



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Washington Utilities & Transportation Commission

Preproposal Statement of Inquiry was filed as WSR #05-20-093 & #05-23-175 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____; or

Proposal is exempt under RCW 34.05.310(4).

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Title of rule and other identifying information: This rulemaking would consider amending sections of WAC chapters 480-31 (Private, Nonprofit Transportation Providers) and 480-70 (Solid Waste Collection Companies) to reflect recent changes to chapters 81.66, 81.77, and 81.84 RCW, relating to notice and opportunity for hearing prior to suspension or revocation of a certificate, and in conjunction with a request for a certificate to operate in a territory served by an existing certificate holder and to consider adding new language or sections to implement the statutory amendments.

Docket No. T-051359

Hearing location(s):

Commission Hearing Room 206
Second Floor, Chandler Plaza Building
1300 S. Evergreen Park Drive S.W.
Olympia, WA 98504

Date: February 22, 2006 Time: 2:30 P.M.

Date of intended adoption: February 22, 2006

(Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Carole J. Washburn, Secretary
Address: P. O. Box 47250, Olympia, WA 98504
e-mail records@wutc.wa.gov Please include
Docket No. UT-040015 in your communication.
fax (360) 586-1150 by (date) February 8, 2006

Assistance for persons with disabilities: Contact

Mary DeYoung by Monday, February 17, 2006,

TTY (360) 586-8203 or (360) 664-1133

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

The purpose of the proposal is to codify SSB 5105 that states the Commission is no longer required to hold a hearing before it can suspend or revoke a certificate, or consider a request for a certificate to operate in a territory served by an existing certificate holder. Instead, the Commission is only required to provide notice and an opportunity for a hearing. It would also make minor corrections and make grammar changes.

Affected WACs are: (See Attachment A)

Reasons supporting proposal: To put into rule the statutory language amended in SSB 5105.

Statutory authority for adoption: RCW 80.01.040 and RCW 80.04.160

Statute being implemented: N/A

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

Filed with the Code Reviser's Office
January 18, 2006, 10:10 a.m.
WSR 06-03-130

DATE

January 18, 2006

NAME (type or print)

Carole J. Washburn

SIGNATURE

TITLE

Executive Secretary

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

None

Name of proponent: Washington Utilities & Transportation Commission

- Private
- Public
- Governmental

Name of agency personnel responsible for:

| Name | Office Location | Phone |
|---|--|----------------|
| Drafting..... Sharyn Bate | 1300 S. Evergreen Park Drive S.W., Olympia, WA 98504 | (360) 664-1295 |
| Implementation....Carole J. Washburn, Secretary | 1300 S. Evergreen Park Drive S.W., Olympia, WA 98504 | (360) 664-1174 |
| Enforcement..... Carole J. Washburn, Secretary | 1300 S. Evergreen Park Drive S.W., Olympia, WA 98504 | (360) 664-1174 |

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared.

The proposed corrections and changes to rules will not result in or impose an increase in costs. Because there will not be any increase in costs resulting from the proposed rule changes, an SBEIS is not required under RCW 19.85.030(1)

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 rule is not a significant legislative rule of the sort referenced in RCW 34.05.328(5).

ATTACHMENT A

480-31-050 Certificates.

1. Amend to remove language in subsection (7) and add to new section WAC 480-31-052.

480-31-052 Suspending and canceling certificates.

1. New section codifies requirements for suspending and canceling certificates.

480-31-054 Certificates, reinstatement.

1. New section codifies requirements for reinstating certificates.

480-31-070 Insurance.

1. Grammar changes.
2. Amend to remove language in subsection (5) and added to new section WAC 480-31-052.

480-31-080 Fees and annual report.

1. Grammar changes.
2. Amend to remove unnecessary language.

480-70-161 Suspending and canceling certificates.

1. Amend to add language from deleted WAC 480-70-166.

480-70-166 Canceling certificates.

1. Repeal to add requirement language in WAC 480-70-161 to make consistent with Chapter 480-31 WAC.