



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: July 14, 2023

TIME: 10:23 AM

WSR 23-15-057

Agency: Washington Utilities and Transportation Commission

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose: The Washington Utilities and Transportation Commission's rules, specifically WAC 480-93-240, conflict with the statutes prescribing the method of calculation of pipeline safety fees. The rule requires the Commission to offset pipeline safety fees by the total amount of penalties collected under RCW 19.122.055 (erroneously referenced as RCW 19.122.050), but RCW 19.122.170 directs the Commission to spend those penalty funds on education, not to fund the pipeline safety program. The resulting offset would thus leave the pipeline safety program fund underfunded. Through this emergency rulemaking, to be followed by a permanent rulemaking, the Commission permanently amends WAC 480-93-240 to remove the offset provision to allow the Commission to accurately calculate and invoice pipeline safety program fees.

Citation of rules affected by this order:

- New:
- Repealed:
- Amended: WAC 480-93-240
- Suspended:

Statutory authority for adoption: RCW 80.01.040, RCW 81.01.010, RCW 81.04.160, and RCW 80.24.020

Other authority:

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: The pipeline safety program provides for essential services that are necessary for the preservation of the public safety. Pipeline safety fees must be billed to the pipeline operators by August 1, 2023. Because the permanent rulemaking notice and opportunity to comment time requirements would not allow the rule to be effective in time for the billing cycle, the Commission finds that removing the offset provision immediately through an emergency rulemaking, to be followed by a permanent rulemaking, is in the public interest. This will allow the Commission to ensure that the pipeline safety program fund is sufficiently funded for 2024.

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New ____ Amended ____ Repealed ____

The number of sections adopted on the agency's own initiative:

New ____ Amended 1 Repealed ____

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New ____ Amended ____ Repealed ____

The number of sections adopted using:

Negotiated rule making:	New	____	Amended	____	Repealed	____
Pilot rule making:	New	____	Amended	____	Repealed	____
Other alternative rule making:	New	____	Amended	____	Repealed	____

Date Adopted: July 14, 2023

Name: Amanda Maxwell

Title: Executive Director and Secretary

Signature:

