

**Chapter 480-80**

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

**Docket No. U-991301**

**Stakeholder Discussion Draft 3**

**September 28, 2001**

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1 **I. GENERAL RULES**

2  
3  
4 **Amend**

5 **480-80-010 Application of rules.**

6 (1) The rules in this chapter apply to any public service company that is subject to the  
7 jurisdiction of the commission as to rates and services under the provisions of RCW  
8 80.04.010, chapter 80.28 RCW and chapter 80.36 RCW.

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14 contracts that conflict with these rules without approval are superseded by these rules.

15 (3) Any affected person may ask the commission to review the interpretation of  
16 these rules by a public service company or customer by posing an informal complaint  
17 under WAC 480-09-150 (Informal complaints), or by filing a formal complaint under  
18 WAC 480-09-420 (Pleadings and briefs--applications for authority—protests).

19 (4) No deviation from these rules is permitted without written authorization by the  
20 commission. Violation will be subject to penalties as provided by law.

21 (5) On or after the effective date of these rules any tariff, price list, or contract  
22 currently on file and in effect, or pending, is not required to be refiled to comply with  
23 these rules.

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25  
26 **New Section**

27 **480-80-0X1 Exemptions from rules in chapter 480-80 WAC.**

28 (1) The commission may grant an exemption from the provision of any rule in this  
29 chapter, if consistent with the public interest, the purposes underlying regulation, and  
30 applicable statutes.

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

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

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

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

46 (6) Competitive telecommunications companies previously granted exemptions  
47 from chapter 480-80 WAC Utilities general – Tariffs are not exempt from Part I. General  
48 rules and Part III. Price lists and contracts: Competitive companies and services.  
49 Exemptions from the provisions of chapter 480-80 WAC include only the provisions in  
50 effect at the time the exemption was granted. This subsection confirms that there is no  
51 change in exemptions previously granted to telecommunications companies that have  
52 been classified as competitive as a result of:

- 53 (a) Moving rules between Chapter 480-80 and Chapter 480-120; and
- 54 (b) Renumbering sections within Chapter 480-80 and Chapter 480-120.

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57

**Amend**

58 **480-80-020 Additional requirements.**

59 (1) These rules do not relieve any public service company from any of its duties and  
60 obligations under the laws of the state of Washington.

61 (2) The commission retains the authority to impose additional or different  
62 requirements on any public service company in appropriate circumstances, consistent  
63 with the requirements of law.

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66

**New Section**

67 **480-80-0X2 Severability.**

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

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73

**Amend**

74 **480-80-030 Definitions.**

75 The definitions in this section apply throughout the chapter unless the context clearly  
76 requires otherwise:

77 “**Advice number**” means a number assigned by the applicant to a tariff filing or  
78 contract filing for internal tracking purposes.

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

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

81 “**Competitive telecommunications company**” means a telecommunications  
82 company that has been classified as competitive by the commission pursuant to RCW  
83 80.36.300.

84 “**Noncompetitive telecommunications company**” means every  
85 telecommunications company that has not been classified as competitive by the  
86 commission.

87           **“Price list”** means a telecommunications company's standard offer to the  
88 general public or to other telecommunications companies of one or more intrastate  
89 telecommunications services that the commission has determined to be subject to  
90 effective competition.

91           **“Public service company”** means every gas company, electric company,  
92 telecommunications company, water company, or irrigation plant that is subject to the  
93 jurisdiction of the commission as to rates and service.

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

95           **“Tariff”** is a document that sets forth terms and conditions of regulated service,  
96 including rates, charges, tolls, rentals, rules, and equipment and facilities, and the  
97 manner in which rates and charges are assessed for regulated services provided to  
98 customers, and rules and conditions associated with offering service.

99           **“Telefacsimile”** or **“fax”** means the transmittal of electronic signals over  
100 telephone lines for conversion into written text.

101           **“Utility”** means every public service company that has not been classified as  
102 competitive by the commission.

103           **“WAC”** means the Washington Administrative Code.

104  
105  
106    **New Section**

107    **480-80-0X3 Delivery of tariff, price list, and contract filings.**

108    (1) The commission will accept a tariff, price list, or contract filing delivered in person, by  
109 mail, fax, or (when procedures are in place) electronic means. The commission will  
110 stamp a filing received on Saturdays, Sundays, and state holidays, or after 5:00 p.m.,  
111 Pacific time, as received on the next business day.

112           (2) In person or by mail.

113           (a) In order to be deemed received on a given day, the commission records  
114 center must receive an original and two copies of the filing(s) and a transmittal letter by  
115 5:00 p.m., Pacific time.

116           (b) A filing delivered by mail must be free from all charges for postage. The  
117 commission records center will return any postage-due filing to the sender.

118           (3) Fax filing.

119           (a) The commission must receive an original and two copies of the filing the  
120 following business day.

121           (b) The commission will use the date and time the fax filing is received and  
122 printed at the records center as the official file date.

123           (c) The commission records center must receive a faxed filing in its entirety by  
124 5:00 p.m., Pacific time, Monday through Friday, except on state holidays, to be  
125 considered received on that business day.

126           (4) Electronic filing.

127           (a) An electronic filing must conform to commission procedures for electronic  
128 filing.

129           (b) After accepting an electronic filing, the commission will return an electronic  
130 mail message noting the receipt date.

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## II. TARIFFS and CONTRACTS: Utilities

### New Section

#### 138 **480-80-1X1 Tariff requirements.**

139 (1) A utility that is required to have a tariff on file with the commission must file and  
140 maintain its tariff(s) as required in the RCW's and WAC's.

141 (2)(a) A utility that provides more than one kind of service, such as electric,  
142 water, or gas, must file a separate tariff for each service type.

143 (b) Each tariff must have an official designation number, printed as WN U-  
144 number. Subsequent tariff designations must be sequentially numbered in ascending  
145 order.

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147

### New Section

#### 149 **480-80-1X2 Tariff content.**

150 The tariff must include:

151 (1) **Title page.** The first sheet of the tariff must contain the following information:

152 (a) Tariff number;

153 (b) The cancelled tariff number, when applicable;

154 (c) The types of services covered by the tariff;

155 (d) An identification of the territory to which the tariff applies;

156 (e) Effective date of the sheet; and

157 (f) The complete name, address, phone number, unified business identifier (UBI)  
158 number, and if available, the electronic mail address and web page address of the  
159 issuing utility.

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

163 (a) Tariff number;

164 (b) Name of the utility issuing the tariff;

165 (c) Effective date of the revised index or table of contents sheet; and

166 (d) A complete and accurate list of the contents of the tariff.

167 (3) **Legend of Symbols.** This section must identify all symbols used in the tariff  
168 to identify changes resulting from the filing of the specific sheet change. The list must  
169 include the required symbols and their meanings, and any other utility-specific symbol  
170 with its meaning consistent with the requirements identified in WAC 480-80-1X5(4).

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

173 (a) The rules section must include the following, when applicable:

174 (i) Application for service;

175 (ii) Definition of service;

176 (iii) Reconnection charge;  
177 (iv) Service connection;  
178 (v) Installation of meters;  
179 (vi) Distribution main or line extension unless specified in a rate schedule;  
180 (vii) Responsibility for, and maintenance of, distribution plant and service  
181 lines;  
182 (viii) Access to premises;  
183 (ix) Interruptions to service;  
184 (x) Bills;  
185 (xi) Deposits;  
186 (xii) Delinquent accounts;  
187 (xiii) Discontinuance of service; and  
188 (xiv) The method the utility will use to give notice to its customers of  
189 changes within the limits of a banded rate.  
190 (b) Gas companies must also include the requirements set out in:  
191 (i) WAC 480-90-233 (Purchased gas adjustment) (may be included in  
192 rules section or rates section);  
193 (ii) WAC 480-90-303 (Heating value of gas); and  
194 (iii) WAC 480-90-343 (Statement of meter test procedures).  
195 (c) Electric companies must also include the requirements set out in WAC 480-  
196 100-343 (Statement of meter test procedures).  
197 (d) Rules for specific services may be included in either the rate schedule section  
198 or the rules section.  
199 **(5) Rate schedule section.**  
200 (a) Rate schedule sheets must include the following, when applicable:  
201 (i) Schedule number;  
202 (ii) A title that accurately describes the service;  
203 (iii) Availability;  
204 (iv) The rates to be paid for the service;  
205 (v) Any special terms or conditions associated with the service or the  
206 calculation of rates to be paid for the service.  
207 (b) Noncompetitive telecommunications companies must also provide the  
208 following information, when applicable, based upon the type of service offered:  
209 (i) **Exchange service rate schedules** that include:  
210 (A) Primary rate schedules;  
211 (B) Private branch exchange rate schedules;  
212 (C) Miscellaneous rate schedules; and  
213 (D) Exchange area maps.  
214 (ii) **Inter-exchange service rate schedules** that include:  
215 (A) Basic rate schedules;  
216 (B) Supplementary rate schedules; and  
217 (C) List of toll points.  
218  
219  
220 **New Section**



221 **480-80-1X3 Tariff format.**

222 **(1) Tariff sheet format.**

223 (a) A utility must clearly print or type all tariffs on eight and one-half inch by  
224 eleven-inch paper, with at least one-half inch margins on each side.

225 (b) The tariff sheet must include a blank space at least two inches wide and one  
226 and one-half inches high in the upper right hand corner of the sheet for commission use.

227 (c) Tariff sheets filed electronically must meet the requirements set forth in the  
228 applicable commission procedures.

229 (2) **Sheet requirements.** Each tariff sheet must specify:

230 (a) The designated tariff number;

231 (b) The tariff sheet revision number;

232 (c) The name of the utility issuing the tariff; and

233 (d) The effective date.

234 (3) **Sheet numbering.** Each tariff sheet must have a unique sheet  
235 number.

236 (a) The utility must designate the initial tariff sheet as the “original sheet.”

237 (b) All subsequent revisions must be in sequential order and indicate the  
238 cancellation of the superseded sheet as follows:

239  
240 On the first revision, designate the sheet as:  
241 FIRST REVISION OF SHEET  
242 CANCELLING  
243 ORIGINAL SHEET  
244

245 On the second revision, designate the sheet as:  
246 SECOND REVISION OF SHEET  
247 CANCELLING  
248 FIRST REVISION OF SHEET  
249

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

252 (e) A utility may reuse revision numbers assigned to sheets that were rejected or  
253 withdrawn for subsequent tariff changes.

254 (f) A utility may not reuse sheet numbers assigned to tariff sheets that are  
255 canceled and removed from the tariff during the life of the tariff unless the utility  
256 specifies that the sheet is reserved for future use.

257 (g) A utility may assign sheet numbers to sheets intended for future use.  
258  
259

260 **New Section**

261 **480-80-1X4 Transmittal letter.**

262 (1) A utility must submit a transmittal letter with all tariff and contract filings. The  
263 transmittal letter must:

264 (a) Identify all new tariffs or contracts, or identify the tariff and contract changes;

265 (b) Explain in understandable terms why the tariff or contract filing is being  
266 submitted;

- 267 (c) Specify the changes requested in clear and concise terms and define any  
268 acronyms used;
- 269 (d) Refer to the commonly-used name of the service, the advice number, if  
270 known, and the docket number, if applicable;
- 271 (e) Include the advice number if the utility uses consecutively numbered advice  
272 letters;
- 273 (f) Describe the general effect of, and reasons for, tariff or contract filings  
274 involving only text changes; and
- 275 (g) Describe which services are affected, and the dollar amount and percentage  
276 of increase or decrease if the filing is a rate change. If a combination of changes is filed  
277 (i.e. increases and decreases), each change should be described, as well as the net  
278 effect on company revenues.
- 279 (2)(a) When the tariff sheets are submitted without a signature, the utility must  
280 include a statement certifying that the submitting person has authority to issue tariff  
281 revisions on behalf of the utility.
- 282 (b) When the tariff sheets are submitted with a signature, such signature  
283 constitutes a certification that the person signing the tariff sheet has the authority to  
284 issue the tariff sheets on behalf of the utility.

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287

### **New Section**

#### 288 **480-80-1X5 Tariff filing instructions.**

- 289 (1) A tariff filing must:
- 290 (a) Comply with statutory notice requirements;
- 291 (b) Specify the requested effective date of the tariff sheet;
- 292 (c) Include an original and two copies of each tariff sheet unless it is filed  
293 electronically; and
- 294 (d) Be accompanied by a transmittal letter in compliance with the provisions of  
295 WAC 480-80-1X4.
- 296 (2) Tariff filings must comply with the requirements set forth in chapter 480-09  
297 WAC, where applicable.
- 298 (3) The tariff filing must include information sufficient to determine that the  
299 proposed tariff is fair, just, and reasonable.
- 300 (4) **Tariff symbols.** Each time a tariff sheet(s) is revised, a utility must  
301 code all changes with the tariff symbol that best reflects the purpose and effect of the  
302 change. A utility:
- 303 (a) Must locate the symbols on the right hand side of the changed text directly  
304 across from the change;
- 305 (b) Must use the following list of symbols to signify:
- 306
- 307 **D** - discontinued rate, service, regulation or condition;
- 308 **N** - new rate, service, regulation, condition or sheet;
- 309
- 310 **I** - a rate increase;
- 311 **R** - a rate reduction;

- 312  
313           **C** - changed condition or regulation;  
314  
315           **K** - that material has been transferred **to** another sheet in the tariff (A  
316           footnote is required on the tariff sheet to identify the material's new  
317           sheet number.);  
318           **M** - that material has been transferred **from** another sheet in the tariff (A  
319           footnote is required on the tariff sheet to identify the material's former  
320           sheet number.);  
321  
322           **T** - a change in text for clarification;  
323  
324           **O** - no change (This symbol is discretionary unless specifically requested  
325           by the commission.); and  
326

327           (c) May use additional symbols for other purposes when it has identified the  
328           symbols in its tariff as provided for in WAC 480-80-1X2(3).

329           (5) If the commission issues an order directing a utility to refile all or a portion of  
330           its tariff, the utility must refile marking each affected sheet with the docket number.

331           (6) A utility must not give effect to revised tariff sheets until the commission  
332           approves the tariff filing by issuing an order or the new or changed provisions become  
333           effective by operation of law.

334           (7) When a tariff sheet(s) becomes effective, the commission will return one copy  
335           of the transmittal letter and one copy of each tariff sheet to the utility marked with the  
336           receipt date.

337           (8) The commission may require a utility to refile the tariff in its entirety should  
338           circumstances warrant it.

339           (9) If the commission issues an order directing a utility to refile its tariff, the utility  
340           must refile marking each affected tariff sheet with the docket number.

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### **New Section**

#### **480-80-1X6 Substitute tariff filings.**

344           (1) A utility may file substitute tariff sheets within a pending tariff filing if:

345           (a) There is no material change to the terms and conditions of service contained  
346           in the pending tariff sheet. This restriction does not apply to changes made to address  
347           commission concerns with the filing;

348           (b) The change does not increase the rates contained in the pending tariff sheet;  
349           or

350           (c) The change is to make typographical corrections to the pending tariff sheet.

351           (2) A utility submitting substitute sheets must include a transmittal letter as set  
352           forth in WAC 480-80-1X4. The substitute filing must include the notation "Do Not  
353           Redocket."  
354

355           (3) The commission retains discretion to reject any substitute tariff sheets where  
356           doing so is in the public interest.

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359

**Amend 480-80-045**

360 **480-80-1X7 Banded rate tariff filings.**

361 (1) **Noncompetitive telecommunication companies.** Noncompetitive  
362 telecommunications companies may file banded rate tariffs. When a noncompetitive  
363 telecommunications company files for a banded rate tariff, the filings must, at a  
364 minimum, be accompanied with the following:

365 (a) A statement supporting the use of a banded rate tariff rather than a tariff with  
366 fixed rates;

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

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

373 (2) **Electric and gas companies.** Electric and gas companies may file banded  
374 rate tariffs for any nonresidential electric or gas service that is subject to effective  
375 competition from energy suppliers not regulated by the commission. When an electric  
376 or gas company files for a banded rate tariff, the filings must, at a minimum, be  
377 accompanied with the following:

378 (a) A statement detailing how the banded rate tariff will serve the public interest  
379 at least as well as a tariff with fixed rates;

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

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

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385

386 **Amend 480-80-070**

387 **480-80-1X8 Tariff changes with statutory notice.**

388 (1) The commission must receive tariff changes not less than thirty days in advance of  
389 the requested effective date as required by RCW 80.28.060 and RCW 80.36.110.

390 Noncompetitive telecommunications companies that meet the requirements of RCW  
391 80.36.110(2) may file with ten days' notice to the commission.

392 (2) The statutory notice period begins on the date the commission receives the  
393 tariff filing, in accordance with WAC 480-80-0X3.

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396 **Amend 480-80-240**

397 **480-80-1X9 Tariff changes with less than statutory notice.**

398 (1) The commission may allow tariff changes to become effective with less than  
399 statutory notice (LSN) when the utility provides good cause. A utility filing for LSN

400 treatment may use an LSN form provided by the commission, or by submitting a  
401 transmittal letter that includes the following information:

- 402 (a) Utility information:
- 403 (i) Name and address of utility;
  - 404 (ii) Telephone number, e-mail address, and facsimile number; and
  - 405 (iii) Name of contact person for the filing.
- 406 (b) Tariff identification information:
- 407 (i) Number of the tariff being amended;
  - 408 (ii) Title of the tariff item(s) being amended, if applicable; and
  - 409 (iii) Number of the tariff sheet being amended.
- 410 (c) Concise description of the changes being proposed;
- 411 (d) Reason(s) for requesting LSN handling; and
- 412 (e) Effective date requested.
- 413 (2)(a) When the tariff sheets are submitted without a signature, the utility must  
414 include a statement certifying that the submitting person has authority to issue tariff  
415 revisions on behalf of the utility.
- 416 (b) When the tariff sheets are submitted with a signature, such signature  
417 constitutes a certification that the person signing the tariff sheet has the authority to  
418 issue the tariff sheets on behalf of the utility.
- 419 (3) A utility requesting LSN must file tariff sheets with an effective date that  
420 reflects the required statutory notice period.
- 421 (4) If the LSN request is granted, the commission will issue an order directing  
422 that the tariff sheets be revised to reflect the authorized LSN effective date.

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425

### **New Section**

426 **480-80-1X10 Tariff changes that do not require statutory notice.**

- 427 (1) A utility must file with the commission tariff changes that do not require statutory  
428 notice at least one day before the effective date.
- 429 (2) Tariff changes that do not require statutory notice include:
- 430 (a) Initial tariffs filed by a newly regulated utility;
  - 431 (b) A filing for a service not previously contained within a regulated utility's  
432 existing tariff;
  - 433 (c) A tariff change that does not affect the public; and
  - 434 (d) A change in a banded rate when notice to customers has been or will be  
435 given in accordance with tariff rules applicable to the service.

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### **New Section**

439 **480-80-1X11 Failure to provide statutory notice.**

440 Except as provided under WAC 480-80-1X9, a tariff filing issued without the required  
441 statutory notice to the commission and the public has the same status as if the tariff  
442 filing had not been issued. A utility must give full statutory notice on any reissued tariff  
443 filing. The commission will promptly notify the utility in writing when a tariff filing is

444 rejected for failure to provide statutory notice, but failure to notify the utility will not affect  
445 the status of the tariff filing.

446

447

448 **New Section**

449 **480-80-1X12 Withdrawing a tariff filing.**

450 (1) When withdrawing a filing a utility must submit a letter that includes the following  
451 information:

452 (a) The name and address of the utility;

453 (b) Docket number;

454 (c) Advice number, if applicable;

455 (d) The name of the contact person for the withdrawal; and

456 (e) An explanation of why it is requesting the withdrawal.

457 (2)(a) When the tariff sheets are submitted without a signature, a utility must  
458 include a statement certifying that the submitting person has authority to issue tariff  
459 revisions on behalf of the utility.

460 (b) When the tariff sheets are submitted with a signature, such signature  
461 constitutes a certification that the person signing the tariff sheet has the authority to  
462 issue the tariff sheets on behalf of the utility.

463

464

465 **Amend 480-80-300**

466 **480-80-1X13 Rejecting tariff changes.**

467 The commission will reject any tariff change that reflects retroactive rate treatment. The  
468 commission may reject any tariff change that does not comply with commission rules.

469

470

471 **Amend 480-80-250**

472 **480-80-1X14 Tariff adoption notice.**

473 (1) A utility must file a tariff adoption notice with the commission when either of the  
474 following changes affect an existing tariff:

475 (a) Transfer of all or part of the operating control or ownership; or

476 (b) Utility name change.

477 (2) The acquiring utility must file the tariff adoption notice if there is a change in  
478 ownership or operating control. The surviving utility must file the tariff adoption notice if  
479 there is a name change.

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

481

482 (Name of Utility) adopts and makes its own in every respect all tariffs,  
483 supplements and amendments filed with the Washington Utilities and  
484 Transportation Commission by (Name of Previous Utility or Prior  
485 Name of the Utility) prior to (Date).

486

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

488 (5) In the event of a change in control or ownership, as described above, the  
489 utility adopting the tariff must file to incorporate the adopted tariff in its own tariff within  
490 sixty days of the date of the filing of the adoption notice. In the event of a name change  
491 the time limit is one year.

492 (6) Until the utility that adopted a tariff refiles the tariff in its own name, all  
493 changes after the adoption must include:

494 (a) The name of the utility whose tariff was adopted at the top of the sheet;  
495 and

496 (b) The name of the utility that adopted the tariff at the bottom of the sheet.

497  
498

499 **Amend 480-80-320**

500 **480-80-1X15 Discontinuing a tariffed service or services.**

501 When discontinuing a service or services, a utility must file to cancel the applicable  
502 tariff sheets in the same manner as required by WAC 480-80-1X1. The commission will  
503 handle discontinuation filings in the same manner and in accordance with the provisions  
504 governing all other tariff filings.

505  
506

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

509 **480-80-1X16 Service contract.**

510 (1) A utility may use service contracts when its tariff requires certain assurances from  
511 the customer for a specific service level such as a commitment to a minimum period of  
512 service.

513 (2) If the utility chooses to use service contracts, the utility must provide the  
514 commission with samples of the service contracts.

515 (a) Electric, gas, and water companies must provide the commission with  
516 samples of all service contracts currently in use.

517 (b) Noncompetitive telecommunications companies must provide the commission  
518 with samples of current service contracts within five days after a request by the  
519 commission.

520  
521

522 **Amend 480-80-330**

523 **480-80-1X17 Special contracts for noncompetitive telecommunications**  
524 **companies.**

525 (1) Contracts to be filed. Noncompetitive telecommunications companies must file with  
526 the commission:

527 (a) All contracts for retail sale to end-use customers of intrastate  
528 telecommunications services not classified as competitive that:

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

531 (ii) Provide for telecommunications services not specifically addressed in  
 532 the noncompetitive telecommunications company's existing tariffs.

533 (b) Any significant modification of a previously executed contract will be treated  
 534 as a new contract.

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

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

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

541 (4) Types of telecommunications contracts. The following types of  
 542 telecommunications contracts have special or unique features, effective dates, and  
 543 requirements:

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

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

548 (c) All other retail contracts are governed under subsection (7).  
 549

| <b>SUMMARY COMPARISON OF THE DIFFERENT TYPES OF RETAIL CONTRACTS</b> |  |  |                                  |
|--|--|--|----------------------------------|
| <b>Subsection</b>  | <b>Contract Type</b>                       | <b>When to File</b>  | <b>Effective Date</b>            |
| (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    |

550  
 551 (5) Federal, state, and local government "firm bid" contracts - filing requirements  
 552 and effective dates. Where a government agency asserts its authority to solicit a firm  
 553 offer of services, and a contract subject to this section is submitted in response to that  
 554 solicitation, the noncompetitive telecommunications company must file the contract with  
 555 the commission no later than fifteen days after acceptance. The filing must include the  
 556 same documentation as required for approval by subsection (7) of this section. The  
 557 contract will become effective at the time specified in the contract, but not earlier than  
 558 when filed with the commission.

559 (6) School, library, and rural health care provider contracts - filing requirements  
 560 and effective dates. A telecommunications company that enters into a contract to  
 561 provide service to a school, library, or rural health care provider, as part of the federal



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

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

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

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

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

572 (ii) Show that the contract meets the requirements of RCW 80.36.170  
573 (Prohibiting unreasonable preference) and RCW 80.36.180 (Prohibiting rate  
574 discrimination);

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

580 (iv) Summarize the basis of the charge(s) proposed in the contract and  
581 explain the derivation of the proposed charge(s) including all cost computations  
582 involved; and

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

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

591 (8) Confidentiality. Filings under this section may be submitted with portions  
592 designated "confidential" pursuant to WAC 480-09-015. However, any filing that  
593 designates as "confidential" the essential terms and conditions will be rejected by the  
594 commission as not in compliance with the public inspection requirement of RCW  
595 80.36.100. Essential terms and conditions are:

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

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

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

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

602

603

604 **Amend 480-80-335**

605 **480-80-1X18 Special contracts for electric, water, and gas companies.**

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

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

610 (b) Provide for utility services not specifically addressed in the electric, water, or  
611 gas company's existing tariffs.

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

614 (3) Essential terms and conditions of all contracts filed pursuant to this section  
615 are considered a part of the electric, water, or gas company's filed tariffs and are  
616 subject to enforcement, supervision, regulation, control, and public inspection as such.

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

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

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

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

628 (c) Demonstrate, at a minimum, that the contract charges recover all costs  
629 resulting from providing the service during its term, and, in addition, provide a  
630 contribution to the electric, water, or gas company's fixed costs;

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

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

636 (6) All contracts must be for a stated time period, except for contracts for water  
637 line extensions. The commission may approve terms and conditions that prescribe the  
638 charge(s) to be applied during the time period, if such charge(s) are found to be  
639 appropriate. Unless otherwise provided by the commission, such approval will not be  
640 determinative with respect to the expenses and revenues of the utility for subsequent  
641 ratemaking considerations.

642 (7) Filings under this section may be submitted with portions designated  
643 "confidential" pursuant to WAC 480-09-015. However, any filing that designates the  
644 essential terms and conditions of the contract as "confidential" shall be rejected by the  
645 commission as not in compliance with the public inspection requirement of RCW  
646 80.28.050. Essential terms and conditions are:

647 (a) Identity of the customer;

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

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

- 651 (d) Charge(s) for service, including minimum charge provisions;  
652 (e) Geographic location where service will be provided; and  
653 (f) Additional obligations specified in the contract, if any.  
654  
655  
656

### 657 **III. PRICE LISTS and CONTRACTS: Competitive Companies and Services**

658

659 *These price list rules replace the price list portion of 480-80-035. Effective 5/5/01 480-*  
660 *120-027 was repealed and subsequently adopted as 480-80-035.*

#### 661 **480-80-2X1 Use of price lists.**

662 (1) A competitive telecommunications company may file a price list instead of a tariff to  
663 offer any intrastate telecommunications service. A noncompetitive telecommunications  
664 company may file a price list instead of a tariff to offer any intrastate  
665 telecommunications service that has been classified as competitive under RCW  
666 80.36.330.

667 (2) A telecommunications company authorized to file a price list may file a tariff  
668 for a service. If a company elects to offer a competitive service by tariff, the company  
669 and the service will be subject to all rules and laws applicable to fully regulated services,  
670 and any waivers of rule or law otherwise applicable to competitive services or  
671 competitive companies will not apply.  
672

#### 673 **480-80-2X2 Interpretation and application of price lists.**

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

677 (2) If the commission determines that a telecommunications company's price list  
678 or other offer of service is ambiguous or conflicts with other offers, it will construe the  
679 conflict or ambiguity in favor of the customer.  
680

681

#### 682 **New Section**

#### 683 **480-80-2X3 Transmittal letter.**

684 A telecommunications company must submit a transmittal letter with all price list and  
685 contract filings. The transmittal letter must:

686 (1) Identify all new price lists or contracts, or identify the price list or contract  
687 changes;

688 (2) Specify the changes requested in clear and concise terms and define any  
689 acronyms used;

690 (3) Refer to the commonly-used name of the service, the advice number, if  
691 known, and the docket number, if applicable;

692 (4) Include the advice number if the company uses consecutively numbered  
693 advice letters;

694 (5) Describe which services are affected, and the dollar amount and percentage  
695 of increase or decrease if the filing is a rate change; and

696 (6) Describe the general effect of, and reasons for, price list or contract filings  
697 involving only text changes.

698  
699

700 **480-80-2X4 Price lists format and content.**

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

704 (2) A price list must:

705 (a) Plainly state the places where the offered telecommunications service will be  
706 rendered;

707 (b) Include the effective date clearly marked on each page;

708 (c) Conform to all applicable laws, rules, and orders. The filing of a non-  
709 conforming price list will not be deemed a waiver of the law, rule, or order. A company  
710 may not enforce a price list provision that conflicts with a law, rule, or order unless the  
711 commission waives that law, rule, or order.

712 (3) A price list of a competitive telecommunications company may state the rates,  
713 charges, or prices as maximum amounts rather than as specific prices.

714 (4) A price list of a noncompetitive telecommunications company offering a  
715 service classified as competitive under RCW 80.36.330 may state the rates, charges, or  
716 prices as maximum and minimum amounts rather than as specific prices. The minimum  
717 price must comply with the cost requirement in subsection (8).

718 (5) A transmittal letter must accompany a price list filing in compliance with the  
719 provisions of WAC 480-80-2X3.

720 (6) The rates, charges, and prices of services classified as competitive under  
721 RCW 80.36.330 must cover the cost of providing the service. Costs must be  
722 determined using a long-run incremental cost analysis, including the price charged by  
723 the offering company to other telecommunications companies for any essential function  
724 used to provide the service, or any other commission-approved cost method.

725

726 **480-80-2X5 Effective date of price list filings.**

727 (1) Any new price list or price list change becomes effective on the later of:

728 (a) The effective date stated in the price list;

729 (b) Ten days after it is filed with the commission, as required by RCW  
730 80.36.320(2) and RCW 80.36.330(2); or

731 (c) Ten days after any existing customers are provided actual notice of the  
732 change in accordance with WAC 480-120-XXX.

733 (2) This section does not apply to the filing of initial price lists as a part of an  
734 application for registration and competitive classification under chapter 480-121 WAC.

735

736 **480-80-2X6 Price list availability to customers.**

737 (1) Each telecommunications company offering service under a price list must maintain  
738 a complete copy of the price list on a web site accessible to the public using standard  
739 web browser software.

740 (2) Each telecommunications company offering service under a price list must  
741 provide to any customer making a written or oral request a copy of the price list sheets  
742 applicable to that customer's service. The telecommunications company must provide  
743 the price list at no charge to the customer. This subsection does not apply if the  
744 telecommunications company makes available for public inspection, at a location within  
745 the customer's exchange, a complete copy of the price list.

746 (3) Each telecommunications company offering service under a price list must  
747 include in each customer bill or notice:

748 (a) The Internet address (uniform resource locator) of the web site containing its  
749 price list; and

750 (b) The toll-free telephone number to use in requesting price list copies and a  
751 statement that there is no charge for the price list copy. If a company is not required by  
752 subsection (2) of this section to provide price list copies, it must instead provide the  
753 address, telephone number, and business hours of the location within the customer's  
754 exchange at which a complete copy of the price list is available for public inspection.

755

756

757 *480-80-2X7 and 480-80-2X8 replace the contract portion of 480-80-035. Effective*  
758 *5/5/01 480-120-027 was repealed and subsequently adopted as 480-80-035*

759 **480-80-2X7 Filing contracts for services classified as competitive.**

760 (1) This section applies to services offered by competitive telecommunications company  
761 and to any service classified as competitive under RCW 80.36.330. However, if a  
762 telecommunications company has elected, pursuant to WAC 480-80-2X1(2), to offer a  
763 competitive service by tariff, the contract rules in WAC 480-80-1X17 applicable to  
764 tariffed services apply instead.

765 (2) A telecommunications company must file with the commission any contract  
766 with an end-user for retail intrastate telecommunications service if the service is not  
767 included in its price list or the contract contains prices, terms, or conditions other than  
768 those in its price list. A telecommunications company is not required to file a contract  
769 with prices below the maximum prices in the price list, as provided for in WAC 480-80-  
770 2X4(3), or within the maximum and minimum prices in the price list, as provided for in  
771 WAC 480-80-2X4(4), if the contract is otherwise consistent with the price list.

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

774 (4) Unless the contract includes a provision allowing the commission to reject it  
775 during the first fifteen days after it is filed, any contract required by subsection (2) to be  
776 filed with the commission will become effective on the later of (a) its stated effective  
777 date or (b) ten days after it is filed with the commission. The deadline for filing a  
778 contract that provides for commission rejection within fifteen days of filing is fifteen days  
779 after its stated effective date.

780 (5) A telecommunications company may submit filings under this section with  
781 portions designated "confidential" pursuant to WAC 480-09-015. However, the  
782 commission will reject any filing that designates as "confidential" the essential terms and  
783 conditions of a contract as defined in WAC 480-80-1X17(8).

784 (6) A telecommunications company filing a contract for a service classified as  
785 competitive under RCW 80.36.330 must provide information demonstrating that the  
786 contract prices comply with the cost requirement in WAC 480-80-2X4(6).

787

788 **480-80-2X8 Using contracts for services classified as competitive.**

789 (1) If a competitive telecommunications company or a company offering a service  
790 classified as competitive makes an offer of service at prices, terms, or conditions other  
791 than those in its price list, and the customer accepts that offer, the company must  
792 provide the service at prices, terms, and conditions consistent with the offer. Except as  
793 provided in WAC 480-80-2X7, the company must file with the commission either a price  
794 list change or a customer contract setting out the alternative prices, terms, and  
795 conditions.

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

797 (3) A contract will be enforceable by the contracting parties according to its terms  
798 even if the telecommunications company fails to file the contract where required by  
799 WAC 480-80-2X7.

800 (4) Any contract for a service classified as competitive under RCW 80.36.330  
801 must comply with the cost requirement in WAC 480-80-2X4(6).

802 (5) A contract must not include both "price listed" and "tariffed" services unless  
803 the tariffed services are set forth separately (see WAC 480-80-1X17).

804