

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

In the Matter of)
Amending/Adopting/Repealing) DOCKET NO. U-991301
)
WAC 480-80 WAC) GENERAL ORDER NO. R-481
)
Relating to)
) ORDER REPEALING, AMENDING
Commission General - Tariffs) AND ADOPTING RULES
.....) PERMANENTLY

- 1 STATUTORY OR OTHER AUTHORITY: The Washington Utilities and Transportation Commission takes this action under Notice WSR # 01-02-102, filed with the Code Reviser on January 3, 2001. The Commission brings this proceeding pursuant to RCW 80.04.160 and RCW 80.01.040.
- 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 this rule on the date that this Order is entered.
- 4 CONCISE STATEMENT OF PURPOSE AND EFFECT OF THE RULE: The purpose of the proposed repeal of certain sections of chapter 480-80 WAC and the adoption of those sections in the various industry rules is to achieve better organization and to facilitate the use of these rules by regulated companies, the Commission, and the public. The only proposed change in language is a new section added to WAC 480-80-010, Application of Rules, to assure previously granted exemptions from chapter 480-80 WAC do not apply to price lists and contracts. The change of title of chapter 480-80 WAC to Utilities General – Tariffs, Price Lists, and Contracts better reflects the content of the chapter.
- 5 RCW 34.05.325 requires that the Commission prepare and provide to commenters a concise explanatory statement about an adopted rule. The statement must include the identification of the reasons for adopting the rule, a summary of the comments received regarding the proposed rule, and responses reflecting the Commission's consideration of the comments.

- 6 The Commission often includes a discussion of those matters in its rule adoption order. In addition, most rulemaking proceedings involve extensive work by Commission Staff that includes summaries in memoranda of stakeholder comments, Commission decisions, and Staff recommendations in each of those areas.
- 7 In this docket, 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.
- 8 **REFERENCE TO AFFECTED RULES:** This rule amends the following section of the Washington Administrative Code:

WAC 480-80-010 Application of rules.

REFERENCE TO REPEALED RULES: This rule repeals the following sections of the Washington Administrative Code:

WAC 480-80-047 Access charges.
WAC 480-80-048 Collective consideration of Washington intrastate rate, tariff, or service proposals.
WAC 480-80-049 Caller identification service.
WAC 480-80-120 Notice to the public of tariff changes.
WAC 480-80-390 Mandatory cost changes for telecommunications companies.
WAC 480-120-027 Price lists.
WAC 480-120-066 Contract for service.
WAC 480-90-061 Contract for service.
WAC 480-100-061 Contract for service.
WAC 480-120-022 Classification proceedings.
WAC 480-120-023 Content of petition for classification of competitive Telecommunications services and companies.
WAC 480-120-024 Waiver of regulatory requirements for competitive telecommunications companies.
WAC 480-0120-025 Investigations.

REFERENCE TO ADOPTED RULES: This rule adopts the following sections of the Washington Administrative Code:

WAC 480-120-541 Access charges.

WAC 480-120-542	Collective consideration of Washington intrastate rate, tariff, or service proposals.
WAC 480-120-543	Caller identification service.
WAC 480-90-193	Notice to the public of tariff changes.
WAC 480-100-193	Notice to the public of tariff changes.
WAC 480-120-043	Notice to the public to tariff changes.
WAC 480-120-544	Mandatory cost changes for telecommunications companies.
WAC 480-80-035	Price lists.
WAC 480-80-325	Contract for service.
WAC 480-80-326	Contract for gas and electric service.
WAC 480-121-061	Classification proceedings.
WAC 480-121-062	Content of petition for classification of competitive telecommunications services and companies.
WAC 480-121-063	Waiver of regulatory requirements for competitive telecommunications companies.
WAC 480-121-064	Investigations.

- 9 PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS THEREUNDER: The Commission filed a Preproposal Statement of Inquiry (CR-101) on September 17, 1999, at WSR # 99-19-086.
- 10 ADDITIONAL NOTICE AND ACTIVITY PURSUANT TO PREPROPOSAL STATEMENT: The statement advised interested persons that the Commission was considering entering a rulemaking on rules related to Tariffs. 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 affected companies. In addition to information about the rulemaking, the notice requested written responses from interested persons on the rules that are currently in chapter 480-80 WAC that they believe should be in the regulated industry chapters, and on those rules that are in the regulated industry chapters that should be in chapter 480-80 WAC. The Commission accepted written comment regarding the CR-101 through October 18, 1999. Pursuant to notice, the Commission engaged in three workshops with interested persons/stakeholders and solicited written comments on five additional occasions.
- 11 NOTICE OF PROPOSED RULEMAKING: The Commission filed a notice of Proposed Rulemaking (CR-102) on January 3, 2001, at WSR #01-02-102. The Commission scheduled this matter for oral comment and adoption under Notice WSR #01-02-102 at 9:30 a.m., Wednesday, March 14, 2001, 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.

- 12 COMMENTERS (WRITTEN COMMENTS): The Commission received written or verbal comments from The Association of Communications Enterprises (ASCENT), Avista Utilities, Cascade Natural Gas Corporation, Northwest Natural Gas, Public Counsel, Puget Sound Energy, Qwest, Verizon, and the Washington Independent Telephone Association (WITA). Comments ranged from indifference to support of the proposal.
- 13 RULEMAKING HEARING: The rule proposal was considered for adoption, pursuant to the notice, at a rulemaking hearing scheduled during the Commission's regularly scheduled open public meeting on March 14, 2001, before Chairwoman Marilyn Showalter and Commissioner Richard Hemstad. The Commission heard oral comments from Fred Ottavelli, representing Commission Staff. No other interested persons made oral comments.
- 14 COMMISSION ACTION: After considering all of the information regarding this proposal, the Commission repealed, amended, and adopted the rules as proposed in the CR-102 at WSR #01-02-102.
- 15 STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE: In reviewing the entire record, the Commission determines that the title of chapter 480-80 WAC should be changed to Utilities General – Tariffs, Price Lists, and Contracts, WAC 480-80-047, 480-80-048, 480-80-049, 480-80-120, 480-80-390, WAC 480-120-022, 480-120-023, 480-120-024, 480-120-025, 480-120-027, 480-120-066, WAC 480-90-061, and WAC 480-100-061 should be repealed, WAC 480-120-043, 480-120-541, 480-120-542, 480-120-543, 480-120-544, WAC 480-90-193, WAC 480-100-193, WAC 480-121-061, 480-121-062, 480-121-063, 480-121-064, and WAC 480-80-035, 480-80-325, 480-80-326 should be adopted, and that WAC 480-80-010 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 the thirty-first day after filing with the Code Reviser.

ORDER

- 16 THE COMMISSION ORDERS:
- 17 The title of chapter 480-80 WAC is changed to read Utilities General – Tariffs, Price Lists, and Contracts, WAC 480-80-047, 480-80-048, 480-80-049, 480-80-120, 480-40-390, WAC 480-120-022, 480-120-023, 480-120-024, 480-120-025, 480-120-027, 480-120-066, WAC 480-90-061, and WAC 480-100-061 are repealed, WAC 480-120-043, 480-120-541, 480-120-542, 480-120-543, 480-120-544, WAC 480-90-193,

WAC 480-100-193, WAC 480-121-061, 480-121-062, 480-121-063, 480-121-064, and WAC 480-80-035, 480-80-325, 480-80-326 are adopted, and WAC 480-80-010 is amended to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect on the thirty-first day after the date of filing with the Code Reviser pursuant to RCW 34.05.380(2).

18 This Order and the rule 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 April, 2001.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, 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 14, amended 1, repealed 13.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 14, amended 1, repealed 13.

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.