

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

In the Matter of Amending)	
)	DOCKET NO. TG-041349
WAC 480-70-396, Billing, and)	
WAC 480-70-401, Payment options,)	GENERAL ORDER NO. R-515
)	
)	
Relating to Solid Waste and/or)	ORDER AMENDING RULES
Refuse Collection Companies)	PERMANENTLY
)	
)	
.....)	

1 **STATUTORY OR OTHER AUTHORITY:** The Washington Utilities and Transportation Commission takes this action under Notice WSR # 04-19-148, filed with the Code Reviser on September 22, 2004. The Commission brings this proceeding pursuant to RCW 81.04.160 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:** 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.

5 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.

6 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 open meeting where the Commission considered whether to propose specific language for adoption, and file a Notice of Proposed Rulemaking (CR-102). Together, the documents provide a complete but concise explanation of the agency actions and its reasons for taking those actions.

7 **REFERENCE TO AFFECTED RULES:** This rulemaking amends the following sections of the Washington Administrative Code:

WAC 480-70-396 Billing.

Adds the option for companies to provide regular billings in electronic form upon the customer's request.

WAC 480-70-401 Payment options.

Provides a minimum level of payment options companies must allow, such as cash, certified funds (e.g., cashier check or money order), and personal checks. The amendment would allow greater flexibility and opportunity to accept payments electronically.

8 **PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS**

THEREUNDER: The Commission filed a Preproposal Statement of Inquiry (CR-101) on August 4, 2004 at WSR # 04-16-120.

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

STATEMENT: The statement advised interested persons that the Commission was considering entering a rulemaking to consider expansion of payment options provided by solid waste/refuse companies and the use of electronic billing to customers on request, by amending WAC 480-70-396, Billing, and WAC 480-70-401, Payment options. 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 solid waste companies and interested stakeholders such as Washington Refuse and Recycling Association (WRRRA). The Commission posted the relevant rulemaking information on its internet web site at <http://www.wutc.wa.gov>.

10 **WRITTEN COMMENTS:** Pursuant to the notice, the Commission invited written comments and offered to host stakeholder workshops. There were no requests for workshops. The Commission received one written comment, a letter from the Washington Refuse and Recycling Association (WRRRA), an association of solid waste companies. WRRRA's comments supported the proposed amendments to WAC 480-70-396 and WAC 480-70-401.

11 **NOTICE OF PROPOSED RULEMAKING:** The Commission filed a notice of Proposed Rulemaking (CR-102) on September 22, 2004 at WSR #04-19-148. The Commission scheduled this matter for oral comment and adoption under Notice WSR # 04-19-148 at 9:30 a.m., Wednesday, October 27, 2004, 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 no
written comments on the CR-102 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 October 27, 2004,
before Chairwoman Marilyn Showalter and Commissioner Patrick Oshie. No
one presented oral comments at the rulemaking hearing.

14 **COMMISSION ACTION:** After considering all of the information regarding
this proposal, the Commission adopted the proposed rules.

15 **CHANGES FROM PROPOSAL:** There is one word change to the proposed
rules. In WAC 480-70-396, Billing, subsection (4), the last sentence: the first
reference to "request" is replaced with "consent."

16 **STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE:** In
reviewing the entire record, the Commission determines that WAC 480-70-396,
Billing, and WAC 480-70-401, Payment options, 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

17 **THE COMMISSION ORDERS:**

18 WAC 480-70-396, Billing, and WAC 480-70-401, Payment options, are 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).

19 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 27th day of October, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

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 2, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

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.