

AMENDATORY SECTION (Amending WSR 03-24-028, filed 11/24/03, effective 1/1/04)

**WAC 480-07-010 Scope of this chapter.** This chapter includes rules that explain how to conduct business with the Washington utilities and transportation commission (commission). The commission interacts both informally and formally with the public and with the businesses it regulates.

Part I of this chapter includes basic information about the commission, such as the agency's office hours, its physical address and other contact information, and general requirements for communicating with the commission.

Part II includes provisions that relate specifically to rule-making proceedings, such as how a person may submit comments that will be taken into account when the commission considers making changes to its rules.

Part III concerns adjudicative proceedings including hearings on formal complaints, general rate proceedings, applications for authority, petitions for relief, and abbreviated proceedings that may be used in some circumstances.

Part IV concerns other types of commission proceedings, including regular and special open public meetings, interpretive and policy statements, declaratory orders, penalty assessments, and informal complaints.

These rules are authorized by and supplement the Administrative Procedure Act, chapter 34.05 RCW, and the statutes that define the commission's authority and responsibilities found principally in Titles 80 and 81 RCW. The commission's procedural rules should be interpreted in conjunction with these statutes.

[Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-010, filed 11/24/03, effective 1/1/04.]

AMENDATORY SECTION (Amending WSR 03-24-028, filed 11/24/03, effective 1/1/04)

**WAC 480-07-100 Scope of Part I.** Part I of this chapter contains information about the commission and general rules that apply in rule-making, adjudicative, and other proceedings described in this chapter.

[Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-100, filed 11/24/03, effective 1/1/04.]

AMENDATORY SECTION (Amending WSR 08-18-012, filed 8/22/08, effective 9/22/08)

**WAC 480-07-110 Exemptions from and modifications to commission rules; conflicts with other rules. (1) Exceptions and modifications.**

The commission, in response to a request or on its own initiative, may grant an exemption from, or modify the application of, any of its rules in individual circumstances if the exemption or modification is consistent with the public interest, the purposes underlying regulation, and applicable statutes. Consistent with due process and the public interest, the commission may modify the application of procedural rules in this chapter on its own initiative during a particular adjudication or other docket without following the process identified in subsection (2) of this section.

**(2) Process.**

*(a) How to request an exemption from, or modification to, a rule.*

To request a rule exemption or modification, a person must file with the commission a written petition identifying the rule for which the person seeks an exemption and providing a full explanation of the reason for requesting the exemption. Telecommunications companies, gas companies, or electric companies filing petitions for exemption under

this section must provide an electronic copy of the request to the public counsel unit of the attorney general's office by email on the same day the request is filed with the commission.

(b) *Commission process.* The commission will assign the petition a docket number if the request does not arise in an existing docket, and will schedule the petition for consideration at one of the commission's regularly scheduled open meetings or in an adjudicative proceeding if appropriate under chapter 34.05 RCW. The commission will notify the person requesting the exemption and other interested persons of the date of the open meeting or hearing when the commission will consider the petition.

(c) *Standard for determination.* The commission uses the public interest standard to determine whether to grant an exemption from, or modification to, a commission rule. Factors the commission may consider in making this determination include whether the rule imposes an undue hardship on the requesting person of a degree or a kind different from hardships imposed on other similarly situated persons, and whether the effect of applying the rule to the requesting person would be contrary to the underlying purposes of the rule and the public interest.

(3) **Conflicts with other rules.** Statutes or other commission rules may establish a process for requesting rule exemption or modification, and if they conflict with this rule, those statutes or other rules govern the request.

(4) **Emergency situations.** In the event of a state of emergency and for good cause shown, the commission may enter an order on its own motion, or upon the motion of any person or public service company affected by the rule, exempting public service companies, the commission, and all affected persons from complying with the requirements of specific rules in this title.

[Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 08-18-012 (Docket A-072162, General Order R-550), § 480-07-110, filed 8/22/08, effective 9/22/08; WSR 06-16-053 (Docket A-050802, General Order R-536), § 480-07-110, filed 7/27/06, effective 8/27/06; WSR 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-110, filed 11/24/03, effective 1/1/04.]

AMENDATORY SECTION (Amending WSR 03-24-028, filed 11/24/03, effective 1/1/04)

**WAC 480-07-120 Office hours.** The commission's offices are open to the public between the hours of 8:00 a.m. and 5:00 p.m., Monday

through Friday, except on official state holidays as defined in RCW 1.16.050.

[Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-120, filed 11/24/03, effective 1/1/04.]

AMENDATORY SECTION (Amending WSR 08-18-012, filed 8/22/08, effective 9/22/08)

**WAC 480-07-125 Commission contact information.** The information included in this section is current at the time of rule adoption but may change. Persons may obtain current and additional contact information for the commission and its personnel by accessing the commission's internet web site or by requesting the information in person at the commission offices, by a telephone call to the commission's main public number, or through an email to the commission's records center.

Location and mailing address:	Washington Utilities and Transportation Commission 1300 S. Evergreen Park Drive S.W. P.O. Box 47250 Olympia, WA 98504-7250
Telephone: Public number	360-664-1160
Records center number	360-664-1234

Location and mailing address:	Washington Utilities and Transportation Commission 1300 S. Evergreen Park Drive S.W. P.O. Box 47250 Olympia, WA 98504-7250
Consumer inquiries, comments and informal complaints	1-800-562-6150
Conference bridge for participating in proceedings by telephone	360-664-3846
Web portal	<a href="http://www.utc.wa.gov/e-filing">www.utc.wa.gov/e-filing</a>
Records center email	<a href="mailto:records@utc.wa.gov">records@utc.wa.gov</a>
Internet web site	<a href="http://www.utc.wa.gov">www.utc.wa.gov</a>

[Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 08-18-012

(Docket A-072162, General Order R-550), § 480-07-125, filed 8/22/08, effective 9/22/08; WSR 06-16-053 (Docket A-050802, General Order R-536), § 480-07-125, filed 7/27/06, effective 8/27/06; WSR 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-125, filed 11/24/03, effective 1/1/04.]

AMENDATORY SECTION (Amending WSR 03-24-028, filed 11/24/03, effective 1/1/04)

**WAC 480-07-130 Time periods specified for acts governed by this chapter. (1) Definitions.**

(a) "Day" means calendar day whenever used in this chapter, unless otherwise specified.

(b) "Business day" as used in this chapter, means any day when the commission's offices are open to the public as provided in WAC 480-07-120.

(2) **Computation of time.** The period of time for doing an act governed by this chapter is determined by excluding the first day and including the last day, unless the last day is not a business day, in which circumstance the period runs until the end of the next business day.

(3) **Variation from time limits.** The commission may modify the time limits stated in chapter 34.05 RCW, subject to the requirements of RCW 34.05.080. The commission may modify the time limits stated in a commission rule, subject to other requirements of law. WAC 480-07-385 governs continuances or extensions of time in adjudicative proceedings.

[Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-130, filed 11/24/03, effective 1/1/04.]



AMENDATORY SECTION (Amending WSR 08-18-012, filed 8/22/08, effective 9/22/08)

**WAC 480-07-140 General requirements for submitting documents to the commission.**

**(1) General.**

(a) *Informal submissions.* Informal submissions are oral or written comments or communications directed to the commission that do not seek, or respond to, formal commission action, are not required by statute or commission rule, and generally are not filed in a docket. Informal submissions include, but are not limited to, consumer complaints other than complaints requesting commencement of an adjudicative proceeding, and public comments made on matters the commission considers at an open public meeting or in an adjudication when submitted by persons who are not, and do not seek to be, parties to that adjudication. A person may make informal submissions by using the comment form available on the commission's web site or by contacting the commission records center or consumer protection section by telephone, letter, or email at the contact information listed in WAC 480-07-125.

(b) *Formal filings.* Formal filings are written submissions that seek or respond to formal commission action or are required by statute

or commission rule and that the commission may file in a docket. Unless otherwise provided in this chapter, all documents submitted to the commission for formal filing, including documents that contain confidential information, must be submitted electronically to the commission records center in conformance with this rule. The commission will not accept a document for formal filing unless the commission receives that document in electronic form.

(2) **Where to send written communications.** Persons should send written communications to the commission using the contact information contained in WAC 480-07-125 or on the commission's web site. Correspondence directed to the commission should be addressed to the commission secretary.

(3) **Cover letters.** Persons submitting documents to the commission for formal filing must include a cover letter with the submission unless the sole document submitted is a letter or the document is one page in length and includes the information identified in subsection (4) of this section.

(4) **Requirements.** The following requirements enable the commission to identify submissions and to facilitate prompt delivery of communications to commission personnel.

(a) *Identification of sender.* All persons who communicate with the commission should provide their full name, mailing address, telephone number, and email 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, and the name of the entity on whose behalf they are sending the communication. All submissions on behalf of a company the commission regulates must identify the company using the exact name of the company in the commission's records. The commission's web site includes a list of all such companies by the names in the commission's records. The commission may reject or require resubmission of any submission that does not comply with this requirement.

(b) *Identification of permit, license, or certificate.* Any person or entity holding 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., rule-

making or adjudication) must identify the proceeding to the best of their ability, including the docket number and name of the proceeding.

(d) *Identification of documents.* All documents submitted to the commission must be named in conformance with subsection (6)(b) of this section.

(5) **Electronic submission of documents.** The commission accepts only electronic versions of documents for formal filing. Unless required in a specific rule or order, the commission does not require a paper copy of the document.

(a) *Electronic submission via web portal.* Documents submitted electronically must be submitted using the commission's records center web portal except as provided in this rule.

(i) How to use the web portal. To use the web portal to submit documents for filing, persons should navigate to, and follow the instructions on, the web portal at the address specified in WAC 480-07-125.

(ii) Official commission receipt. The commission officially receives a document submitted through the web portal on the date and at the time registered by the portal; provided that documents the commission receives after 5:00 p.m. are not considered officially received or filed until the next business day. The web portal will send an au-

tomated notification to the person submitting the document when the commission has received the document.

(iii) *Insufficient capacity.* If a submission exceeds the size limitations of the commission's web portal for a single submission, the person may submit the documents in multiple web portal submissions, via one or more emails as provided in subsection (6)(c) of this section, or on a disc or other commonly used electronic storage medium delivered by mail or hand delivery. The commission includes on its web site the current size limitation of submissions on the web portal and instructions for making multiple web portal submissions.

(b) *Electronic submission via email.* If a person is unable to use the web portal to submit documents for filing, the commission will accept a submission via email. The commission may also accept correspondence or comments directed to the commission in the form of an email. An email transmitting documents must explain the reason the documents are not being submitted via the web portal and must comply with the following requirements:

(i) *Where to send electronic documents.* Emails and emailed submissions for filing must be directed to the commission's records center at the email address specified in WAC 480-07-125. Courtesy or informational copies may be sent to other email addresses for individual

commission personnel. The commission will receive for filing only email submissions sent to the records center.

(ii) When deemed received. An email and any transmitted documents are deemed received only when the email and the entire document or set of documents successfully reach the commission's records center electronic mailbox. Emails or documents wholly or partly received by email in the commission's records center after 5:00 p.m. are not considered officially received or filed until the next business day.

(iii) Insufficient capacity. If a submission exceeds the size limitations of the commission's email system for a single message, the person may submit the documents in multiple messages as provided in subsection (6) (c) of this section or on a disc or other commonly used electronic storage medium delivered via mail or hand delivery. The commission includes on its web site the current size limitation of a single email.

(c) *Electronic submission by mail or hand delivery.* A person may submit for filing electronic copies of documents on a disc or other commonly used electronic storage medium by mail or hand delivery (e.g., courier delivery service) to the commission's business address. The commission deems it has received an electronic document submitted by mail or hand delivery when the commission's records center physi-

cally receives it. Documents delivered to the commission's records center after 5:00 p.m. are not considered officially received or filed until the next business day.

(d) *Additional requirements.* The following additional requirements apply when submitting documents in the circumstances identified below.

<b>Submissions in these dockets or types of documents:</b>	<b>Must comply with these rules and:</b>
Rule-making dockets	Part II of this chapter
Adjudicative dockets	Part III of this chapter, <b>plus</b> any requirements in the specific adjudication
Utility tariffs and contracts	Chapter 480-80 WAC and WAC 480-07-141
Transportation tariffs and time schedules (a) For auto transportation companies (b) For commercial ferry companies (c) For solid waste collection companies	WAC 480-07-141; and (a) Chapter 480-30 WAC; (b) Chapters 480-51 and 480-149 WAC; (c) Chapter 480-70 WAC
For public records requests	Chapters 42.56 RCW and 480-04 WAC

(6) **Electronic file format requirements.** Electronic versions of all documents filed with the commission must conform to the following file format requirements.

(a) *Acceptable format.*

(i) All documents other than spreadsheets as described in (a) (ii) of this subsection and email correspondence or comments must be filed in searchable .pdf (adobe acrobat or comparable software) format and

to the extent feasible should be saved or otherwise converted directly from the native format in which the document was created. Parties that cannot create .pdf files directly from the document in its native format must provide a copy of the document converted to .pdf via scanning or other available technology. Scanned documents must be searchable unless readily available software does not support searchable scanned documents.

(ii) Any document in the form of a spreadsheet that displays results of calculations based on formulas must be filed in its native Excel format (.xls, .xlsx, .xlsm) or the updated version of, or successor to, that software program. The commission will accept spreadsheets created using a different software program only if the commission has a license to use that program and personnel who know how to use it. Spreadsheets must include all formulas and may not include locked, password protected, or hidden cells or tabs, or any other restrictions that impair or hamper the commission's ability to review or modify the data in those cells.

(iii) Correspondence or comments in the form of an email must conform to generally accepted conventions for email communications.

(b) *File naming conventions.* Documents must be named in a way that describes the contents. Each document a person submits must be



labeled with the docket number of the proceeding (except in the case of original submissions), any confidentiality designation, the name of the document, the name of the person or party on whose behalf the document is submitted, the last name of any witness sponsoring the document, and the date the document is submitted. The prefix to the docket number (e.g., UE-, TG-, etc.) may be omitted, and words may be abbreviated as necessary in the file name of an electronic document if the full name is too long. The cover letter accompanying the submission must list all of the documents included in the submission using the same identifying information. The commission maintains a sample list of acceptable file names and abbreviations on its web site.

(c) *Acceptable organization.* Except as provided in WAC 480-07-160 (4) (d) (vii) when submitting documents that include information designated as confidential, all files required to meet a single deadline must be submitted at the same time and in the same message, if possible, or on the same disc or commonly used electronic storage medium. A person may submit files in more than one submission or message when submitting those files via the commission's web portal or via email as authorized in subsection (5) (a) (iii) and (b) (iii) of this section if the total size of the submission exceeds the size constraints of the commission's web portal or email system for a single submission. If

the documents are submitted in multiple email messages, each email message must prominently identify which one it is in the sequence of messages and, to the extent possible, the total number of messages used (e.g., "Message 2 of 4"). The first and final messages in the sequence must be identified as such. The first message also must explain the reason for the multiple messages and must include the cover letter and any required certificate of service. All such messages must be submitted as close to simultaneously as practicable.

[Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 08-18-012 (Docket A-072162, General Order R-550), § 480-07-140, filed 8/22/08, effective 9/22/08; WSR 06-16-053 (Docket A-050802, General Order R-536), § 480-07-140, filed 7/27/06, effective 8/27/06; WSR 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-140, filed 11/24/03, effective 1/1/04.]

AMENDATORY SECTION (Amending WSR 06-16-053, filed 7/27/06, effective 8/27/06)

**WAC 480-07-141 Commission receipt of a document is not filing or acceptance.** The commission receives documents for administrative purposes, and such receipt alone does not constitute filing or legal acceptance of a document.

(1) **Compliance review.** Upon receipt, the commission will review a submission to determine whether it complies with applicable filing requirements prior to accepting it for filing and assigning a docket number, if applicable.

(2) **Notice of, and opportunity to correct, noncompliance.** The commission will identify any areas of noncompliance in the submission and will notify the person who made the submission within two business days, or as soon thereafter as practicable, of any areas of noncompliance that require corrective action before the commission can accept the document for filing. The notification will indicate one of the following:

(a) A requirement to submit one or more additional documents (e.g., a cover letter, certificate of service, etc.);

(b) A requirement to resubmit the document with the deficiencies corrected within a specified period of time; or

(c) Rejection of the document and its return to the sender.

The commission will consider corrected documents to have been filed on the date the original documents were submitted if the deficiencies are not substantive or otherwise do not impair or hamper the commission's ability to timely review, analyze, or act on the merits of the submission. Otherwise, the commission will consider the docu-

ments to have been filed on the date the corrected documents are submitted.

(3) **No waiver of noncompliance.** By accepting a submission for filing in a docket or assigning a docket number, the commission does not necessarily certify that the submission complies with all filing requirements or waive the commission's ability to subsequently reject a document as deficient or require deficiencies to be corrected; provided that in the absence of extraordinary circumstances, the commission will not reject a document for failure to comply with applicable filing requirements more than five business days after the document has been submitted, and documents are deemed accepted and filed unless the commission provides notice of noncompliance within that time period.

[Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 06-16-053 (Docket A-050802, General Order R-536), § 480-07-141, filed 7/27/06, effective 8/27/06.]

AMENDATORY SECTION (Amending WSR 06-16-053, filed 7/27/06, effective 8/27/06)

**WAC 480-07-150 Commission service of documents.** (1) **Commission service defined.** Commission service means sending or delivering notic-

es, orders, or other commission documents from the commission to parties, regulated companies, or interested stakeholders. Such service includes, but is not limited to, commission service of documents in adjudications pursuant to WAC 480-07-360.

(2) **Designation of person to receive service.**

(a) Each party, regulated company, or interested stakeholder must designate at least one person to receive commission service of documents.

(b) Companies the commission regulates must provide the commission with current, accurate, and complete contact information for the company itself and at least one person who owns the company or who is employed or otherwise authorized by the company to receive commission service of documents on behalf of the company. Companies must inform the commission of any changes to this contact information as soon as practicable. The commission is not responsible for a company not receiving commission service of documents if the company fails to comply with this requirement.

(3) **Contact information.** Each party, regulated company, or interested stakeholder must provide the following information about every individual that it designates to receive commission service of documents:

(a) Name (and title, if applicable);

(b) Mailing address;

(c) Telephone number; and

(d) Email address

(4) **Forms of service by commission.**

(a) To the full extent authorized by applicable law, the commission will serve documents only in electronic form except where proof of receipt is required.

(b) When applicable law requires the commission to demonstrate that a person received a document, the commission will serve the document in one of the following ways:

(i) By certified United States mail, properly addressed with first class postage prepaid, return receipt requested; or

(ii) By personal delivery with a declaration of service.

(c) When required by applicable law or in the exercise of its discretion, the commission will serve paper copies of documents by United States mail, first class postage prepaid.

(5) **When service is deemed complete.** Unless otherwise ordered by the commission in a particular proceeding, commission service of documents is complete as follows:

(a) Electronic service is complete when the commission sends the document to the recipient's designated email address.

(b) Service by certified mail or personal service is complete on the date indicated on the return receipt or declaration of service.

(c) Service by mail is complete when the commission deposits the document, properly addressed, and postage prepaid in the United States mail.

[Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 06-16-053

(Docket A-050802, General Order R-536), § 480-07-150, filed 7/27/06, effective 8/27/06; WSR 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-150, filed 11/24/03, effective 1/1/04.]

AMENDATORY SECTION (Amending WSR 08-18-012, filed 8/22/08, effective 9/22/08)

**WAC 480-07-160 Confidential information under RCW 80.04.095 or 81.77.210.** The commission will provide special handling of, and will limit access to, confidential information submitted in compliance with this rule or WAC 480-07-423. This rule applies to any information the provider claims to be confidential under RCW 80.04.095 or 81.77.210. Title 81 RCW, other than RCW 81.77.210, does not contain a similar statute, and the commission will not accept documents marked as confi-

dential pursuant to this rule and submitted on behalf of companies regulated under Title 81 RCW other than solid waste collection companies.

(1) **Implementation.**

(a) *Designated official.* The commission's secretary is the designated official responsible for the commission's compliance with the Public Records Act, chapter 42.56 RCW, and for the implementation of this rule. The secretary may designate one or more persons to serve as public records officer to assist in the implementation and application of this rule.

(b) *Provider.* Any person who submits information to the commission or commission staff under a claim of confidentiality pursuant to this rule or a commission protective order is a provider, as that term is used in this rule.

(c) *Requester.* Any person who submits a request for public records under the Public Records Act, chapter 42.56 RCW, or a data request in an adjudicative proceeding is a requester, as that term is used in this rule.

(2) **Confidential information defined.** Confidential information is information that meets any of the following criteria:



(a) Information protected from inspection or copying under an exemption from disclosure requirements under the Public Records Act, chapter 42.56 RCW.

(b) Information protected under the terms of a protective order in an adjudicative proceeding.

(c) Valuable commercial information, including trade secrets or confidential marketing, cost, or financial information, or customer-specific usage and network configuration and design information, as provided in RCW 80.04.095 or 81.77.210. Only information that satisfies this definition may be designated as confidential.

(3) **Highly confidential information.** The commission may authorize protection of information as highly confidential only pursuant to a protective order. Highly confidential information is confidential information to which even more restricted access is necessary to ensure the information is not disclosed to the detriment of the provider (or the party designating the information as confidential, if not the provider). Highly confidential information remains subject to the requirements in RCW 80.04.095 or 81.77.210, and the provisions of this section apply to highly confidential information as well as confidential information unless this rule or the protective order authorizing highly confidential treatment of information states otherwise.

(4) **How to designate and seek protection of confidential information under this section.** A provider may claim the protection of this rule only by strict compliance with the following requirements. The commission may refuse to accept for filing any document that fails to comply with these requirements. Failure to properly designate information as confidential also may result in the information not being treated as confidential.

(a) *Contents.* The provider must submit the claim of confidentiality in writing at the same time the information claimed to be confidential is submitted. The provider must state the basis on which the information is claimed to be confidential, and if the document is not submitted pursuant to a protective order in an adjudicative proceeding, the provider must identify any person (other than the provider) who might be directly affected by disclosure of the confidential information.

(b) *Documents with information designated as confidential or information designated as highly confidential.* The provider must submit two versions of all documents claimed to include either (but not both) confidential or highly confidential information:

(i) An electronic copy (as required in WAC 480-07-140(6)), and any paper copies the commission has required, of the version of the

document that contains all information designated as confidential (confidential version) or highly confidential (highly confidential version); and

(ii) An electronic copy in .pdf format, and any paper copies the commission has required, of the version of the document that masks the information claimed to be confidential or highly confidential (redacted version).

(c) *Documents with information designated as confidential and information designated as highly confidential.* The provider must submit three versions of all documents claimed to include both highly confidential and confidential information:

(i) An electronic copy (as required in WAC 480-07-140(6)), and any paper copies the commission has required, of the version of the document that contains all information designated as highly confidential or confidential (highly confidential version);

(ii) An electronic copy (as required in WAC 480-07-140(6)), and any paper copies the commission has required, of the version of the document that contains all information designated as confidential and masks all information designated as highly confidential (confidential version); and

(iii) An electronic copy in .pdf format, and any paper copies the commission has required, of the version of the document that masks all information claimed to be highly confidential or confidential (redacted version).

(d) *Marking and submission.*

(i) Documents containing information designated as confidential or highly confidential must be marked as follows:

(A) The provider must clearly mark each copy of the confidential version of the document with the designation, "Designated information is confidential per protective order in Docket [insert docket number]" if the provider submits confidential information under the provisions of a protective order, or "Designated information is confidential per WAC 480-07-160" if not submitted under the terms of a protective order. The provider must clearly mark each copy of the highly confidential version of the document with the designation "Designated information is highly confidential per protective order in Docket [insert docket number]." The provider must place the applicable mark on the first page of a multipage document and each specific page on which the provider claims there is confidential or highly confidential information. In the subject line of the email or in a visible portion of the disc or electronic storage medium containing the electronic copies

of the document, the provider also must state that one or more documents contain information designated as confidential or highly confidential under a protective order or WAC 480-07-160, as applicable.

(B) Each page of the electronic document and any required paper copies of the confidential version that includes information claimed to be confidential must clearly designate that information on each page by highlighting the text with no more than twenty percent grey shading or other clearly visible designation. Each such page of any paper copies must be printed on yellow paper.

(C) Each page of the electronic document and any required paper copies of the highly confidential version that contains information designated as highly confidential under a protective order must clearly designate the highly confidential information by highlighting the text with no more than twenty percent grey shading or other clearly visible designation. Each such page of any paper copies must be printed on light blue paper.

(D) If a document includes both confidential and highly confidential information, each page of any paper copies of the confidential version that contains only information designated as confidential must be printed on yellow paper, and pages containing information designated as highly confidential must be printed on light blue paper, includ-

ing pages that contain both highly confidential and confidential information. The provider is responsible for ensuring that highly confidential information is clearly distinguished from confidential information when a document includes both highly confidential and confidential information.

(E) Any required paper copy of the confidential or highly confidential version of a document, in its entirety, must be submitted in a sealed envelope. A person submitting more than one confidential or highly confidential document in a single submission must collate all of the confidential documents into a set and all of the highly confidential documents into a set, and to the extent feasible, must enclose each entire set in a separate envelope. If the commission requires more than one paper copy of documents to be submitted, each set of confidential or highly confidential documents must be submitted in a separate envelope to the extent feasible.

(F) The redacted version of the document must be labeled as redacted and submitted simultaneously with the corresponding confidential or highly confidential document. The redacted version must completely black out the information claimed to be confidential or highly confidential or leave a blank space where that information is located in the document. The redacted and confidential or highly confidential

versions of a document must have the same pagination, and the text on each page must appear on the same lines. If the provider submits a document under a claim that all of the substantive information contained on multiple contiguous pages is confidential or highly confidential, the provider may submit a single page in the redacted version for the contiguous confidential pages if that page identifies the pages claimed to be confidential or highly confidential.

(ii) Documents containing information designated as confidential or highly confidential must be submitted as follows:

(A) All documents containing information designated as confidential that are required or intended to be submitted to meet a single deadline must be submitted at the same time and in the same message or on the same disc or electronic storage medium, separately from documents that include information designated as highly confidential or that do not include any information designated as confidential.

(B) All documents containing information designated as highly confidential that are required or intended to be submitted to meet a single deadline must be submitted at the same time and in the same message or on the same disc or electronic storage medium, separately from documents that include information designated as confidential or that do not include any such information.

(C) The fully redacted versions of all documents containing information designated as confidential or highly confidential, along with any other nonconfidential documents that are part of the filing, must be submitted separately from the documents containing information designated as confidential or highly confidential, and all of the nonconfidential documents must be submitted in a single message or on the same electronic storage medium.

(D) If the volume of documents of any type exceeds the size constraints of the commission's web portal or email system for a single submission, those documents may be submitted in multiple submissions as provided in WAC 480-07-140 (6)(c).

(E) All submissions comprising a single filing must be made as close to simultaneously as practicable.

(5) **Challenges to claims of confidentiality.** The commission or a party to a proceeding in which a provider submits a document with a claim of confidentiality may challenge the claim. When a challenge is made, the commission will provide an opportunity to respond before ruling on the challenge. If a confidential designation is challenged, the provider of the confidential information bears the burden to show that part or all of a document should be protected from disclosure under chapter 42.56 RCW, RCW 80.04.095, 81.77.210, or a protective or-



der. The commission may express its ruling orally on the record in an adjudicative proceeding, or in a written order.

(6) **Requests for information designated as confidential.** Subject to the requirements of this subsection, the commission will release information designated as confidential or highly confidential in response to a written request for public records made in compliance with WAC 480-04-090.

(a) *Avoidance of disclosure.* If the public records officer and the requester agree that the commission can satisfy the request for information without disclosing information designated as confidential or highly confidential, the public records officer will provide or make available for review the publicly available information in the commission's possession that is responsive to the request.

(b) *Notice of request for, and release of, information designated confidential.* If the requester does not agree that the commission can satisfy the request without disclosing information designated as confidential or highly confidential, the commission will implement the following procedure:

(i) Pursuant to RCW 80.04.095 or 81.77.210, as applicable, the commission will provide written notice of any request for information designated as confidential or highly confidential to the provider and

any person that has been identified as a person who might be directly affected by release of the information. The commission will issue such notice not more than two business days after receiving confirmation that the requester requests information designated as confidential or highly confidential. The commission will send a copy of the notice to the requester at the same time it sends a copy to the provider.

(ii) The commission need not assist any person in seeking or resisting judicial intervention to protect from disclosure any information designated as confidential or highly confidential, but the commission may participate in any such proceeding.

(iii) If the provider consents in writing to the release of the information designated as confidential or highly confidential or does not restrain disclosure of that information by obtaining a court order within ten days following the commission's notice of the request, the commission will consider the information public, remove the confidential or highly confidential designation from its files, and release the information to the requester.

(7) **Designation or redesignation of confidential information.** No later than the time for filing briefs or, if no briefs are filed, within ten days after the close of the record in an adjudication in which a party has designated information as confidential or highly

confidential, that party must verify the accuracy of all confidential designations in the record and in the exhibit list for the proceeding, and submit any proposed corrections or changes. Absent a statement of proposed corrections or changes, the designations in the record and in the exhibit list are final, and the commission will change those designations only if the provider (or the party that has designated the information as confidential or highly confidential, if different) voluntarily removes, or is required to remove, a confidential designation. If there is conflict between designations, the commission will adopt the designation that is least restrictive to public access.

[Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 08-18-012 (Docket A-072162, General Order R-550), § 480-07-160, filed 8/22/08, effective 9/22/08; WSR 06-16-053 (Docket A-050802, General Order R-536), § 480-07-160, filed 7/27/06, effective 8/27/06; WSR 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-160, filed 11/24/03, effective 1/1/04.]

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

AMENDATORY SECTION (Amending WSR 03-24-028, filed 11/24/03, effective 1/1/04)

**WAC 480-07-170 Official communications from the commission. (1)**

**Definition.** An official communication from the commission notifies interested parties and the public of the agency's position, anticipated action, or resolution of issues in matters that come within the commission's statutory authority.

(2) **When a communication is official.** A communication from the commission is an official communication only if it is signed or otherwise verifiably issued or entered by the commissioners, the commission's secretary or other assistant deputized, designated, or delegated to perform commission duties pursuant to RCW 80.01.030, or the secretary's designee. In addition, the presiding administrative law judge or the administrative law judge's designee may sign, issue, or enter official communications relating to an adjudicative proceeding.

[Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-170, filed 11/24/03, effective 1/1/04.]

**WAC 480-07-175 Inspection and production of documents in commission investigations.** (1) **Inspection.** Every public service company must make its accounts, books, papers, and documents available for commission inspection at any and all times.

(2) **Production.** The commission may require a public service company to provide copies of documents to the commission for inspection at the commission's offices.

(a) *Format.* The commission will require a public service company to provide documents for commission inspection by serving the company with a letter or other writing signed by the secretary or an administrative law judge.

(b) *Response.* The public service company must provide the required documents, or any objections to providing those documents, to the commission within ten business days of the date the commission serves the letter or other writing unless the commission specifies a different deadline.

(c) *Objections.* Any objections the public service company gives in lieu of providing the requested documents must describe in detail the legal and factual basis for the company declining to provide the

documents. Commission staff must file a response to the objections within five business days. The commission will notify the company of the disposition of its objections and the date by which the company must provide any requested documents the commission determines that the company must provide.

[]

AMENDATORY SECTION (Amending WSR 08-18-012, filed 8/22/08, effective 9/22/08)

**WAC 480-07-180 Incorporated and referenced materials in commission rules and orders.** Any document that is incorporated by reference in a commission rule or order is available for public inspection at the commission unless exempt from the public disclosure requirements in chapter 42.56 RCW, or under a protective order in an adjudicative proceeding. The commission's secretary or public records officer will provide a copy of a referenced document upon request, allowing reasonable time for any necessary copying, subject to any applicable charge, and subject to copyright restrictions or statutory exemptions from public disclosure. The commission incorporates or references the version of the incorporated or referenced material that is current on the day the commission adopts a rule, makes a ruling, or enters an order

that makes the incorporation or reference, unless the commission specifies another version or unless another version is apparent from the reference. In most instances, such information is available to the public on the commission's web site.

[Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 08-18-012

(Docket A-072162, General Order R-550), § 480-07-180, filed 8/22/08, effective 9/22/08; WSR 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-180, filed 11/24/03, effective 1/1/04.]

NEW SECTION

**WAC 480-07-190 Electronic signatures. (1) Authorization.** To the extent authorized under RCW 19.360.020, the commission will accept electronic signatures on all documents submitted to the commission for filing that applicable law requires or allows to be signed by hand if the electronic signature complies with this rule and any other applicable requirements (e.g., of the entity on whose behalf the person is signing). The commission may use electronic signatures on documents it issues, enters, or serves including, but not limited to, orders, notices, and correspondence, to the extent authorized under RCW 19.360.020.

(2) **Definitions.**

(a) An electronic signature is one or more letters, characters, numbers, or other symbols in digital form incorporated in, attached to, or otherwise logically associated with an electronic document that:

(i) Identifies and authenticates a particular person as the source of the document; and

(ii) Indicates such person's intent to sign the document and approval of the information contained in that document.

(b) A secure electronic signature is an electronic signature that:

(i) Is unique to the person making the signature;

(ii) The technology or process used to make the signature is under the sole control of the person making the signature;

(iii) The technology or process can be used to identify the person using the technology or process; and

(iv) The electronic signature can be linked with the document in such a way that the signature can be used to determine whether the document has been changed since the electronic signature was incorporated in, attached to, or otherwise associated with the document.

(3) **Requirements.**



(a) *Attorney signatures.* An electronic document that requires an attorney's signature must include the date on which the document was signed and be signed:

(i) With a secure electronic signature;

(ii) With the symbol "/s/" followed by the attorney's name, state bar number, and full contact information; or

(iii) By hand and the entire document scanned and submitted in searchable .pdf format (adobe acrobat or comparable software); the party or person submitting the electronic document must maintain the original signed paper document for at least sixty days beyond the close of the docket, proceeding, or matter in which it is filed, including any period of judicial review.

(b) *Other signatures.* An electronic document that requires a signature and is signed by a person who is not an attorney acting in a representative role must include the date on which it was signed and be signed:

(i) With a secure electronic signature;

(ii) With the symbol "/s/" followed by the person's name, title, company, street address, telephone number, and email address; or

(iii) By hand and the entire document scanned and submitted in searchable .pdf format (adobe acrobat or comparable software); the

party or person submitting the electronic document must maintain the original signed paper document for at least sixty days beyond the close of the docket, proceeding, or matter in which it is filed, including any period of judicial review, or for as long as the document is effective, whichever period of time is longer.

(c) *Signatures subject to penalty of perjury.* An electronic document required to be signed under penalty of perjury must include the date on which it was signed and be signed by the person subject to penalty of perjury:

(i) With a secure electronic signature; or

(ii) By hand and the entire document scanned and submitted in searchable .pdf format (adobe acrobat or comparable software); the party or person submitting the electronic document must maintain the original signed paper document for at least sixty days beyond the close of the docket, proceeding, or matter in which it is filed, including any period of judicial review, or for as long as the document is effective, whichever period of time is longer.

(4) **Effect.**

(a) *Submissions.* An electronic document submitted to the commission in compliance with this rule shall bind each person whose electronic signature is incorporated in, attached to, or otherwise logi-

cally associated with the document and shall be deemed the equivalent of an original signed document.

(b) *Commission communications.* All notices, orders, or other documents issued, entered, or served by the commission with one or more electronic signatures in compliance with this rule and WAC 480-07-170 are official communications of the commission.

[]

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 480-07-143	Submitting documents in rule-making proceedings.
WAC 480-07-145	Filing documents in adjudicative proceedings.