

MEMORANDUM

February 9, 2006

TO: Mark Sidran, Chairman
Pat Oshie, Commissioner
Phil Jones, Commissioner

FROM: Sharyn Bate, Telecommunications Regulatory Analyst

SUBJECT: Rulemaking to incorporate statutory changes into related WACs pursuant to SSB 5105 re: Transportation Notice and Hearing Rules, Docket T-051359

RE: Adoption Hearing, February 22, 2006 at 2:30 p.m.

Summary

This rulemaking implements last year's agency request legislation that allows the UTC to avoid some routine transportation hearings. No stakeholders have commented, and we expect no comments at the adoption hearing.

Background.

On July 24, 2005, a new law, SSB 5105 took effect. It amended RCW 81.66.060, 81.68.030, 81.68.040, 81.77.030, 81.77.040, and 81.84.020, and added a new section to Chapters 81.70 and 81.68 RCW. The law and new section in Chapter 81.70 RCW relate to the certification of entities regulated by the UTC.

Prior to the amendments, the statutes required the commission to provide a hearing for any certificate holder before the certificate could be suspended or revoked. The UTC must now provide only an opportunity for a hearing in this circumstance, but the agency's administrative rules must be updated before this change can take effect.

On October 10, 2005, the commission filed a Preproposal Statement of Inquiry, CR-101, with the Code Reviser, opening a rulemaking that would consider new language to reflect the revised statutory language. On November 23, 2005, the commission filed an additional CR-101, which supplemented the original CR-101, to consider adding new language or sections to implement the statutory amendments. In addition, it would remove chapter 480-51 WAC, Commercial Ferries, from this inquiry.

On January 18, 2006, the Commission filed a Notice of Proposed Rulemaking (CR-102) in this docket with the Code Reviser. Comments on the proposed rules were solicited on January 23, 2006. No comments have been filed.

Under the amended language, the statutes allow the Commission to provide only notice and an opportunity for a hearing before suspension or revocation. Amended language would also provide notice and an opportunity for hearing to an applicant who requests a certificate to operate in a territory served by an existing certificate holder.

The WAC chapters affected are:

480-31 (Private, Nonprofit Transportation Providers)

480-70 (Solid Waste Collection Companies)

Amendments to rules in Chapter 480-30 WAC (Autotransportation Companies) to incorporate the changes in RCW 81.68.030 and RCW 81.68.040, and the new section added to Chapter 81.68 RCW, will not be included in this rulemaking. They will be addressed in the Bus Rules Rulemaking currently open, Docket No. TC-020497.