

Agenda Date: November 26, 2003
Item No.: C2

Docket: **A-031232**
Review of Commission's minimum regulatory fees for Class 1 utilities and transportation industries, except for motor freight carriers.

Staff: Barbara Weigel, Rulemaking Lead
Karen Caillé, Administrative Law Judge
Paul Curl, Regulatory Services
Mike Young, Financial and Budget Services

Recommendation:

Direct the Secretary to file a Notice of Proposed Rulemaking (CR-102) with the Office of the Code Reviser in Docket No. A-031232 regarding proposed amendments to the following Commission rules relating to regulatory fees:

- WAC 480-30-110 Fees and gross operating revenue (Auto Transportation Companies)
- WAC 480-51-100 Annual reports – Regulatory Fees (Commercial Ferries)
- WAC 480-62-300 Regulatory Fees (Railroad Companies)
- WAC 480-70-076 Regulatory Fees (Solid Waste Collection Companies)
- WAC 480-90-208 Financial reporting requirements (Gas Companies)
- WAC 480-100-208 Financial reporting requirements (Electric Companies)
- WAC 480-110-275 Accounting and reporting requirements, and regulatory fees (Water Companies)
- WAC 480-120-303 Reporting requirements for competitively classified companies (Telecommunication Companies)
- WAC 480-120-304 Reporting requirements for companies not classified as competitive (Telecommunication Companies)

Discussion:

On September 3, 2003, the Washington Utilities and Transportation filed with the Code Reviser a Preproposal Statement of Inquiry (CR-101) to review rules relating to regulatory fees for Class 1 utilities and transportation industries, except for motor freight carriers.

The review of rules was initiated as a result of recent amendments to Chapters 80.24, 81.24, and 81.77 RCW pursuant to Chapter 296, Laws of 2003, that gave the Commission

authority to set minimum regulatory fees that do not exceed the cost of collecting the fees, and to waive collection of the minimum fee.

On September 8, 2003, the Commission provided notice and an opportunity for affected industries and other interested persons to comment on its review of rules relating to regulatory fees. No comments were received.

On October 14, 2003, the Commission provided notice and an opportunity for affected industries and other interested persons to comment on draft proposed rules prepared by Staff. No comments have been received.

The proposed rule revisions would establish: the maximum statutory regulatory fee for each industry; the Commission's process for reducing the maximum statutory regulatory fee; a twenty dollar (\$20) minimum regulatory fee; and a waiver of the minimum regulatory fee for any company whose annual gross revenues are below the threshold that would generate the twenty (\$20) minimum regulatory fee.

The proposed rule revisions will not increase revenue to the agency, nor will they increase the regulatory fee that any company is required to pay. Because there will be no increase in cost resulting from the proposed rules, an SBEIS is not required.

Conclusion:

Staff recommends that the Commission direct the Secretary to file a Notice of Proposed Rulemaking (CR-102) with the Office of the Code Reviser in Docket No. A-031232 proposing revisions to the following rules per the attached Appendix A:

- WAC 480-30-110 Fees and Gross Operating Revenue
- WAC 480-51-100 Annual reports – Regulatory fees
- WAC 480-62-300 Annual reports – Regulatory fees
- WAC 480-70-076 Regulatory fees
- WAC 480-90-208 Financial reporting requirements
- WAC 480-100-208 Financial reporting requirements
- WAC 480-110-275 Accounting and reporting requirements, and regulatory fees
- WAC 480-120-303 Reporting requirements for competitively classified
- WAC 480-120-304 Reporting requirements for companies not classified as competitive

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