

Chapter 480-80

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

Docket No. U-991301

CR-102 Proposed Draft - Clean
(For consideration at the November 5, 2001, CR-102 Open Meeting)

October 10, 2001

Table of Contents

WAC

***I. GENERAL RULES* 4**

480-80-010 Application of rules. 4

480-80-015 Exemptions from rules in chapter 480-80 WAC..... 4

480-80-020 Additional requirements. 5

480-80-025 Severability..... 5

480-80-030 Definitions..... 5

480-80-031 Delivery of tariff, price list, and contract filings..... 6

***II. TARIFFS and CONTRACTS: Utilities*..... 6**

480-80-101 Tariff requirements. 6

480-80-102 Tariff content. 7

480-80-103 Tariff format. 8

480-80-104 Transmittal letter..... 9

480-80-105 Tariff filing instructions..... 10

480-80-111 Substitute tariff filings..... 11

480-80-112 Banded rate tariff filings..... 11

480-80-121 Tariff changes with statutory notice. 11

480-80-122 Tariff changes with less than statutory notice. 12

480-80-123 Tariff changes that do not require statutory notice. 12

480-80-124 Failure to provide statutory notice. 12

480-80-131 Withdrawing a tariff filing..... 13

480-80-132 Rejecting tariff changes..... 13

480-80-133 Tariff adoption notice..... 13

480-80-134 Discontinuing a tariffed service or services..... 14

480-80-141 Service contract..... 14

480-80-142 Special contracts for noncompetitive telecommunications companies..... 14

480-80-143 Special contracts for gas, electric, and water companies..... 16

***III. PRICE LISTS and CONTRACTS: Competitive Companies and Services* 17**

480-80-201 Use of price lists. 17

480-80-202 Interpretation and application of price lists. 18

480-80-203	Transmittal letter.....	18
480-80-204	Price lists format and content.....	18
480-80-205	Effective date of price list filings.	19
480-80-206	Price list availability to customers.	19
480-80-241	Filing contracts for services classified as competitive.	19
480-80-242	Using contracts for services classified as competitive.	20

1 **I. GENERAL RULES**
2

3 **480-80-010 Application of rules.**

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

7 (2) The tariff, price list, and contract provisions filed by public service companies
8 must conform with these rules. If the commission accepts a tariff, price list, or contract
9 that conflicts with these rules, the acceptance does not constitute a waiver of these
10 rules unless the commission specifically approves the variation consistent with WAC
11 480-80-015 (Exemptions from rules in chapter 480-80 WAC). Tariffs, price lists, or
12 contracts that conflict with these rules without approval are superseded by these rules.

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

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

19 (5) Any tariff, price list, or contract on file and in effect or pending on the effective
20 date of these rules, is not required to be refiled to comply with these rules.
21

22 **480-80-015 Exemptions from rules in chapter 480-80 WAC.**

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

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

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

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

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

41 (6) Competitive telecommunications companies previously granted exemptions
42 from chapter 480-80 WAC Utilities general – Tariffs, are not exempt from Part I. and
43 Part III. of this chapter. Exemptions from the provisions of chapter 480-80 WAC include

44 only the provisions in effect at the time the exemption was granted. This subsection
45 confirms that there is no change in exemptions previously granted to
46 telecommunications companies that have been classified as competitive as a result of:

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

49

50 **480-80-020 Additional requirements.**

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

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

56

57 **480-80-025 Severability.**

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

61

62 **480-80-030 Definitions.**

63 The definitions in this section apply throughout the chapter unless the context clearly
64 requires otherwise:

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

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

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

69 “**Competitive telecommunications company**” means a telecommunications
70 company that has been classified as competitive by the commission pursuant to RCW
71 80.36.300.

72 “**Fax**” means the transmittal of electronic signals over telephone lines for
73 conversion into written text.

74 “**Noncompetitive telecommunications company**” means every
75 telecommunications company that has not been classified as competitive by the
76 commission.

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

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

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

85 “**Tariff**” is a document that sets forth terms and conditions of regulated service,
86 including rates, charges, tolls, rentals, rules, and equipment and facilities, and the

87 manner in which rates and charges are assessed for regulated services provided to
88 customers, and rules and conditions associated with offering service.

89 “Utility” means every public service company that has not been classified as
90 competitive by the commission.

91 “WAC” means the Washington Administrative Code.
92

93 **480-80-031 Delivery of tariff, price list, and contract filings.**

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

98 (2) In person or by mail.

99 (a) In order to be deemed received on a given day, the commission records
100 center must receive an original and two copies of the filing(s) and a transmittal letter by
101 5:00 p.m., Pacific time.

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

104 (3) Fax filing.

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

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

109 (c) The commission records center must receive a faxed filing in its entirety by
110 5:00 p.m., Pacific time, Monday through Friday, except on state holidays, to be
111 considered received on that business day.

112 (4) Electronic filing.

113 (a) An electronic filing must conform to commission procedures for electronic
114 filing.

115 (b) After accepting an electronic filing, the commission will return an electronic
116 mail message noting the receipt date.
117
118
119

120 **II. TARIFFS and CONTRACTS: Utilities**
121

122 **480-80-101 Tariff requirements.**

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

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

127 (b) Each tariff must have an official designation number, printed as WN U-
128 number. Subsequent tariff designations must be sequentially numbered in ascending
129 order.
130

131 **480-80-102 Tariff content.**

132 The tariff must include:

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

134 (a) Tariff number;

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

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

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

138 (e) Effective date of the sheet; and

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

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

145 (a) Tariff number;

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

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

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

149 (3) **Legend of Symbols.** This section must identify all symbols used in the tariff
150 to identify changes resulting from the filing of the specific sheet change. The list must
151 include the required symbols and their meanings, and any other utility-specific symbol
152 with its meaning consistent with the requirements identified in WAC 480-80-105(4).

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

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

156 (i) Application for service;

157 (ii) Definition of service;

158 (iii) Reconnection charge;

159 (iv) Service connection;

160 (v) Installation of meters;

161 (vi) Distribution main or line extension unless specified in a rate schedule;

162 (vii) Responsibility for, and maintenance of, distribution plant and service

163 lines;

164 (viii) Access to premises;

165 (ix) Interruptions to service;

166 (x) Bills;

167 (xi) Deposits;

168 (xii) Delinquent accounts;

169 (xiii) Discontinuance of service; and

170 (xiv) The method the utility will use to give notice to its customers of
171 changes within the limits of a banded rate.

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

173 (i) WAC 480-90-233 (Purchased gas adjustment) (may be included in
174 rules section or rates section);

175 (ii) WAC 480-90-303 (Heating value of gas); and

176 (iii) WAC 480-90-343 (Statement of meter test procedures).

177 (c) Electric companies must also include the requirements set out in WAC 480-
178 100-343 (Statement of meter test procedures).

179 (d) Rules for specific services may be included in either the rate schedule section
180 or the rules section.

181 (5) **Rate schedule section.**

182 (a) Rate schedule sheets must include the following, when applicable:

183 (i) Schedule number;

184 (ii) A title that accurately describes the service;

185 (iii) Availability;

186 (iv) The rates to be paid for the service;

187 (v) Any special terms or conditions associated with the service or the
188 calculation of rates to be paid for the service.

189 (b) Noncompetitive telecommunications companies must also provide the
190 following information, when applicable, based upon the type of service offered:

191 (i) **Exchange service rate schedules** that include:

192 (A) Primary rate schedules;

193 (B) Private branch exchange rate schedules;

194 (C) Miscellaneous rate schedules; and

195 (D) Exchange area maps.

196 (ii) **Inter-exchange service rate schedules** that include:

197 (A) Basic rate schedules;

198 (B) Supplementary rate schedules; and

199 (C) List of toll points.
200

201 **480-80-103 Tariff format.**

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

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

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

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

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

210 (a) The designated tariff number;

211 (b) The tariff sheet revision number;

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

213 (d) The effective date.

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

215 (a) The utility must designate the initial tariff sheet as the "original sheet."

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

218

219 On the first revision, designate the sheet as:

220 FIRST REVISION OF SHEET

221 CANCELLING

222 ORIGINAL SHEET

223
224 On the second revision, designate the sheet as:
225 SECOND REVISION OF SHEET
226 CANCELLING
227 FIRST REVISION OF SHEET
228

229 (c) Each tariff revision sheet must use consecutive revision numbers and indicate
230 the cancellation of the superseded sheet.

231 (d) A utility may reuse revision numbers assigned to sheets that were rejected or
232 withdrawn for subsequent tariff changes.

233 (e) A utility may not reuse sheet numbers assigned to tariff sheets that are
234 canceled and removed from the tariff during the life of the tariff unless the utility
235 specifies that the sheet is reserved for future use.

236 (f) A utility may assign sheet numbers to sheets intended for future use.

237 (4) **Authorizing signature.**

238 (a) When the tariff sheets are submitted without a signature, the utility must
239 include a statement in the transmittal letter certifying that the submitting person has
240 authority to issue tariff revisions on behalf of the utility; or

241 (b) When the tariff sheets are submitted with a signature, such signature
242 constitutes a certification that the person signing the tariff sheet has the authority to
243 issue the tariff sheets on behalf of the utility.
244

245 **480-80-104 Transmittal letter.**

246 A utility must submit a transmittal letter with all tariff and contract filings. The transmittal
247 letter must:

248 (1) Identify all new tariffs or contracts, or identify the tariff or contract changes;

249 (2) Explain in understandable terms why the tariff or contract filing is being
250 submitted;

251 (3) Specify the changes requested in clear and concise terms and define any
252 acronyms used;

253 (4) Refer to the commonly-used name of the service, the advice number, if
254 known, and the docket number, if applicable;

255 (5) Include the advice number if the utility uses consecutively numbered advice
256 letters;

257 (6) Describe the general effect of, and reasons for, tariff or contract filings
258 involving only text changes;

259 (7) Describe which services are affected, and the dollar amount and percentage
260 of increase or decrease if the filing is a rate change. If a combination of changes is filed
261 (i.e. increases and decreases), each change should be described, as well as the net
262 effect on company revenues; and

263 (8) If the utility does not include an authorizing signature on the tariff sheets,
264 include a statement certifying that the submitting person has authority to issue tariff
265 revisions on behalf of the utility.
266

267 **480-80-105 Tariff filing instructions.**

268 (1) A tariff filing must:

269 (a) Comply with statutory notice requirements;

270 (b) Specify the requested effective date of the tariff sheet;

271 (c) Include an original and two copies of each tariff sheet unless it is filed

272 electronically; and

273 (d) Be accompanied by a transmittal letter as set forth in WAC 480-80-104.

274 (2) Tariff filings must comply with the requirements set forth in chapter 480-09

275 WAC, where applicable.

276 (3) The tariff filing must include information sufficient to determine that the
277 proposed tariff is fair, just, and reasonable.

278 (4) **Tariff symbols.** Each time a tariff sheet(s) is revised, a utility must code all
279 changes with the tariff symbol that best reflects the purpose and effect of the change. A
280 utility:

281 (a) Must locate the symbols on the right hand side of the changed text directly
282 across from the change;

283 (b) Must use the following list of symbols to signify:

284

285 **D** - discontinued rate, service, regulation or condition;

286 **N** - new rate, service, regulation, condition or sheet;

287 **I** - a rate increase;

288 **R** - a rate reduction;

289 **C** - changed condition or regulation;

290 **K** - that material has been transferred **to** another sheet in the tariff (A
291 footnote is required on the tariff sheet to identify the material's new
292 sheet number.);

293 **M** - that material has been transferred **from** another sheet in the tariff (A
294 footnote is required on the tariff sheet to identify the material's former
295 sheet number.);

296 **T** - a change in text for clarification;

297 **O** - no change (This symbol is discretionary unless specifically requested
298 by the commission.); and

299

300 (c) May use additional symbols for other purposes when it has identified the
301 symbols in its tariff as provided for in WAC 480-80-102(3).

302 (5) A utility must not give effect to revised tariff sheets until the commission
303 approves the tariff filing by issuing an order or the new or changed provisions become
304 effective by operation of law.

305 (6) When a tariff sheet(s) becomes effective, the commission will return one copy
306 of the transmittal letter and one copy of each tariff sheet to the utility marked with the
307 receipt date.

308 (7) The commission may require a utility to refile the tariff in its entirety should
309 circumstances warrant it.

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

312

313 **480-80-111 Substitute tariff filings.**

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

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

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

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

321 (2) The filing must include a transmittal letter as set forth in WAC 480-80-104.

322 The substitute filing must include the notation "Do Not Redocket."

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

325

326 **480-80-112 Banded rate tariff filings.**

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

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

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

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

339 (2) **Gas and electric companies.** Gas and electric companies may file banded
340 rate tariffs for any nonresidential gas or electric service that is subject to effective
341 competition from energy suppliers not regulated by the commission. When a gas or
342 electric company files for a banded rate tariff, the filings must, at a minimum, be
343 accompanied with the following:

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

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

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

350

351 **480-80-121 Tariff changes with statutory notice.**

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

354 Noncompetitive telecommunications companies that meet the requirements of RCW
355 80.36.110(2) may file with ten days' notice to the commission.

356 (2) The statutory notice period begins on the date the commission receives the

357 tariff filing, in accordance with WAC 480-80-031.
358

359 **480-80-122 Tariff changes with less than statutory notice.**

360 (1) The commission may allow tariff changes to become effective with less than
361 statutory notice (LSN) when the utility provides good cause. A utility filing for LSN
362 treatment may use an LSN form provided by the commission, or may submit a letter that
363 includes the following:

364 (a) Utility information:

- 365 (i) Name and address of utility;
- 366 (ii) Telephone number, e-mail address, and fax number; and
- 367 (iii) Name of contact person for the filing.

368 (b) Tariff identification information:

- 369 (i) Number of the tariff being amended;
- 370 (ii) Title of the tariff item(s) being amended, if applicable; and
- 371 (iii) Number of the tariff sheet being amended.

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

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

374 (e) Effective date requested; and

375 (f) If the utility does not include an authorizing signature on the tariff sheets, a
376 statement certifying that the submitting person has authority to issue tariff changes on
377 behalf of the utility.

378 (2) A utility requesting LSN must file tariff sheets with an effective date that
379 reflects the required statutory notice period.

380 (3) If the LSN request is granted, the commission will issue an order directing
381 that the tariff sheets be revised to reflect the authorized LSN effective date.
382

383 **480-80-123 Tariff changes that do not require statutory notice.**

384 (1) A utility must file with the commission tariff changes that do not require statutory
385 notice at least one day before the effective date.

386 (2) The filing must include a transmittal letter as set forth in WAC 480-80-104.

387 (3) Tariff changes that do not require statutory notice include:

388 (a) Initial tariffs filed by a newly regulated utility;

389 (b) A filing for a service not previously contained within a regulated utility's
390 existing tariff;

391 (c) A tariff change that does not affect the public; and

392 (d) A change in a banded rate when notice to customers has been or will be
393 given in accordance with tariff rules applicable to the service.
394

395 **480-80-124 Failure to provide statutory notice.**

396 Except as provided under WAC 480-80-122, a tariff filing issued without the required
397 statutory notice to the commission and the public has the same status as if the tariff
398 filing had not been issued. A utility must give full statutory notice on any reissued tariff
399 filing. The commission will promptly notify the utility in writing when a tariff filing is

400 rejected for failure to provide statutory notice, but failure to notify the utility will not affect
401 the status of the tariff filing.
402

403 **480-80-131 Withdrawing a tariff filing.**

404 When withdrawing a filing a utility must submit a letter that includes the following:

- 405 (1) The name and address of the utility;
- 406 (2) Docket number;
- 407 (3) Advice number, if applicable;
- 408 (4) The name of the contact person for the withdrawal;
- 409 (5) An explanation of why it is requesting the withdrawal; and
- 410 (6) A statement certifying that the submitting person has authority to withdraw the
411 filing on behalf of the utility.
412

413 **480-80-132 Rejecting tariff changes.**

414 The commission will reject any tariff change that reflects retroactive rate treatment. The
415 commission may reject any tariff change that does not comply with commission rules.
416

417 **480-80-133 Tariff adoption notice.**

418 (1) A utility must file a tariff adoption notice with the commission when either of the
419 following changes affects an existing tariff:

- 420 (a) Transfer of all or part of the operating control or ownership; or
- 421 (b) Utility name change.

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

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

426
427 (Name of Utility) adopts and makes its own in every respect all tariffs,
428 supplements and amendments filed with the Washington Utilities and
429 Transportation Commission by (Name of Previous Utility or Prior
430 Name of the Utility) prior to (Date).
431

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

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

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

- 439 (a) The name of the utility whose tariff was adopted at the top of the sheet;
- 440 and
- 441 (b) The name of the utility that adopted the tariff at the bottom of the sheet.
442

443 **480-80-134 Discontinuing a tariffed service or services.**

444 When discontinuing a service or services, a utility must file to cancel the applicable tariff
445 sheets in the same manner as required by tariff filing instructions set forth in WAC 480-
446 80-105. The commission will handle discontinuation filings in the same manner and in
447 accordance with the provisions governing all other tariff filings.
448

449 **480-80-141 Service contract.**

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

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

455 (a) Gas, electric, and water companies must provide the commission with
456 samples of all service contracts currently in use.

457 (b) Noncompetitive telecommunications companies must provide the commission
458 with samples of current service contracts within five days after a request by the
459 commission.
460

461 **480-80-142 Special contracts for noncompetitive telecommunications companies.**

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

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

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

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

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

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

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

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

478 (4) Types of telecommunications contracts. The following types of
479 telecommunications contracts have special or unique features, effective dates, and
480 requirements:

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

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

485 (c) All other retail contracts are governed under subsection (7).
486

**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

487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517

(5) Federal, state, and local government “firm bid” contracts - filing requirements and effective dates. Where a government agency asserts its authority to solicit a firm offer of services, and a contract subject to this section is submitted in response to that solicitation, the noncompetitive telecommunications company must file the contract with the commission no later than fifteen days after acceptance. The filing must include the same documentation as required for approval by subsection (7)(b) and, if applicable, subsection (8). The contract will become effective at the time specified in the contract, but not earlier than when filed with the commission.

(6) School, library, and RHC provider contracts - filing requirements and effective dates. A telecommunications company that enters into a contract to provide service to a school, library, or RHC provider, as part of the federal universal service program, must file the contract with the commission no later than fifteen days after acceptance by the administrator of the federal universal service program. The filing must include the same documentation as required for approval by subsection (7)(b) and, if applicable, subsection (8). The contract will become effective at the time specified in the contract, but not earlier than when filed with the commission.

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

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

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

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

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

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

(iv) Summarize the basis of the charge(s) proposed in the contract and

518 explain the derivation of the proposed charge(s) including all cost computations
519 involved; and

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

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

528 (8) Confidentiality. Filings under this section may be submitted with portions
529 designated "confidential" pursuant to WAC 480-09-015. However, any filing that
530 designates as "confidential" the essential terms and conditions will be rejected by the
531 commission as not in compliance with the public inspection requirement of RCW
532 80.36.150(1). Essential terms and conditions are:

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

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

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

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

539

540 **480-80-143 Special contracts for gas, electric, and water companies.**

541 (1) Contracts to be filed. Gas, electric, and water companies must file with the
542 commission all contracts for the retail sale of regulated utility services to end-use
543 customers that:

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

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

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

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

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

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

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

560 (b) Show that the contract meets the requirements of RCW 80.28.090
561 (Prohibiting unreasonable preference) and RCW 80.28.100 (Prohibiting rate
562 discrimination);

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

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

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

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

577 (7) Filings under this section may be submitted with portions designated
578 "confidential" pursuant to WAC 480-09-015. However, any filing that designates the
579 essential terms and conditions of the contract as "confidential" shall be rejected by the
580 commission as not in compliance with the public inspection requirement of RCW
581 80.28.050. Essential terms and conditions are:

582 (a) Identity of the customer;

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

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

586 (d) Charge(s) for service, including minimum charge provisions;

587 (e) Geographic location where service will be provided; and

588 (f) Additional obligations specified in the contract, if any.

589

590

591

592 **III. PRICE LISTS and CONTRACTS: Competitive Companies and Services**

593

594 **480-80-201 Use of price lists.**

595 (1) A competitive telecommunications company may file a price list instead of a tariff to
596 offer any intrastate telecommunications service. A noncompetitive telecommunications
597 company may file a price list instead of a tariff to offer any intrastate
598 telecommunications service that has been classified as competitive under RCW
599 80.36.330.

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

605

606 **480-80-202 Interpretation and application of price lists.**

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

610 (2) If the commission determines that a telecommunications company's price list
611 or other offer of service is ambiguous or conflicts with other offers, it will construe the
612 conflict or ambiguity in favor of the customer.
613

614 **480-80-203 Transmittal letter.**

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

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

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

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

623 (4) Describe the general effect of, and reasons for, price list or contract filings
624 involving only text changes.
625

626 **480-80-204 Price lists format and content.**

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

630 (2) A price list must:

631 (a) Plainly state the places where the offered telecommunications service will be
632 rendered;

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

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

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

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

644 (5) A transmittal letter must accompany a price list filing in compliance with the
645 provisions of WAC 480-80-203.

646 (6) The rates, charges, and prices of services classified as competitive under
647 RCW 80.36.330 must cover the cost of providing the service. Costs must be
648 determined using a long-run incremental cost analysis, including the price charged by

649 the offering company to other telecommunications companies for any essential function
650 used to provide the service, or any other commission-approved cost method.
651

652 **480-80-205 Effective date of price list filings.**

- 653 (1) Any new price list or price list change becomes effective on the later of:
654 (a) The effective date stated in the price list;
655 (b) Ten days after it is filed with the commission, as required by RCW
656 80.36.320(2) and RCW 80.36.330(2); or
657 (c) Ten days after any existing customers are provided actual notice of the
658 change in accordance with WAC 480-120-XXX.
659 (2) This section does not apply to the filing of initial price lists as a part of an
660 application for registration and competitive classification under chapter 480-121 WAC.
661

662 **480-80-206 Price list availability to customers.**

- 663 (1) Each telecommunications company offering service under a price list must maintain
664 a complete copy of the price list on a web site accessible to the public using standard
665 web browser software.
666 (2) Each telecommunications company offering service under a price list must
667 provide to any customer making a written or oral request a copy of the price list sheets
668 applicable to that customer's service. The telecommunications company must provide
669 the price list at no charge to the customer. This subsection does not apply if the
670 telecommunications company makes available for public inspection, at a location within
671 the customer's exchange, a complete copy of the price list.
672 (3) Each telecommunications company offering service under a price list must
673 include in each customer bill or notice:
674 (a) The Internet address (uniform resource locator) of the web site containing its
675 price list; and
676 (b) The toll-free telephone number to use in requesting price list copies and a
677 statement that there is no charge for the price list copy. If a company is not required by
678 subsection (2) of this section to provide price list copies, it must instead provide the
679 address, telephone number, and business hours of the location within the customer's
680 exchange at which a complete copy of the price list is available for public inspection.
681

682 **480-80-241 Filing contracts for services classified as competitive.**

- 683 (1) This section applies to services offered by competitive telecommunications company
684 and to any service classified as competitive under RCW 80.36.330. However, if a
685 telecommunications company has elected, pursuant to WAC 480-80-201(2), to offer a
686 competitive service by tariff, the contract rules in WAC 480-80-142 applicable to tariffed
687 services apply instead.
688 (2) A telecommunications company must file with the commission any contract
689 with an end-user for retail intrastate telecommunications service if the service is not
690 included in its price list or the contract contains prices, terms, or conditions other than
691 those in its price list. A telecommunications company is not required to file a contract

692 with prices below the maximum prices in the price list, as provided for in WAC 480-80-
693 204(3), or within the maximum and minimum prices in the price list, as provided for in
694 WAC 480-80-204(4), if the contract is otherwise consistent with the price list.

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

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

703 (5) A telecommunications company may submit filings under this section with
704 portions designated "confidential" pursuant to WAC 480-09-015. However, the
705 commission will reject any filing that designates as "confidential" the essential terms and
706 conditions of a contract as defined in WAC 480-80-142(8).

707 (6) A telecommunications company filing a contract for a service classified as
708 competitive under RCW 80.36.330 must provide information demonstrating that the
709 contract prices comply with the cost requirement in WAC 480-80-204(6).
710

711 **480-80-242 Using contracts for services classified as competitive.**

712 (1) If a competitive telecommunications company or a company offering a service
713 classified as competitive makes an offer of service at prices, terms, or conditions other
714 than those in its price list, and the customer accepts that offer, the company must
715 provide the service at prices, terms, and conditions consistent with the offer. Except as
716 provided in WAC 480-80-241, the company must file with the commission either a price
717 list change or a customer contract setting out the alternative prices, terms, and
718 conditions.

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

720 (3) A contract will be enforceable by the contracting parties according to its terms
721 even if the telecommunications company fails to file the contract where required by
722 WAC 480-80-241.

723 (4) Any contract for a service classified as competitive under RCW 80.36.330
724 must comply with the cost requirement in WAC 480-80-204(6).

725 (5) A contract must not include both "price listed" and "tariffed" services unless
726 the tariffed services are set forth separately (see WAC 480-80-142).
727