairwoman Marilyn Showalter and Commissioner Patrick J. Oshie. The Commission heard oral comments from Public Counsel.
- 16 The Commission considered the supplemental rule proposal (*i.e.*, Supplemental CR-102) for adoption, pursuant to the Notice, at a rulemaking hearing scheduled during the Commission's regularly scheduled open public meeting on November 12, 2003, before Chairwoman Marilyn Showalter, Commissioner Richard

Hemstad, and Commissioner Patrick J. Oshie. No one appeared to offer oral comments.

17 **SUGGESTIONS FOR CHANGE THAT ARE ACCEPTED OR REJECTED:** In this section the Commission responds to comments made on the proposed rules. The Commission received three suggested changes from two interested persons.

18 The material in this section is organized by rule number. In each response we indicate whether we made a change in the adopted rules based upon the comment, or whether we adhered to the language in the proposed rule.

19 WAC 480-04-090 – Requests for Public Records.

AT&T proposes an additional change to WAC 480-04-090(5)(a) that would require a person requesting public records to disclose the identity of their “employer and any business or commercial affiliations,” in addition to the existing requirements in WAC 480-04-090, that requesters give their name, address, and telephone number.” AT&T argues that this change would “assist the Commission and companies in assessing whether confidential, proprietary or trade secret information are being sought by an individual or entity that might misuse such information.”

20 The Commission does not adopt this proposed change. RCW 42.17.270 provides that "Agencies shall not distinguish among persons requesting records, and such persons shall not be required to provide information as to the purpose for the request except to establish whether inspections and copying would violate RCW 42.17.260(5)." The footnote to the preceding quote updates the statutory reference to RCW 42.17.260(9), which is the section that says agencies do not have authority to "provide access to lists of individuals requested for commercial purposes—a matter addressed in WAC 480-04-090(5)(g). In addition, the class of information that concerns AT&T—“confidential, proprietary, or trade secret information”—is governed by separate statutes and rules (*e.g.*, RCW 80.04.095

and the exemption provisions in chapter 42.17 RCW). These statutes and rules provide processes to protect persons from having their confidential, proprietary, or trade secret information disclosed to any other person, again regardless of the requesting party's identity or business affiliations.

21 WAC 480-07-423 – Discovery-Protective orders-Submission requirements for documents

Public Counsel requested by its comments that an additional sentence be added at the end of the introductory paragraph of section 423 as follows:

WAC 480-07-423 Discovery—Protective orders—Submission requirements for documents. Protective orders entered in individual proceedings may allow for parties to designate portions of documents exchanged during discovery or submitted during a proceeding (e.g., by filing, or by offering as an exhibit) as “confidential” or “highly confidential.” In general, parties must strictly limit the amount of information they designate as confidential or highly confidential. Designation of documents as highly confidential is not permitted under the commission’s standard form of protective order, and may only occur if the commission so orders. In entering such a protective order the commission shall not restrict the access of the attorney general to such records or portions of records.

According to Public Counsel, this would capture in rule language Public Counsel’s “[general satisfaction] in proceedings where Commission Staff and Public Counsel receive similar treatment, as has been the case in many recent highly confidential protective order amendments.”

22 The Commission does not adopt this proposed rule change. In some adjudicative proceedings, for example where Public Counsel elects to co-sponsor one or more witnesses with another party (e.g., an organization whose members include competitors or customers of a regulated company), or otherwise proceed

in concert with such a party, the Commission should retain its discretion to impose appropriate protections for confidential information that may be shared during discovery or in another phase of a proceeding.

23 WAC 480-07-505 – General rate cases—Definition

Public Counsel also proposes the following changes to proposed WAC 480-07-505 – General rate cases—Definition:

(4) ~~Commission discretion~~ Other filings. The commission ~~may~~ shall require that any filing or proposal by a regulated company to increase rates for any customer class by 3% or more, or to restructure rates, is subject to the procedures and protections of subpart B of these rules.

Public Counsel comments that proposed subsection 4, which explicitly sets forth that the Commission may require a complete set of general rate case supporting papers when any filing or proposal is made to increase rates for any customer class, is an improvement in the procedural rules. Public Counsel, however, “believes that this should be required in every case where a party to a proceeding before the Commission would seek to raise rates for any customer class by 3% or more.”

24 The Commission does not adopt this proposed rule change. Public Counsel’s recommended language is overly prescriptive. Proposed subsection (4) included in the CR-102 Notice appropriately reflects the Commission’s discretion to require general rate proceeding filing and process requirements in connection with any proposal to increase rates. Public Counsel, or any other party, will be able to ask the Commission to use its discretion in any case where the party believes a regulated company seeks to raise rates for any customer class by 3 percent or more, and the Commission can exercise its discretion in appropriate cases to require a complete set of general rate case supporting papers.

25 **COMMISSION ACTION:** After considering all of the information regarding this proposal, the Commission finds and concludes that it should amend, repeal, and adopt the rules in the CR-102 Notice at WSR #03-17-100 with the changes described below. After considering all of the information regarding this proposal, the Commission finds and concludes that it should amend and adopt the rules in the supplemental CR-102 Notice at WSR # 03-20-117.

26 **CHANGES FROM PROPOSAL:** After reviewing the entire record, the Commission adopts the CR-102 proposal with the following changes from the text noticed at WSR #03-17-100:

WAC 480-04-100—Copying and service charges.

27 WAC 480-04-100(2), as included in the CR-102, is deleted in its entirety and replaced by the following language:

The commission's schedule of charges for copies, except as provided in WAC 480-07-145 (3) (b), is published in Administrative Policy 1.60 c, which is available from the commission's website or by contacting the commission's records center. Out of state customers and governmental agencies are not charged sales tax.

This change is essentially editorial. It provides the same information by reference as previously incorporated into the rule language, but has the advantage that the rule will not need to be revised each time an item in the price list published in Administrative Policy 1.60c changes.

28 WAC 480-07-140—Communicating with the Commission

WAC 480-07-140, as published in the CR-102, is edited as follows below in legislative format:

WAC 480-07-140 Communicating with the commission.

(1) Scope of rule. This rule includes general requirements for effective communication with the commission. Communications that concern rulemaking proceedings, adjudicative proceedings, or public records requests must also conform to specific requirements as follows:

(a) In rulemaking proceedings, WAC 480-07-143 and Part II of this chapter.

(b) In adjudicative proceedings, WAC 480-07-145 and Part III of this chapter.

(c) For public records requests, chapter 42.17 RCW and chapter 480-04 WAC.

(2) Content of letters and electronic mail messages to the commission.

Letters and electronic mail messages to the commission should include only one subject.

(3) Where to send letters and electronic mail messages. WAC 480-07-125 includes the commission's mailing address and other contact information current at the time of rule publication. Persons who communicate with the commission are encouraged to do so by electronic mail to the Commission's records center. The commission's internet site includes current and additional contact information.

(4) Identification of sender; Identification of permit, license, or certificate; Identification of proceeding.

(a) Identification of sender. All persons who communicate with the commission must provide their name and a mailing address, and are asked to provide telephone, facsimile, and electronic mail address to assist the commission in responding. Persons who communicate with the commission on behalf of a business, organization, or other entity must state their name and title or position, the name of the entity on whose behalf the communication is sent, in addition to the contact information described above, and provide a mailing address. ~~Persons who communicate with the commission are also encouraged to provide their electronic mail address and any other contact information that may assist the commission to respond.~~

(b) Identification of permit, license, or certificate held by sender. Any person or entity that holds a commission-issued permit, license, or certificate must identify the permit, license, or certificate number (if any), including the exact name under which the authority is held, when communicating with the commission concerning the permit, license, or certificate.

(c) Identification of proceeding. Persons who communicate with the commission concerning a formal commission proceeding (e.g., rulemaking or adjudication) must identify the proceeding to the best of their ability, including the docket number and name of the proceeding, if known.

(5) Electronic mail-file attachment format requirements.

(a) Acceptable media. Electronic submissions may be provided by electronic mail (e-mail) file attachment addressed to the commission's records center, or submitted to the records center on a 3 1/2 inch IBM formatted high-density disk or compact disc (CD). The submission must be labeled with the docket number of the proceeding, the name of the company party and/or name of the individual submitting the document, and a description of the contents (e.g., "direct evidence," "motion to dismiss," etc) and the date filed.

(b) Acceptable format. The commission prefers to receive electronic documents in Word or WordPerfect file format supplemented by a copy in Adobe Acrobat (i.e., .pdf) file format created directly from the word processing software used for the original document. Parties that cannot create Adobe Acrobat files directly are requested to provide a copy of the document converted to Adobe Acrobat via scanning or other available technology.

(c) File naming conventions. Electronic files must be named in a way that describes the file contents. Parties should use the format identified in the following examples, identifying the docket number, the nature of the document, and the party submitting it:

<u>Testimony</u>	<u>UE-010101 Smith direct</u> (name of party) (date)
	<u>UT-020202 Jones rebuttal attachment 1</u> (name of party) (date)
<u>Motions</u>	<u>UG-030303 motion to dismiss</u> (name of party) (date)
	<u>UW-040404 answer to motion to dismiss</u> (name of party) (date)
<u>Correspondence</u>	<u>TG-010203 (name of party) request for</u> continuance (date)

(d) Acceptable organization. Each party must submit all files to meet a single deadline at the same time and in the same message or diskette. When a party submits two or more files at the same time, the files must be organized into folders, and the party must provide a printed index. The index may be included in a cover letter or provided as an attachment to a cover letter. The index also must be provided in the form of an electronic file.

Example:

<u>Folder and diskette name</u>	<u>I. U-020304 (Name of party) Direct Evidence (Date)</u>
<u>Subfolders</u>	<u>A. U-020304 (Name of party) (name of witness) Direct (date)</u>
	<u>B. U-020304 (Name of party) (name of witness) Direct (date)</u>
<u>Files</u>	<u>1. U-020304 (Name of witness) Direct (name of party) (date)</u>
	<u>2. U-020304 (Name of witness) Direct Att 1 (name of party) (date)</u>

29 WAC 480-07-160—Confidential information.

WAC 480-07-160(3)(c), as included in the CR-102, is edited as follows below in legislative format:

(c) *Unredacted version under seal; redacted version.* The provider must submit a version of the document as to which confidentiality is claimed as a complete document ("unredacted version") and a version of the document with the information claimed to be confidential masked ("redacted version"). ~~The unredacted version~~ must be so labeled and submitted along with a set of any confidential documents in a sealed envelope or similar wrapping. The unredacted version must be so labeled and submitted in a sealed envelope or similar wrapping. A party submitting multiple confidential documents must collate the documents into sets and, to the extent feasible, must enclose each set of confidential and each set of highly confidential documents for filing in a single envelope. Each page of the unredacted version that includes information claimed to be confidential must be printed on yellow or canary paper with the confidential information marked by contrasting highlighter or, if designated highly confidential under a protective order, light blue paper with the highly confidential information marked by contrasting highlighter. The redacted version must be submitted in the same manner as a document as to which

confidentiality is not claimed. The redacted version will be available for public disclosure if requested. The redacted and unredacted versions must have the same pagination and line numbering.

30 **STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE:** In reviewing the entire record, the Commission determines that WAC sections 480-04-070, 480-04-110, 480-09-005, 480-09-010, 480-09-012, 480-09-015, 480-09-100, 480-09-101, 480-09-110, 480-09-115, 480-09-120, 480-09-125, 480-09-130, 480-09-135, 480-09-140, 480-09-150, 480-09-200, 480-09-210, 480-09-220, 480-09-230, 480-09-300, 480-09-310, 480-09-320, 480-09-330, 480-09-335, 480-09-337, 480-09-340, 480-09-390, 480-09-400, 480-09-410, 480-09-420, 480-09-425, 480-09-426, 480-09-430, 480-09-440, 480-09-450, 480-09-460, 480-09-465, 480-09-466, 480-09-467, 480-09-470, 480-09-475, 480-09-480, 480-09-500, 480-09-510, 480-09-520, 480-09-530, 480-09-600, 480-09-610, 480-09-620, 480-09-700, 480-09-705, 480-09-710, 480-09-720, 480-09-730, 480-09-735, 480-09-736, 480-09-740, 480-09-745, 480-09-750, 480-09-751, 480-09-760, 480-09-770, 480-09-780, 480-09-800, 480-09-810, 480-09-815, and 480-09-820 should be repealed effective January 1, 2004.

31 The Commission determines that WAC sections 480-04-020, 480-04-030, 480-04-050, 480-04-060, 480-04-065, 480-04-090, 480-04-095, 480-04-100, 480-04-120, 480-04-130, 480-14-050, 480-14-190, 480-15-035, 480-15-080, 480-15-090, 480-15-120, 480-15-310, 480-15-350, 480-15-440, 480-15-460, 480-15-510, 480-15-520, 480-30-032, 480-31-090, 480-51-040, 480-51-050, 480-51-060, 480-51-120, 480-60-012, 480-60-014, 480-60-020, 480-62-140, 480-62-145, 480-66-120, 480-66,140, 480-66-150, 480-66-160, 480-70-036, 480-70-051, 480-70-106, 480-70-131, 480-70-231, 480-70-256, 480-70-339, 480-70-386, 480-75-260, 480-80-010, 480-80-015, 480-80-105, 480-80-142, 480-80-143, 480-80-241, 480-90-003, 480-90-008, 480-90-123, 480-90-173, 480-92-060, 480-92-090, 480-100-003, 480-100-008, 480-100-123, 480-100-173, 480-110-215, 480-110-295, 480-110-385, 480-120-011, 480-120-015, 480-120-166, 480-120-305, 480-120-560, 480-121-011, 480-121-015, 480-121-061, 480-140-015, and 480-140-080 should be amended to read as set forth in Appendix A, as rules of the Washington Utilities and

Transportation Commission, to take effect pursuant to RCW 34.05.380(2) on January 1, 2004.

32 The Commission determines that WAC sections 480-04-035, 480-07-010, 480-07-100, 480-07-110, 480-07-120, 480-07-125, 480-07-130, 480-07-140, 480-07-143, 480-07-145, 480-07-150, 480-07-160, 480-07-170, 480-07-180, 480-07-200, 480-07-210, 480-07-220, 480-07-230, 480-07-240, 480-07-300, 480-07-305, 480-07-310, 480-07-320, 480-07-330, 480-07-340, 480-07-345, 480-07-350, 480-07-355, 480-07-360, 480-07-370, 480-07-375, 480-07-380, 480-07-385, 480-07-390, 480-07-395, 480-07-400, 480-07-405, 480-07-410, 480-07-415, 480-07-420, 480-07-423, 480-07-425, 480-07-430, 480-07-440, 480-07-450, 480-07-460, 480-07-470, 480-07-480, 480-07-490, 480-07-495, 480-07-498, 480-07-500, 480-07-505, 480-07-510, 480-07-520, 480-07-530, 480-07-540, 480-07-550, 480-07-600, 480-07-610, 480-07-620, 480-07-630, 480-07-640, 480-07-650, 480-07-660, 480-07-700, 480-07-710, 480-07-720, 480-07-730, 480-07-740, 480-07-750, 480-07-800, 480-07-810, 480-07-820, 480-07-825, 480-07-830, 480-07-835, 480-07-840, 480-07-850, 480-07-860, 480-07-870, 480-07-875, 480-07-880, 480-07-883, 480-07-885, 480-07-900, 480-07-910, 480-07-920, 480-07-930, 480-07-940, and 480-07-950 should be adopted to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380(2) on January 1, 2004.

ORDER

33 THE COMMISSION ORDERS:

34 WAC sections 480-04-070, 480-04-110, 480-09-005, 480-09-010, 480-09-012, 480-09-015, 480-09-100, 480-09-101, 480-09-110, 480-09-115, 480-09-120, 480-09-125, 480-09-130, 480-09-135, 480-09-140, 480-09-150, 480-09-200, 480-09-210, 480-09-220, 480-09-230, 480-09-300, 480-09-310, 480-09-320, 480-09-330, 480-09-335, 480-09-337, 480-09-340, 480-09-390, 480-09-400, 480-09-410, 480-09-420, 480-09-425, 480-09-426, 480-09-430, 480-09-440, 480-09-450, 480-09-460, 480-09-465, 480-09-466, 480-09-467, 480-09-470, 480-09-475, 480-09-480, 480-09-500, 480-09-510, 480-09-520, 480-09-530,

480-09-600, 480-09-610, 480-09-620, 480-09-700, 480-09-705, 480-09-710, 480-09-720, 480-09-730, 480-09-735, 480-09-736, 480-09-740, 480-09-745, 480-09-750, 480-09-751, 480-09-760, 480-09-770, 480-09-780, 480-09-800, 480-09-810, 480-09-815, and 480-09-820 are repealed effective January 1, 2004.

35 WAC sections 480-04-020, 480-04-030, 480-04-050, 480-04-060, 480-04-065, 480-04-090, 480-04-095, 480-04-100, 480-04-120, 480-04-130, 480-14-050, 480-14-190, 480-15-035, 480-15-080, 480-15-090, 480-15-120, 480-15-310, 480-15-350, 480-15-440, 480-15-460, 480-15-510, 480-15-520, 480-30-032, 480-31-090, 480-51-040, 480-51-050, 480-51-060, 480-51-120, 480-60-012, 480-60-014, 480-60-020, 480-62-140, 480-62-145, 480-66-120, 480-66-140, 480-66-150, 480-66-160, 480-70-036, 480-70-051, 480-70-106, 480-70-131, 480-70-231, 480-70-256, 480-70-339, 480-70-386, 480-75-260, 480-80-010, 480-80-015, 480-80-105, 480-80-142, 480-80-143, 480-80-241, 480-90-003, 480-90-008, 480-90-123, 480-90-173, 480-92-060, 480-92-090, 480-100-003, 480-100-008, 480-100-123, 480-100-173, 480-110-215, 480-110-295, 480-110-385, 480-120-011, 480-120-015, 480-120-166, 480-120-305, 480-120-560, 480-121-011, 480-121-015, 480-121-061, 480-140-015, and 480-140-080 are amended to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380(2) on January 1, 2004.

36 WAC sections 480-04-035, 480-07-010, 480-07-100, 480-07-110, 480-07-120, 480-07-125, 480-07-130, 480-07-140, 480-07-143, 480-07-145, 480-07-150, 480-07-160, 480-07-170, 480-07-180, 480-07-200, 480-07-210, 480-07-220, 480-07-230, 480-07-240, 480-07-300, 480-07-305, 480-07-310, 480-07-320, 480-07-330, 480-07-340, 480-07-345, 480-07-350, 480-07-355, 480-07-360, 480-07-370, 480-07-375, 480-07-380, 480-07-385, 480-07-390, 480-07-395, 480-07-400, 480-07-405, 480-07-410, 480-07-415, 480-07-420, 480-07-423, 480-07-425, 480-07-430, 480-07-440, 480-07-450, 480-07-460, 480-07-470, 480-07-480, 480-07-490, 480-07-495, 480-07-498, 480-07-500, 480-07-505, 480-07-510, 480-07-520, 480-07-530, 480-07-540, 480-07-550, 480-07-600, 480-07-610, 480-07-620, 480-07-630, 480-07-640, 480-07-650, 480-07-660, 480-07-700, 480-07-710, 480-07-720, 480-07-730, 480-07-740, 480-07-750, 480-07-800, 480-07-810, 480-07-820, 480-07-825, 480-07-830, 480-07-835, 480-07-840, 480-07-850, 480-07-860, 480-07-870, 480-07-875,

480-07-880, 480-07-883, 480-07-885, 480-07-900, 480-07-910, 480-07-920, 480-07-930, 480-07-940, and 480-07-950 are adopted to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380(2) on January 1, 2004.

37 This Order and the rules set out below, after being recorded in the register of the Washington Utilities and Transportation Commission, shall be forwarded to the Code Reviser for filing pursuant to chapters 80.01 and 34.05 RCW and chapter 1-21 WAC.

DATED at Olympia, Washington, this ___ day of November 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner

Note: The following is added at Code Reviser request for statistical purposes:

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 91, amended 75, repealed 68.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.