

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Amending, Adopting
and Repealing Sections of

WAC 480-04

Relating to the Commission's Public
Access to Information and Records.

DOCKET A-180513

GENERAL ORDER R-594

ORDER REPEALING, AMENDING,
AND ADOPTING RULES
PERMANENTLY

- 1 **STATUTORY OR OTHER AUTHORITY:** The Washington Utilities and Transportation Commission (Commission) takes this action under Notice WSR # 18-16-096, filed with the Code Reviser on July 31, 2018. The Commission brings this proceeding pursuant to RCW 80.01.040 and RCW 80.04.160.
- 2 **STATEMENT OF COMPLIANCE:** This proceeding complies with the Administrative Procedure Act (RCW 34.05), the State Register Act (RCW 34.08), the State Environmental Policy Act of 1971 (RCW 43.21C), and the Regulatory Fairness Act (RCW 19.85).
- 3 **DATE OF ADOPTION:** The Commission adopts this rule on the date this Order is entered.
- 4 **CONCISE STATEMENT OF PURPOSE AND EFFECT OF THE RULE:** RCW 34.05.325(6) requires the Commission to prepare and publish a concise explanatory statement about an adopted rule. The statement must identify the Commission's reasons for adopting the rule, describe the differences between the version of the proposed rules published in the register and the rules adopted (other than editing changes), summarize the comments received regarding the proposed rule changes, and state the Commission's responses to the comments reflecting the Commission's consideration of them.

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 19, 2018

TIME: 3:15 PM

WSR 18-20-007

5 To avoid unnecessary duplication in the record of this docket, the Commission designates the discussion in this Order, including appendices, as its concise explanatory statement, supplemented where not inconsistent by the Commission staff (Staff) memoranda preceding the filing of the CR-102 proposal and the adoption hearing. Together, these documents provide a complete but concise explanation of the agency actions and its reasons for taking those actions.

6 **REFERENCE TO AFFECTED RULES:** This Order amends, adopts, and repeals the following sections of the Washington Administrative Code:

Adopt	WAC 480-04-005	Authority and purpose.
Amend	WAC 480-04-020	Definitions.
Amend	WAC 480-04-035	Contact information.
Amend	WAC 480-04-050	Public information available without making a request for public records.
Amend	WAC 480-04-060	Public records available; hours for inspection and copying.
Amend	WAC 480-04-065	Index of significant decisions.
Amend	WAC 480-04-090	Requests for public records.
Amend	WAC 480-04-095	Responding to requests for public records.
Amend	WAC 480-04-100	Copying charges.
Amend	WAC 480-04-120	Review of denials of public records requests.
Amend	WAC 480-04-130	Protection of public records.
Repeal	WAC 480-04-030	Organization of the Washington utilities and transportation commission.

7 **PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS THEREUNDER:** The Commission filed a Preproposal Statement of Inquiry (CR-101) on June 8, 2018, at WSR # 18-13-020. The statement advised interested persons that the Commission was considering making additions and amendments to certain sections in WAC Chapter 480-04 Public Access to Information and Records. The statement further explained that Commission last updated this chapter of its rules in 2006 and believes that the current rules may need to be supplemented, improved, or clarified to better reflect changes in the law and Commission practices since that time. The Commission also informed persons of this inquiry by providing notice of the subject and the CR-101 to everyone on the Commission's list of persons requesting such information pursuant to RCW 34.05.320(3), to all interested persons in the current procedural rules rulemaking docket

A-130355, to all regulated companies and lists of attorneys, as well as to all lists of persons interested in Commission rulemakings. Pursuant to the notice, the Commission received comments on or around July 10, 2018.

- 8 **SMALL BUSINESS ECONOMIC IMPACT ANALYSIS:** On July 3, 2018, the Commission issued a Small Business Economic Impact Questionnaire to all interested persons. The Commission received no responses to this questionnaire. The proposed rules primarily reflect current Commission practice, and the Commission has no basis to find that any costs businesses will incur to comply with the rules will be more than minor. Pursuant to RCW 19.85.030(1)(a), therefore, no small business economic impact statement is required.
- 9 **NOTICE OF PROPOSED RULEMAKING:** The Commission filed a notice of Proposed Rulemaking (CR-102) on July 31, 2018, at WSR #18-16-096. The Commission scheduled this matter for oral comment and adoption under Notice WSR #18-16-096 at 9:30 a.m., Monday, September 10, 2018, in the Commission’s Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington. The notice provided interested persons the opportunity to submit written comments to the Commission.
- 10 **WRITTEN COMMENTS:** The Commission requested written comments on the proposed rules on or about August 31, 2018. The Commission received no comments.
- 11 **RULEMAKING HEARING:** The Commission considered the proposed rules for adoption at a rulemaking hearing on Monday, September 10, 2018, before Chairman David W. Danner, Commissioner Ann E. Rendahl, and Commissioner Jay M. Balasbas. The Commission heard a presentation and comments from Gregory J. Kopta, Administrative Law Judge, representing Staff. No other person made any comments.
- 12 **CHANGE TO PROPOSED RULE:** At the adoption hearing, Staff noted that two subsections of proposed WAC 480-04-100 refer to a Commission internal policy on public records that is not publicly accessible. Staff, therefore, recommended that the Commission delete those references from the rule and simply refer inquiries concerning fees for obtaining copies of documents to the Commission’s records center. We agree with Staff’s recommendation and amend the proposed rule accordingly.

- 13 **COMMISSION ACTION:** After considering all of the information regarding this proposal, the Commission finds and concludes that it should amend, repeal, and adopt the rules as proposed in the CR-102 at WSR # 18-16-096 with the following changes discussed in paragraph 12 above:

WAC 480-04-100 In subsection (2), substitute “Persons may obtain the” for “The commission publishes its”; delete “the commission’s” before “copying charges”; and delete “in Administrative Policy 5.1c, which is available on the commission’s website or”.

In subsection (5), delete “as provided in Administrative Policy 5.1c” at the end of the first sentence.

- 14 **STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE:** After reviewing the entire record, the Commission determines that the sections in WAC Chapter 480-04 should be repealed, amended, and adopted 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

THE COMMISSION ORDERS:

- 15 The Commission amends, repeals, and adopts WAC 480-04 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).
- 16 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 RCW 80.01 and RCW 34.05 and WAC 1-21.

DATED at Olympia, Washington, September 19, 2018.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION



DAVID W. DANNER, Chairman



ANN E. RENDAHL, Commissioner



JAY M. BALASBAS, 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 1, amended 10, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, amended 10, repealed 1.

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.

Appendix A
Revised Rules