



# PROPOSED RULE MAKING

## CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: February 12, 2020

TIME: 9:39 AM

WSR 20-05-040

**Agency:** Washington Utilities and Transportation Commission

**Original Notice**

**Supplemental Notice to WSR** \_\_\_\_\_

**Continuance of WSR** \_\_\_\_\_

**Preproposal Statement of Inquiry was filed as WSR 19-17-008 ; or**

**Expedited Rule Making--Proposed notice was filed as WSR** \_\_\_\_\_; or

**Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**

**Proposal is exempt under RCW** \_\_\_\_\_.

**Title of rule and other identifying information:** (describe subject) This rulemaking proposes amending rules and adopting rules in WAC 480-123, universal service, to implement legislation revising and extending the state universal communications service program. Docket UT-190437.

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
March 30, 2020	9:30 a.m.	Room 110 621 Woodland Square Loop SE, Lacey, WA 98503	Public hearing to consider adoption of the proposed rules.

**Date of intended adoption:** March 30, 2020 (Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name: Washington Utilities and Transportation Commission  
Address: 621 Woodland Square Loop SE, Lacey, WA 98503  
Email: [records@utc.wa.gov](mailto:records@utc.wa.gov)  
Fax: (360) 586-1150  
Other:  
By (date) March 13, 2020

**Assistance for persons with disabilities:**

Contact Susan Holman  
Phone: (360) 664-1243  
Fax:  
TTY: (360) 586-8203  
Email: [susan.holman@utc.wa.gov](mailto:susan.holman@utc.wa.gov)  
Other:  
By (date) \_\_\_\_\_

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The proposal would implement conditions for Commission oversight of the state universal communications program including, but not limited to, provider eligibility, buildout requirements, support amounts, reporting requirements and methods to effectively and efficiently distribute program support to eligible providers. Adoption of the rules would provide support to eligible providers that have adopted a plan to provide, enhance or maintain broadband services in its service areas and meet any other Commission requirements.

**Reasons supporting proposal:** See above..

**Statutory authority for adoption:** RCWs 80.01.040, 80.36.630, 80.36.650, 80.36.660, 80.36.670, 80.6.680, 80.36.690 and 80.36.700

**Statute being implemented:** N/A

**Is rule necessary because of a:**

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

**Name of proponent:** (person or organization) Washington Utilities and Transportation Commission

<input type="checkbox"/> Private
<input type="checkbox"/> Public
<input checked="" type="checkbox"/> Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Jing Roth	621 Woodland Square Loop SE, Lacey, WA 98503	(360) 664-1291
Implementation:	Mark L. Johnson	621 Woodland Square Loop SE, Lacey, WA 98503	(360) 664-1115
Enforcement:	Mark L. Johnson	621 Woodland Square Loop SE, Lacey, WA 98503	(360) 664-1115

**Is a school district fiscal impact statement required under RCW 28A.305.135?**  Yes  No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

No: Please explain: The Washington Utilities and Transportation Commission is not an agency to which RCW 34.05.328 applies. The proposed rules are not significant legislative rules of the sort referenced in RCW 34.05.328(5).

**Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- RCW 34.05.310 (4)(b) (Internal government operations)
- RCW 34.05.310 (4)(c) (Incorporation by reference)
- RCW 34.05.310 (4)(d) (Correct or clarify language)
- RCW 34.05.310 (4)(e) (Dictated by statute)
- RCW 34.05.310 (4)(f) (Set or adjust fees)
- RCW 34.05.310 (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW .

Explanation of exemptions, if necessary:

**COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES**

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency’s analysis showing how costs were calculated. The Commission determined based on the information available to it that the proposed rules will not result in or impose more than minor costs. The rules implement legislation that extends and expands a voluntary program through which funds are distributed to eligible telecommunications companies to better enable them to provide services. The only costs these companies incur to comply with the rules (other than costs covered by the distributed funds) are application and regulatory expenses that all regulated utilities incur. The Commission nevertheless distributed a questionnaire seeking information from affected persons concerning the economic impact of the proposed rules. The Commission did not receive any responses to the questionnaire.

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

**Date:** February 12, 2020

**Name:** Mark L. Johnson

**Title:** Executive Director and Secretary

**Signature:**

