

secretary is authorized to do so without express direction only when: i) a majority of the commissioners has previously reached a decision on the merits of the particular matter, and ii) entry of the order cannot be deferred pending commissioner availability.

NEW SECTION

WAC 480-07-904 Delegation of authority to the executive secretary to decide certain matters. ⁽¹⁾ The commission delegates the following matters for decision. The decision shall take effect immediately on entry of an order, without prior notice, but the commission will review the matter upon request under subsection ~~(d)~~ ^{(1)(c)} of this rule at a commission open meeting. Commission review of delegated decisions under this provision will be *de novo*. ^{to the executive secretary}

(a) Matters delegated for decision.

(i) Applications for funding highway-railroad grade crossing improvements under the grade crossing protection fund for applications under WAC 480-62-405(1)(a).

(ii) Petitions for approval of changes to existing highway-railroad grade crossings, including installation or modification of signals; reconstruction of the crossing; or implementation of changes in design or construction.

(iii) Applications by water companies for removal from regulation or for the commission to exercise regulation under RCW 80.04.010.

(iv) Applications for approval of a) fully negotiated ^{interconnection} telecommunications interconnection agreements and b) adoptions of existing agreements.

(v) Applications for less than statutory notice approval of transportation company fuel surcharges and requests for rate increases limited to passing through costs that are authorized for pass-through, such as tipping fees.

(vi) Requests for approval of solid waste company management plans.

(vii) Applications for less than statutory notice approval of tariff revisions that are not opposed by commission staff.

(viii) Securities filings.

(ix) Petitions for telephone number resource allocation.

(x) Petitions for mitigation of penalties when the petitioner does not request a hearing, or when commission staff supports the request for mitigation.

(xi) Requests for approval of service area agreements.

(xii) Requests for extensions of time to make filings under deadlines set by rule or order, not including deadlines related to any pending adjudication.

(xiii) Contracts for service at terms other than those established by rule or tariff.

(xiv) Petitions for accounting orders.

(b) **Notice.** The commission will post on its internet web site for at least 14 days a listing of all matters decided pursuant to subsection (1)(a), above, showing the docket number, date of entry of decision, and company name. The commission will publish notice of listings weekly via electronic mail to persons requesting such notice.

(c) **Opportunity for review.** Any affected person may request a commission decision reviewing any matter under subsection (1)(a) of this section by asking for commission consideration no later than the fourteenth day after the date of the posting. The commission will provide a form for this purpose on the commission's web site. The

where an order is required by statute or rule

carrier may contest suspension by requesting a brief adjudication or an adjudication. *WAC 480-51.*

(2) Orders vacating suspension of a certificate if the carrier corrects conditions leading to suspension and orders of abeyance if the respondent requests a brief adjudication or an adjudication. *WAC 480-51.*

(3) Orders canceling previously suspended certificate if the carrier fails to correct conditions leading to suspension and fails to timely request an adjudication or brief adjudication. *WAC 480-51.*

(i) **Temporary transportation authority.** The commission delegates to the executive secretary decisions in applications for temporary motor carrier or solid waste authority. The decision shall take effect immediately on entry of an order without prior notice of delegation. An applicant whose application is denied, in whole or in part, may obtain review by requesting an adjudication within 20 days following entry of the order. Commission review of delegated decisions under this provision will be *de novo*.

NEW SECTION

WAC 480-07-307 Probable cause determinations. An administrative law judge will review the information or evidence supporting a proposed complaint or penalty assessment and determine whether probable cause exists to issue the complaint or assess penalties. If the judge determines that the information, if proved at hearing and if not rebutted or explained, would support the proposed penalties or sustain the complaint, the judge will sign the complaint or penalty assessment on behalf of the commission. The existence of a finding of probable cause may not in any later stage of the proceeding be considered as support for the proposed penalties or the complaint.

AMENDATORY SECTION

WAC 480-07-825 Initial orders – Petitions for administrative review. * * *

(7) Initial order finality.

(a) The initial order of an administrative law judge will become a final order of the commission unless, within the time for filing petitions for administrative review, i) a party petitions for administrative review, or ii) the commission serves a notice to the parties of its intention to review the initial order.

(b) Parties who seek finality of an initial order before the end of the petition period may waive the right to seek administrative review. If all parties waive review, the order will become final on the day the commission declines to exercise administrative review or when the time for exercising review ends. If the commission exercises administrative review, all parties may state objections and responses as permitted in subsection (8) of this rule.

and issues written notice to the parties

commission will schedule the matter promptly for consideration and will promptly notify the person requesting review of the time and place of the open meeting at which review will be taken.

and the affected company

NEW SECTION

WAC 480-07-905 Delegation of authority to executive secretary to enter *ex parte* orders. The commission authorizes the executive secretary to enter the following *ex parte* orders and other documents in the name of the commission in non-adjudicative matters. Notice of the order will be published, and responses must follow the procedure outlined, in WAC 480-07-904(1)(b) and (c).

(a) Motor Freight Carriers (excluding Household Goods Carriers).

(i) Orders and permits authorizing intrastate transportation of general commodities, materials transported by armored car, or hazardous materials if the applicant satisfies the requirements of WAC 480-14.

(ii) Orders and permits authorizing or reflecting change of carrier name and business structure if the carrier satisfies the requirements of WAC 480-14.

(iii) Orders and permits reinstating previously-held authority if the carrier meets the requirements of WAC 480-14.

(iv) Orders suspending and/or cancelling a permit if the carrier fails to show that it has the required level of insurance in effect for its operations. *WAC 480-14.*¹ The order will tell the carrier (a) that the permit may be reinstated prior to cancellation if the carrier corrects conditions leading to suspension and (b) that the carrier may contest the suspension and/or cancellation by requesting an adjudication or brief adjudication. *WAC 480-14.*

(v) Orders canceling previously-suspended permit authority if the carrier fails to correct conditions leading to suspension, and fails to request an adjudication or brief adjudication during the suspension period. *WAC 480-14.*

(vi) Orders canceling permit authority or dismissing an application by request of carrier or applicant. *WAC 480-14.*

(vii) Orders dismissing an application after notice to the applicant of failure to meet the requirements of WAC 480-14.

(b) Household Goods Carriers.

(1) Permit authority granted by a commission order authorizing permanent, provisional or temporary intrastate transportation of household goods. *WAC 480-15.*

(2) Orders and permits authorizing permanent intrastate transportation of household goods if the applicant satisfies the requirements of WAC 480-15.

(3) Orders and permits authorizing or reflecting change of a carrier's permit name, corporate name, trade name, or addition of a trade name. *WAC 480-15.*

(4) Orders authorizing voluntary suspension of permit authority if the carrier satisfies the requirements of chapter 480-15 WAC.

(5) Orders reinstating voluntarily suspended permit authority if the carrier satisfies the requirements of chapter 480-15 WAC.

¹ NOTE: Italicized citations will be removed before filing with the code reviser.