

Chapter 480-80

**UTILITIES GENERAL—
TARIFFS, PRICE LISTS, AND CONTRACTS**

Docket No. U-991301

Stakeholder Clean Draft 2

July 24, 2001

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1 **I. GENERAL RULES**

2
3 **WAC**

4
5 **Amend**

6 **480-80-010 Application of rules.** *[includes subsection (4) from Docket U-991301,*
7 *effective 5/5/01]*

8 (1) The rules in this chapter apply to any utility that is subject to the jurisdiction of the
9 commission as to rates and services under the provisions of RCW 80.04.010, chapter
10 80.28 RCW and chapter 80.36 RCW.

11 (2) The tariff, price list, and contract provisions filed by utilities must conform with
12 these rules. If the commission accepts a tariff, price list, or contract that conflicts with
13 these rules, the acceptance does not constitute a waiver of these rules unless the
14 commission specifically approves the variation consistent with WAC 480-80-0X1,
15 Exemption from rules in chapter 480-80 WAC. Tariffs, price lists, or contracts that
16 conflict with these rules without approval are superseded by these rules.

17 (3) Any affected person may ask the commission to review the interpretation of
18 these rules by a utility or customer by posing an informal complaint under WAC 480-09-
19 150, Informal complaints, or by filing a formal complaint under WAC 480-09-420,
20 Pleadings and briefs--Application for authority--Protests.

21 (4) Competitively classified telecommunications utilities previously granted
22 exemptions from chapter 480-80 WAC Utilities General – Tariffs are not exempt from
23 Part I. General Rules, WAC 480-80-2X1 through 480-80-2X5, WAC 480-80-3X4 and
24 WAC 480-80-3X5. Exemptions from the provisions of chapter 480-80 WAC include only
25 the provisions in effect at the time the exemption was granted.

26 (5) No deviation from these rules is permitted without written authorization by the
27 commission. Violations will be subject to penalties as provided by law.

28 (6) On or after the effective date of these rules:

29 (a) Any tariff currently on file and in effect is not required to be refiled to comply
30 with these rules; or

31 (b) Any tariff filing that is pending is not required to be refiled to comply with
32 these rules.

33 (7) After the effective date of these rules any tariff, price list, or contract filing
34 must comply with these rules.

35
36 **Comments:**

37 1. *Revisions reflect common language adopted in other rulemakings.*

38
39
40 **New Section**

41 **480-80-0X1 Exemptions from rules in chapter 480-80.**

42 (1) The commission may grant an exemption from the provision of any rule in this
43 chapter, when doing so is consistent with the public interest, the purposes underlying
44 regulation, and applicable statutes.

45 (2) To request a rule exemption, a person must file with the commission a written
46 request identifying the rule for which an exemption is sought, giving a full explanation of
47 the reason for requesting the exemption.

48 (3) The commission will assign the request a docket number, if it does not arise
49 in an existing docket, and will schedule the request for consideration at one of its
50 regularly scheduled open meetings or, if appropriate under chapter 34.05 RCW, in an
51 adjudication. The commission will notify the person requesting the exemption, and
52 other affected persons, of the date of the hearing or open meeting when the
53 commission will consider the request.

54 (4) In determining whether to grant the request, the commission may consider
55 whether application of the rule would impose undue hardship on the petitioner, of a
56 degree or a kind different from hardship imposed on other similarly situated persons,
57 and whether the effect of applying the rule would be contrary to the purposes of the rule.

58 (5) The commission will enter an order granting or denying the request or
59 setting it for hearing, pursuant to chapter 480-09 WAC.

60

61 **Comments:**

62 1. *Reflects common language adopted in other rulemakings.*

63

64

65 **Amend**

66 **480-80-020 Additional requirements.**

67 (1) These rules do not relieve any utility from any of its duties and obligations under the
68 laws of the state of Washington.

69 (2) The commission retains the authority to impose additional or different
70 requirements on any utility in appropriate circumstances, consistent with the
71 requirements of law.

72

73 **Comments:**

74 1. *Reflects common language adopted in other rulemakings.*

75

76

77 **New Section**

78 **480-80-0X2 Severability.**

79 If any provision of this chapter or its application to any person or circumstance is held
80 invalid, the remainder of the chapter or the application of the provision to other persons
81 or circumstances is not affected.

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83 **Comments:**

84 1. *Reflects common language adopted in other rulemakings.*

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New Section

480-80-0X3 Transmittal letter.

The utility must submit a transmittal letter with all tariff, price list, and contract filings. The transmittal letter must:

(1) Identify all new tariffs, price lists, contracts, and tariff, price list, and contract changes;

(2) Explain in understandable terms why the tariff, price list, or contract is being filed;

(3) Convey the requested action in clear and concise terms and define any acronyms used;

(4) If known, refer to the commonly-used name, the advice number, and the docket number;

(5) Describe which services are impacted, and the dollar amount and percentage of increase or decrease if the filing is a rate change. If a combination of changes is filed (i.e. increases and decreases), each change should be described, as well as the net impacts;

(6) Describe the general effect of, and reasons for, the change if tariff, price list, or contract filings involve only text changes; and

(7) Include an authorizing statement in the following form: **[from -280]**

(Name and Title of Issuing Agent) is authorized to issue and file tariffs on behalf of (Utility)_____.

(Signature of Authorizing Agent) (Date)

(Print Name) (Title)

(Utility)

Comments:

1. Staff suggests eliminating the need to sign every sheet of a tariff. Instead, a requirement to include an authorizing letter verifying the authenticity of the tariff will be added. The authorizing statement will also eliminate the need for the commission and utility to maintain an authorized tariff issuer list.
2. Provides guidance for what needs to be included in the transmittal letter as set forth in Commission letter to the utilities dated August 19, 1998.

New Section

128 **480-80-0X4 Telefacsimile filing.**

129 (1) The commission will accept a tariff, price list, or contract filing submitted by
130 telefacsimile transmission if:

131 (a) The filing complies with all other requirements imposed by statute and rule;
132 and

133 (b) The commission receives an original and two copies of the tariff filing the
134 following business day.

135 (2) The commission will use the date and time the telefacsimile is received and
136 printed at the records center as the official file date.

137 (3) The commission records center must receive a telefacsimile filing in its
138 entirety by 5:00 p.m. Pacific time, Monday through Friday, except on state holidays, to
139 be considered received on that business day. *[from -070]*

140

141

142 **New Section**

143 **480-80-0X5 Electronic filing.**

144 The commission may accept a tariff, price list, or contract filing submitted electronically
145 in accordance with commission procedures.

146 (1) Electronic filings must comply with applicable rules.

147 (2) After accepting an electronic tariff filing, the commission will return an e-mail
148 acknowledgment noting the receipt date.

149

150

151 **Amend**

152 **480-80-030 Definitions.**

153 The definitions in this section apply throughout the chapter unless the context clearly
154 requires otherwise:

155 “**Banded rate**” means a rate that has a minimum and maximum rate.

156 “**Commission**” means the Washington utilities and transportation
157 commission.

158 “**Price list**” means a telecommunications company's standard offer to the
159 general public or to other telecommunications utilities of one or more intrastate
160 telecommunications services that the commission has determined to be subject to
161 effective competition.

162 “**RCW**” means the Revised Code of Washington.

163 “**Tariff**” is a document that sets forth terms and conditions of regulated service,
164 including rates, charges, tolls, rentals, rules, and equipment and facilities, and the
165 manner in which rates and charges are assessed for regulated services provided to
166 customers, and rules and conditions associated with offering service. *[from -040]*

167 “**Telefacsimile**” means the transmittal of electronic signals over telephone
168 lines for conversion into written text.

169 “**Utility**” means every public service gas company, electrical company,
170 telecommunications company, water company, or irrigation plant that is subject to the
171 jurisdiction of the commission as to rates and service.

172 “WAC” means the Washington Administrative Code.

173
174
175
176 **II. TARIFFS**

177
178 **New Section**

179 **480-80-1X1 Tariff filing instructions.**

180 (1) A utility that is required to have a tariff on file with the commission must file and
181 maintain its tariff(s) with the commission as required in the RCW’s and WAC’s of the
182 state of Washington.

183 (2) A utility may not give effect to revised tariff sheets until the commission
184 approves the tariff filing by issuing an order or allows the new or changed provisions to
185 become effective by operation of law. **[from –270(1)]**

186 (3) If the commission issues an order directing a utility to refile its tariff, the utility
187 must refile marking each affected sheet **[from -270(2)]** with the docket number.

188 (4) A tariff filing must:

189 (a) Be in accordance with statutory notice requirements;

190 (b) Be clearly marked with the effective date on each revised tariff sheet;

191 (c) Be free from all charges for postage; **[from –060]**

192 (d) Include an original and two copies of each revised tariff sheet; and

193 (e) Be accompanied by a transmittal letter in compliance with the provisions of
194 WAC 480-80-0X3.

195 (5) The tariff filing must meet the requirements contained in applicable RCW’s
196 and WAC’s. Specifically, utilities are subject to rules regarding rate filings in chapter
197 480-09 WAC, including but not limited to:

198 (a) WAC 480-09-015 - Submission of “confidential” information;

199 (b) WAC 480-09-101 - When communications are received;

200 (c) WAC 480-09-120 - Filing and service filing by telefacsimile; number of copies;

201 (d) WAC 480-09-330 - Filing requirements – General rate increases;

202 (e) WAC 480-09-337 - Filing requirements – General rate increases water
203 utilities; and

204 (f) WAC 480-09-340 - Compliance filings.

205 (6) The tariff filing must include information sufficient to justify that the tariff filing
206 is in the public interest.

207 (7) When a revised tariff sheet(s) becomes effective, the commission will return
208 one copy of the transmittal letter and one copy of each revised tariff sheet to the utility
209 marked with the receipt date. **[from –050]**

210 (8) The commission may require a utility to refile a complete tariff depending on
211 the extent of the tariff changes. **[from –350]**

212
213 **Comments:**

214 1. Clarifies that a tariff is either approved by the Commission through an order or a
215 tariff is allowed to go into effect by operation of law.

216 2. Clarifies that “an original and two copies” refers to the revised tariff sheet(s).

217
218
219

New Section

220 **480-80-1X2 Tariff content.**

221 (1) Title page. The first sheet of the tariff must include:
222 (a) Tariff number;
223 (b) The cancelled tariff number, when applicable;
224 (c) The types of services covered by the tariff;
225 (d) An identification of the territory to which the tariff applies;
226 (e) Effective date of the sheet; and
227 (f) The complete name, address, phone number, unified business identifier (UBI)
228 number, and if available, the electronic mail address and web page address of the
229 issuing utility. **[from –200]**

230 (2) Index or table of contents. The second section of the tariff must be updated,
231 when applicable, whenever a tariff sheet is added, revised, or cancelled. It must
232 include:

- 233 (a) Tariff number;
- 234 (b) Name of the utility issuing the tariff;
- 235 (c) Effective date of the revised index or table of contents sheet; and
- 236 (d) A complete and accurate list of the contents of the tariff. **[from –210]**

237 (3) **Legend of Symbols.** This section must identify all symbols used in the tariff
238 to identify changes resulting from the filing of the specific sheet change. The list must
239 include the required symbols and their meanings, and any other utility-specific symbol
240 with its meaning consistent with the requirements identified in WAC 480-80-1X3(6).

241 (4) **Rules section.** The rules section sets forth the conditions governing services
242 under the tariff.

- 243 (a) The rules section must include the following, when applicable:
 - 244 (i) Application for service;
 - 245 (ii) Definition of service;
 - 246 (iii) Reconnection charge;
 - 247 (iv) Service connection;
 - 248 (v) Installation of meters;
 - 249 (vi) Distribution main extension and line extension (except where filed as a
250 rate schedule);

251 (vii) Responsibility for, and maintenance of, distribution plant and service
252 lines;

- 253 (viii) Access to premises;
- 254 (ix) Interruptions to service;
- 255 (x) Bills;
- 256 (xi) Deposits;
- 257 (xii) Delinquent accounts;
- 258 (xiii) Discontinuance of service; and
- 259 (xiv) The method the utility will use to give notice to its customers of
260 changes within the limits of a banded rate. **[from – 220(1)]**

261 (b) Gas companies must include the requirements set out in:

- 262 (i) WAC 480-90-233(2) Purchased gas adjustment (may be included in
263 rules section or rates section);
264 (ii) WAC 480-90-330(1) Heating value of gas; and
265 (iii) WAC 480-90-343 Statement of meter test procedures.
266 (c) Electric companies must include the requirements set out in WAC 480-100-
267 343 Statement of meter test procedures.
268 (d) Rules for specific services may be included in either the rate schedule section
269 or the rules section.
270 (5) **Rate schedule section.**
271 (a) Rate schedule sheets must include the following, when applicable:
272 (i) Schedule number;
273 (ii) Title describing service (may include customer class, location available,
274 and whether service is optional);
275 (iii) Availability;
276 (iv) Rate;
277 (v) Minimum charge;
278 (vi) Discount; and
279 (vii) All other factors entering into the computation of the bills under the
280 schedule.
281 (b) Telecommunications companies must also provide the following information,
282 when applicable, based upon the type of service offered:
283 (i) **Exchange service rate schedules** that include:
284 (A) Primary rate schedules;
285 (B) Private branch exchange rate schedules;
286 (C) Miscellaneous rate schedules; and
287 (D) Exchange area maps.
288 (ii) **Inter-exchange service rate schedules** that include:
289 (A) Basic rate schedules;
290 (B) Supplementary rate schedules; and
291 (C) List of toll points. **[From -230]**
292

293 **Comments:**

- 294 1. *Removes the requirement to include telegraph rate schedules as Staff believes it*
295 *is no longer applicable.*
296 2. *Removes the requirement for Base Rate Maps.*
297

298 **New Section**

300 **480-80-1X3 Tariff format.**

301 (1) **Tariff format.** A utility must clearly print or type all tariffs on eight and one-half inch
302 by eleven-inch paper, with at least one-half inch margins on each side. **[from -140].**
303 Tariffs filed electronically must be capable of being printed according to procedures
304 identified by the commission.

305 (2) **Tariff numbering.**

306 (a) A utility filing more than one kind of service, such as electric and gas, must
307 file separate tariffs for each type of service.

308 (b) Each completely new tariff filing must use the next available WN U-number.
309 The WN U-number must be the official designation of the tariff. **[From –150]**

310 (3) **Sheet requirements.** Every sheet of the tariff must contain:

311 (a) A tariff number;

312 (b) A tariff sheet number;

313 (c) The name of the utility issuing the tariff;

314 (d) The effective date; **[From -160]** and

315 (e) A blank area in the upper right hand corner, at least two inches wide and one
316 and one-half inches high, for commission use.

317 (4) **Sheet numbering.**

318 (a) Each tariff sheet must have a different sheet number.

319 (b) The first time a tariff sheet is published, a utility must mark it as “original
320 sheet.”

321 (c) The utility must use the same sheet number on all subsequent changes and
322 number the revised sheets sequentially as follows:

323

324 On the first revision, designate the sheet as:

325

326 FIRST REVISION OF SHEET

327 CANCELLING

328 ORIGINAL SHEET

329

330 On the second revision, designate the sheet as:

331

332 SECOND REVISION OF SHEET

333 CANCELLING

334 FIRST REVISION OF SHEET

335

336 (d) Each tariff revision sheet must use consecutive revision numbers and indicate
337 the cancellation of the superseded sheet.

338 (e) The commission will not consider tariff sheets that have been rejected or
339 withdrawn before they become effective when numbering subsequent tariff changes.

340 (f) When a utility cancels and removes a tariff sheet, it must not reactivate the
341 sheet during the life of the tariff unless it is cancelled with a notation that the number is
342 reserved for future use. **[from –180]**

343 (5) **Reserving sheet numbers.** As a utility constructs its initial tariff, it may
344 consider reserving sheet numbers for future filings of additional rates and rules. This
345 will assure that future filings will be in proper relation to schedules already filed. **[from-**
346 **190]**

347 (6) **Tariff symbols.** Each time a tariff sheet(s) is revised, a utility must code
348 all changes to the previous version with a tariff symbol.

349 (a) Tariff changes must include symbols that indicate the purpose and effect of
350 the change.

351 (b) A utility must locate the symbols on the right hand side of the changed
352 text directly across from the change.

- 353 (c) A utility must use the following list of symbols to signify:
354
355 **D** - discontinued rate, service, regulation or condition;
356 **N** - new rate, service, regulation, condition or sheet;
357
358 **I** - a rate increase;
359 **R** - a rate reduction;
360
361 **C** - changed condition or regulation;
362
363 **K** - that material has been transferred **to** another sheet in the tariff (A
364 footnote is required on the tariff sheet to identify the material's new
365 sheet number.);
366 **M** - that material has been transferred **from** another sheet in the tariff (A
367 footnote is required on the tariff sheet to identify the material's former
368 sheet number.);
369
370 **T** - a change in text for clarification;
371
372 **O** - no change (This symbol is discretionary unless specifically requested
373 by the commission.).
374

375 (d) A utility may use additional symbols for other purposes as long as the utility-
376 specific symbols are identified in its tariff as provided for in WAC 480-80-1X2(3).
377

378 **Comments:**

- 379 1. *Allows a utility to create and use an additional symbol that may be unique to the*
380 *utility's tariff.*
381 2. *Staff suggests removing the requirement for an issued date. This date is*
382 *confusing. Commission Staff needs to know the date the tariff is received by the*
383 *Commission. Originally it was thought the issued date would serve this purpose, but*
384 *the utility would have no way of knowing what that would be when the tariff is sent by*
385 *mail. Instead, the issued date has been the date the utility prepares its tariff. This*
386 *date is not meaningful for the Commission.*
387 3. *Adds a requirement for a blank space in the upper right hand corner of the tariff*
388 *for commission use.*
389
390

391 **New Section**

392 **480-80-1X4 Substitute pages.**

- 393 (1) The commission may accept substitute pages amending a pending tariff sheet if the
394 substitute pages:
395 (a) Do not materially change the terms and conditions of service contained in the
396 pending tariff sheet;
397 (b) Do not increase the rates contained in the pending tariff sheet; or

- 398 (c) Make typographical corrections to the pending tariff sheet.
399 (2) A utility submitting substitute pages must include a transmittal letter that
400 explains the changes and includes the notation "Do Not Redocket."
401 (3) The commission retains discretion to reject any substitute pages where doing
402 so is in the public interest.

403
404 **Comments:**

- 405 1. *New rule proposed to reflect current procedures.*
406

407
408 **Amend 480-80-045**

409 **480-80-1X5 Banded rate tariff filings.**

410 (1) **Telecommunication companies.** Telecommunications companies may file banded
411 rate tariffs. Banded rate tariff filings must, at a minimum, be accompanied with the
412 following:

413 (a) A statement detailing how the public interest will be better served by a
414 banded rate tariff rather than a tariff with fixed rates;

415 (b) A verifiable cost of service study supporting the contention that the minimum
416 rate in the banded rate tariff covers the cost of the service. Costs will be determined
417 under a long run incremental cost analysis, including the price charged to other
418 telecommunications carriers for any essential function used to provide the service, or
419 any other commission-approved cost method; and

420 (c) Information detailing the revenue impact of the banded rate tariff.

421 (2) **Electric and natural gas companies.** Electric and natural gas companies
422 may file banded rate tariffs for any nonresidential electric or natural gas service that is
423 subject to effective competition from energy suppliers not regulated by the commission.
424 Banded rate tariff filings must, at a minimum, be accompanied with the following:

425 (a) A statement detailing how the public interest will be better served by a
426 banded rate tariff rather than a tariff with fixed rates;

427 (b) A verifiable cost of service study supporting the contention that the minimum
428 rate in the banded rate tariff covers all costs resulting from providing the service and
429 provides a contribution to fixed costs; and

430 (c) Information detailing the revenue impact of the banded rate tariff.
431

432 **Comments:**

- 433 1. *Identifies minimum filing requirements for telephone, electric, and gas banded*
434 *rate tariff filings.*
435

436
437 **Amend 480-80-070**

438 **480-80-1X6 Tariff changes with statutory notice.**

439 (1) The commission must receive tariff changes with thirty days' notice as required by
440 RCW 80.28.060 and RCW 80.36.110. Telecommunications companies that meet the
441 requirements of RCW 80.36.110(2) may file with ten days' notice to the commission.

442 (2) The notice begins with the date the commission receives the tariff changes.
443 The commission will consider tariff changes received on Saturdays, Sundays, and
444 holidays, or after the times identified in subsection (3) as having been received on the
445 following business day.

446 (3) The filing times and requirements for tariff changes are as follows:

447 (a) Mailing. The commission must receive an original and two copies of the
448 revised tariff sheet(s) and a transmittal letter by 5:00 p.m. Pacific time.

449 (b) Telefacsimile filing must be in accordance with WAC 480-80-0X4.

450 (c) Electronic filing must be in accordance with WAC 480-80-0X5.

451

452

453 **Amend 480-80-240**

454 **480-80-1X7 Tariff changes with less than statutory notice.**

455 (1) The commission may allow tariff changes to become effective with less than
456 statutory notice when the utility provides good cause. This process is known as “less
457 than statutory notice” (LSN) handling. A utility filing for LSN handling may use an LSN
458 form supplied by the commission, or a transmittal letter containing at least the following
459 information:

460 (a) Utility information:

461 (i) Name and address of utility;

462 (ii) Unified business identifier (UBI) number;

463 (iii) Telephone number, e-mail address, and facsimile number; and

464 (iv) Name of contact person for the filing.

465 (b) Tariff identification information:

466 (i) Number of the tariff being amended;

467 (ii) Title of the tariff item(s) being amended; and

468 (iii) Number of the tariff sheet being amended.

469 (c) Concise description of the changes being proposed;

470 (d) Reason(s) for requesting LSN handling;

471 (e) Effective date requested; and

472 (f) An authorizing statement in the following form:

473

474 (Name and Title of Issuing Agent) is authorized to issue and file tariffs
475 on behalf of (Utility)_____.

476

477

478 _____ (Signature of Authorizing Agent) (Date)

479

480 _____ (Print Name) (Title)

481

482 _____ (Utility)

483

484

485

486 (2) The revised tariff must include an effective date not less than the required
487 statutory notice period.

488 (3) If the LSN request is granted, the commission will change the effective date to
489 reflect the authorized LSN effective date.

490
491 **Comments:**

- 492 1. *Eliminates the requirement to post the LSN notice in business offices.*
493 2. *Provides an option to use a Commission LSN form.*

494
495
496 **New Section**

497 **480-80-1X8 Tariff changes that do not require statutory notice.** *[from -240(2)]*

498 At least one day before the effective date, a utility must file with the commission tariff
499 changes that do not require statutory notice, which include:

- 500 (1) Initial tariffs filed by a newly regulated utility;
501 (2) A filing for a service not previously provided by the regulated utility's existing
502 tariff;
503 (3) A tariff change that reflects no basic change affecting the public; and
504 (4) A change in a banded rate when notice to customers has been or will be
505 given in accordance with tariff rules applicable to the service.

506
507 **Comments:**

- 508 1. *Clarifies that initial tariffs do not require statutory notice.*

509
510
511 **New Section**

512 **480-80-1X9 Failure to provide statutory notice.** *[from -070]*

513 A tariff issued without the required statutory notice to the commission and the public has
514 the same status as if the tariff had not been issued. A utility must give full statutory
515 notice on any reissued tariff.

516
517
518 **New Section**

519 **480-80-1X10 Withdrawing a tariff filing.**

520 (1) When withdrawing a filing that the commission has not suspended, a utility must
521 submit a letter that includes the following information:

- 522 (a) Name and address of utility;
523 (b) Docket number;
524 (c) Advice number, if applicable;
525 (d) Name of contact person for the withdrawal; and
526 (e) An authorizing statement in the following form:

527
528 (Name and Title of Issuing Agent) is authorized to withdraw the tariff
529 filing on behalf of (Utility)_____.

530
531

532 _____
533 (Signature of Authorizing Agent) (Date)
534 _____
535 (Print Name) (Title)
536 _____
537 (Utility)
538

539 (2) When withdrawing a filing that the commission has suspended, a utility must
540 submit a letter that contains all the information in subsection (1) and explains why it is
541 requesting the withdrawal. The proposed withdrawal will take effect only upon
542 commission order.
543

544 **Comments:**

- 545 1. *Identifies information needed to withdraw a filing.*
546
547

548 **Amend 480-80-300**

549 **480-80-1X11 Rejecting tariff changes.**

550 The commission will reject any tariff change that reflects retroactive rate treatment. The
551 commission may reject any tariff change that is found to be out of compliance with
552 commission rules.
553

554 **Amend 480-80-250**

556 **480-80-1X12 Tariff adoption notice.**

557 (1) A utility must file a tariff adoption notice with the commission if any of the following
558 changes affect an existing tariff:

- 559 (a) Change in ownership;
560 (b) Transfer of all or part of the operating control from one utility to another; or
561 (c) Utility name change.

562 (2) The acquiring utility must file the tariff adoption notice if there is a change in
563 ownership or control. The surviving utility must file the tariff adoption notice if there is a
564 name change.

565 (3) Content of the tariff adoption notice must contain, at a minimum, the following:

566
567 (Name of Utility) adopts and makes its own in every respect all tariffs,
568 supplements and amendments filed with the Washington Utilities and
569 Transportation Commission by (Name of Previous Utility) prior to
570 (Date).
571

572 (4) The tariff adoption notice may be made effective on one day's notice.

573 (5) The utility adopting the tariff must file to incorporate the adopted tariff in its
574 own tariff within sixty days of the date of the filing of the adoption notice **except that** the
575 time limit is one year if the adoption is required due to a name change.

576 **[from -260]**

577 (6) Until the utility that adopted a tariff refiles the tariff in its own name, all
578 changes after the adoption must include:
579 (a) The name of the utility whose tariff was adopted at the top of the sheet;
580 and
581 (b) The name of the utility that adopted the tariff at the bottom of the sheet.
582

583 **Comments:**

- 584 1. *Removes language referring to “if it intends to use the tariff of the former*
585 *operating utility.”*
586 2. *Removes the requirement to post the adoption notice. Notification is addressed*
587 *in the new proposed consumer rules.*
588 3. *Extends the time period for incorporating an adopted tariff into the new utility’s*
589 *tariff due to a name change from 60 days to one year.*
590 4. *Combines 480-80-250 and 480-80-260 into one rule.*
591 5. *Removes the second utility adoption restriction.*
592

593 **Amend 480-80-320**

595 **480-80-1X13 Discontinuing a service or services.**

596 When discontinuing a service or services, a utility must file a cancellation of the tariff to
597 be discontinued or file a revised tariff omitting the item or items discontinued. The utility
598 must include a transmittal letter that identifies the change(s) and explains why it is
599 requesting the discontinuance. Discontinuation filings will be subject to full thirty days'
600 statutory notice, unless made effective by a less than statutory notice order, and will be
601 subject to all other tariff filing provisions.
602

603
604
605 **III. PRICE LISTS**
606

607 *These price list rules replace the price list portion of 480-80-035. Effective 5/5/01 480-*
608 *120-027 was repealed and subsequently adopted as 480-80-035.*

609 **480-80-2X1 Use of price lists.**

610 (1) A utility classified as competitive under RCW 80.36.320 may file a price list to offer
611 any intrastate telecommunications service. A utility that has not been classified as
612 competitive may file a price list to offer any intrastate telecommunications service that
613 has been classified as competitive under RCW 80.36.330.

614 (2) A utility may file a tariff for a service even if the commission has determined
615 that service to be subject to effective competition. If a utility elects to offer a competitive
616 service by tariff, the utility and the service will be subject to all rules and laws applicable
617 to fully regulated services, and any waivers of rule or law otherwise applicable to
618 competitive services or competitive utilities will not apply.
619
620

621 **480-80-2X2 Interpretation and application of price lists.**

622 (1) A price list is not a tariff and is not reviewed or approved by the commission at the
623 time of filing. The commission will, when appropriate, investigate a price list or complain
624 against a price list.

625 (2) If the commission determines that any provisions of a price list are conflicting
626 or ambiguous, it will construe the conflict or ambiguity in favor of the customer.

627
628

629 **480-80-2X3 Price lists format and content.**

630 (1) A price list must include, for each service in the price list, a description of the
631 service, all limitations, terms, or conditions on the offering of that service, if any, and all
632 rates, charges, or prices at which the service is offered.

633 (2) A price list must plainly state the places where the offered
634 telecommunications service will be rendered.

635 (3) A price list must be clearly marked on each page with the effective date.

636 (4) A price list must conform to all applicable laws, rules, and orders. The filing of
637 a non-conforming price list will not be deemed a waiver of the law, rule, or order. Any
638 price list provision that conflicts with a law, rule, or order may not be enforced unless the
639 commission waives that law, rule, or order.

640 (5) A price list of a utility classified as competitive under RCW 80.36.320 may
641 state the rates, charges, or prices as maximum amounts rather than specific prices.

642 (6) A price list of a utility offering a service classified as competitive under RCW
643 80.36.330 may state the rates, charges, or prices as maximum and minimum amounts
644 rather than specific prices. The minimum price must comply with the cost requirement
645 in subsection (8).

646 (7) A price list filing must be accompanied by a transmittal letter in compliance
647 with the provisions of WAC 480-80-0X3.

648 (8) The rates, charges, and prices of services classified as competitive under
649 RCW 80.36.330 must cover the utility's cost of providing the service. Costs will be
650 determined under a long run incremental cost analysis, including the price charged by
651 the offering utility to other telecommunications carriers for any essential function used to
652 provide the service, or any other commission-approved cost method.

653
654

655 **480-80-2X4 Effective date of price list filings.**

656 (1) Any new price list or price list change becomes effective on the later of (a) the
657 effective date stated in the price list, (b) ten days after it is filed with the commission, or
658 (c) ten days after the utility provides to any existing customers actual notice of the
659 change in accordance with WAC 480-120-XXX.

660 (2) This section does not apply to the filing of price lists as a part of a
661 telecommunications utility's application for registration and competitive classification
662 under chapter 480-121 WAC.

663
664

665 **480-80-2X5 Price list availability to customers.**

666 (1) Each utility must maintain a complete copy of the price list that is on file with the
667 commission on a web site accessible to the public using standard web browser
668 software.

669 (2) Each utility must include in each customer bill or notice the Internet address
670 (uniform resource locator) of the web site containing its price list.

671 (3) Each utility must provide to any customer making a written or oral request a
672 copy of the price list applicable to that customer's service. The utility must provide the
673 price list at no charge to the customer. This subsection does not apply if the utility
674 makes available for public inspection, at a location within the customer's exchange, a
675 complete copy of the price list.

676

677

678

679 **IV. CONTRACTS**

680

681 **Amend 480-80-325** *Effective 5/5/01 480-120 027 was repealed and subsequently*
682 *adopted as 480-80-325. Includes part of -326.*

683 **480-80-3X1 Contract for service.**

684 (1) Whenever the classification of service under which the customer is to be served
685 requires that the service must be taken for a specified minimum period, or as otherwise
686 provided by tariff, a contract for service may be executed.

687 (2) Electric, gas, and water companies must provide the commission with a
688 sample of each contract for service form currently used.

689 (3) Upon request, telecommunications companies must provide the commission
690 with a sample of typical contract for service forms currently used within five days.

691

692 ***Comments:***

693 (1) *Revised to recognize stakeholders' observations that a written contract may be*
694 *required in circumstances other than in connection with specified minimum*
695 *periods for service.*

696 (2) *Reduces the requirement to "upon request" for telecommunications utilities only.*

697

698

699 **Amend 480-80-330**

700 **480-80-3X2 Special contracts for telecommunications companies not classified**
701 **as competitive.**

702 (1) Contracts to be filed. Telecommunications companies not competitively classified
703 must file with the commission:

704 (a) All contracts for the retail sale to end-use customers of intrastate
705 telecommunications services that have not been classified as competitive that:

706 (i) State rates, charges, prices, terms, or conditions that are not consistent
707 with any existing tariff; or

708 (ii) Provide for telecommunications services not specifically addressed in

709 the telecommunications company's existing tariffs.
 710 (b) Any significant modification of a previously executed contract will be treated
 711 as a new contract.

712 (c) A service order made pursuant to a filed contract is not itself a contract or
 713 contract amendment and need not be filed with the commission.

714 (2) Duration. All contracts must be for a stated time period.

715 (3) Ratemaking disclaimer. Unless otherwise provided by the commission,
 716 approval of contracts will not be determinative with respect to the expenses and
 717 revenues of the company for subsequent ratemaking considerations.

718 (4) Types of telecommunications contracts. The following types of
 719 telecommunications contracts have special or unique features, effective dates, and
 720 requirements:

721 (a) Federal, state, and local government "firm bid" contracts are governed under
 722 subsection (5).

723 (b) School, library, and rural health care provider contracts entered into pursuant
 724 to 47 CFR, Part 54, are governed under subsection (6).

725 (c) All other retail contracts are governed under subsection (7).
 726

SUMMARY COMPARISON OF THE DIFFERENT TYPES OF RETAIL CONTRACTS			
Subsection	Contract Type	When to File	Effective Date
(5)	Federal, State, and Local Firm Bid	no later than 15 days after acceptance	when filed or later as specified
(6)	47 CFR Part 54; Schools, Libraries, & RHCs	no later than 15 days after acceptance	when filed or later as specified
(7)	All other retail contracts	no later than 30 days prior to the proposed effective date	at least 30 days after filing

727
 728 (5) Federal, state, and local government "firm bid" contracts - filing requirements
 729 and effective dates. Where a government agency asserts its authority to solicit a firm
 730 offer of services and a contract subject to this section is submitted in response to that
 731 solicitation, the telecommunications company must file the contract with the commission
 732 no later than fifteen days after acceptance. The filing must include the same
 733 documentation as required for approval by subsection (7) of this section. The contract
 734 will become effective at the time specified in the contract, but not earlier than when filed
 735 with the commission.

736 (6) School, library, and rural health care provider contracts - filing requirements
 737 and effective dates. A telecommunications company that enters into a contract to
 738 provide service to a school, library, or rural health care provider, as part of the federal
 739 universal service program, must file the contract with the commission upon acceptance

740 by the administrator of the federal universal service program, no later than fifteen days
741 after such acceptance. The filing must include the same documentation as required for
742 approval by subsection (7) of this section. The contract will become effective at the time
743 specified in the contract, but not earlier than when filed with the commission.

744 (7) All other retail contracts - standard filing requirements and effective dates.

745 (a) Contracts must be filed with the commission not less than thirty days before
746 the proposed effective date of the contract.

747 (b) Each application filed for commission approval of a contract must:

748 (i) Include a complete copy of the proposed contract;

749 (ii) Show that the contract meets the requirements of RCW 80.36.170
750 (prohibiting unreasonable preference) and RCW 80.36.180 (prohibiting rate
751 discrimination);

752 (iii) Demonstrate, at a minimum, that the contract charges cover the
753 company's cost of providing the service. Costs will be determined under a long run
754 incremental cost analysis, including the price charged by the offering company to other
755 telecommunications carriers for any essential function used to provide the service, or
756 any other commission-approved cost method.

757 (iv) Summarize the basis of the charge(s) proposed in the contract and
758 explain the derivation of the proposed charge(s) including all cost computations
759 involved; and

760 (v) Indicate the basis for using a contract rather than a filed tariff for the
761 specific service involved.

762 (c) Contracts will become effective on the effective date stated on the contract or
763 thirty days after the filing date, whichever occurs later, unless suspended or rejected by
764 the commission. The commission may approve an earlier effective date, in which event
765 the contract shall not become effective on a date that precedes commission approval.
766 A request for an earlier effective date must include a complete explanation of why an
767 earlier effective date is appropriate.

768 (8) Confidentiality. Filings under this section may be submitted with portions
769 designated "confidential" pursuant to WAC 480-09-015. However, any filing that
770 designates as "confidential" the essential terms and conditions will be rejected by the
771 commission as not in compliance with the public inspection requirement of RCW
772 80.36.100. Essential terms and conditions are:

773 (a) Nature, characteristics, and quantity of the service provided;

774 (b) Duration of the contract, including the stated effective date, ending date, and
775 any options to renew;

776 (c) Charge(s) for service, including minimum charge provisions; and

777 (d) Geographic location(s), such as exchange or city, where service will be
778 provided.

779

780 **Comments:**

781 1. Clarifies current requirements.

782 2. Makes a generic imputation standard more explicit, see subsection (7)(b)(iii).

783

784

785 **Amend 480-80-335**

786 **480-80-3X3 Special contracts for electric, water, and natural gas companies.**

787 (1) Contracts to be filed. Electric, water, and natural gas companies must file with the
788 commission all contracts for the retail sale of regulated utility services to end-use
789 customers that:

790 (a) State charges or conditions that do not conform to any existing tariff; or

791 (b) Provide for utility services not specifically addressed in the utility's existing
792 tariffs.

793 (2) Any significant modification of a previously executed contract will be treated
794 as a new contract for purposes of this section.

795 (3) Essential terms and conditions of all contracts filed pursuant to this section
796 are considered a part of the utility's filed tariffs and are subject to enforcement,
797 supervision, regulation, control, and public inspection as such. The provisions of this
798 chapter will apply except for those provisions governing the filing, notice, and form of
799 tariffs, including those stated in WAC 480-80-XXX through 480-80-XXX.

800 (4) Filing and effective dates. The contract will become effective on the effective
801 date stated on the contract or thirty days after the filing date, whichever occurs later,
802 unless suspended or rejected by the commission. The commission may approve an
803 earlier effective date, in which event the contract shall not become effective on a date
804 that precedes commission approval. A request for an earlier effective date must include
805 a complete explanation of why an earlier effective date is appropriate.

806 (5) Each application filed for commission approval of a contract must:

807 (a) Include a complete copy of the proposed contract;

808 (b) Show that the contract meets the requirements of RCW 80.28.090 (prohibiting
809 unreasonable preference) and RCW 80.28.100 (prohibiting rate discrimination);

810 (c) Demonstrate, at a minimum, that the contract charges recover all costs
811 resulting from providing the service during its term, and, in addition, provide a
812 contribution to the utility's fixed costs;

813 (d) Summarize the basis of the charge(s) proposed in the contract and explain
814 the derivation of the proposed charge(s) including all cost computations involved; and

815 (e) Indicate the basis for using a contract rather than a filed tariff for the specific
816 service involved. If the basis for using a contract is the availability of an alternative
817 service provider, identify that provider.

818 (6) All contracts must be for a stated time period. The commission may approve
819 terms and conditions that prescribe the charge(s) to be applied during the time period, if
820 such charge(s) are found to be appropriate. Unless otherwise provided by the
821 commission, such approval will not be determinative with respect to the expenses and
822 revenues of the utility for subsequent ratemaking considerations.

823 (7) Filings under this section may be submitted with portions designated
824 "confidential" pursuant to WAC 480-09-015. However, any filing that designates the
825 essential terms and conditions of the contract as "confidential" shall be rejected by the
826 commission as not in compliance with the public inspection requirement of RCW
827 80.28.050. Essential terms and conditions are:

828 (a) Identity of the customer;

829 (b) Nature and characteristics of the service provided, including interruptible, firm,
830 or peak delivery;

831 (c) Duration of the contract, including any options to renew;

- 832 (d) Charge(s) for service, including minimum charge provisions;
833 (e) Geographic location where service will be provided; and
834 (f) Additional obligations specified in the contract, if any.
835

836 **Comments:**

- 837 1. *Updates revised WAC reference numbers only.*
838
839

840 *480-80-3X4 and 480-80-3X5 replace the contract portion of 480-80-035. Effective*
841 *5/5/01 480-120-027 was repealed and subsequently adopted as 480-80-035*
842
843

844 **480-80-3X4 Using contracts for services classified as competitive.**

845 (1) If a utility makes an offer of service at prices, terms, or conditions other than those in
846 its price list, and the customer accepts that offer, the utility must provide the service at
847 prices, terms, and conditions consistent with the offer. Except as provided in WAC 480-
848 80-3X5, the utility must file with the commission either a price list change or a customer
849 contract setting out the alternative prices, terms, and conditions.

850 (2) All contracts will be for a stated time period.

851 (3) A contract will be enforceable by the contracting parties according to its terms
852 even if the utility fails to file the contract where required by WAC 480-80-3X5.

853 (4) Any contract for a service classified as competitive under RCW 80.36.330
854 must comply with the cost requirement in WAC 480-80-2X3(8).

855 (5) A contract must not include both "price listed" and "tariffed" services unless
856 the tariffed services are set forth separately (see WAC 480-80-3X2).
857
858

859 **480-80-3X5 Filing contracts for services classified as competitive.**

860 (1) This section applies to services offered by any utility classified as competitive under
861 RCW 80.36.320 and to any service classified as competitive under RCW 80.36.330.
862 However, if a utility has elected, pursuant to WAC 480-80-2X1(3) to offer a competitive
863 service by tariff, the contract rules in WAC 480-80-3X2 applicable to tariffed services
864 apply instead.

865 (2) A utility must file with the commission any contract with an end user for retail
866 intrastate telecommunications service if the service is not included in its price list or the
867 contract contains prices, terms, or conditions other than those in its price list. A utility is
868 not required to file a contract with prices below the maximum prices in the price list, as
869 provided for in WAC 480-80-2X3(5), or within the maximum and minimum prices in the
870 price list, as provided for in WAC 480-80-2X3(6), if the contract otherwise is consistent
871 with the price list.

872 (3) Any significant modification to a previously executed contract is a new
873 contract and must be filed as required by this section.

874 (4) Unless it includes a provision allowing the commission to reject it during the
875 first fifteen days after it is filed, any contract required by subsection (2) to be filed with

876 the commission will become effective on the later of (a) its stated effective date and (b)
877 ten days after it is filed with the commission. The deadline for filing a contract that
878 provides for commission rejection within fifteen days of filing is fifteen days after its
879 stated effective date.

880 (5) Filings under this section may be submitted with portions designated
881 "confidential" pursuant to WAC 480-09-015. However, the commission will reject any
882 filing that designates as "confidential" the essential terms and conditions of a contract
883 as defined in WAC 480-80-3X2(8).

884 (6) A utility filing a contract for a service classified as competitive under RCW
885 80.36.330 must provide information demonstrating that the contract prices comply with
886 the cost requirement in WAC 480-80-2X3(8).
887