

Chapter 480-80

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

Docket No. U-991301

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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
13 480-80-015 (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14 contracts that conflict with these rules without approval are superseded by these rules.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) Any tariff, price list, or contract on file and in effect or pending on the effective
22 date of these rules, is not required to be refiled to comply with these rules.

23
24 ~~(1) These rules shall apply to any public service company, defined as such by the laws~~
25 ~~of the state of Washington, as amended, operating a gas, electric, telecommunications,~~
26 ~~water or irrigation plant which is subject to the jurisdiction of the Washington utilities and~~
27 ~~transportation commission as to rates and service.~~

28 ~~(2) Upon acceptable showing by any utility, the commission may waive or modify,~~
29 ~~as to that utility, the provisions of any rule herein contained, except when such~~
30 ~~provisions are fixed by statute.~~

31 ~~(3) In no case shall any utility deviate from these rules unless authorized in~~
32 ~~writing by the commission.~~

33 ~~(4) Competitively classified telecommunications companies previously granted~~
34 ~~exemptions from chapter 480-80 WAC Utilities General—Tariff are not exempt from~~
35 ~~WAC 480-80-035 Price lists and WAC 480-80-325 Contract for service. Exemptions~~
36 ~~from the provisions of chapter 480-80 WAC include only the provisions in effect at the~~
37 ~~time the exemption was granted.~~

38
39
40 **New Section**

41 **480-80-015 Exemptions from rules in chapter 480-80 WAC.**

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

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

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

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

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

60 (6) Competitive telecommunications companies previously granted exemptions
61 from chapter 480-80 WAC Utilities general – Tariffs, are not exempt from Part I. and
62 Part III. of this chapter. Exemptions from the provisions of chapter 480-80 WAC include
63 only the provisions in effect at the time the exemption was granted. This subsection
64 confirms that there is no change in exemptions previously granted to
65 telecommunications companies that have been classified as competitive as a result of:

66 (a) Moving rules between Chapter 480-80 and Chapter 480-120; and

67 (b) Renumbering sections within Chapter 480-80 and Chapter 480-120.

68

69

70 **Amend**

71 **480-80-020 Saving clause. Additional requirements.**

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

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

77

78 ~~These rules shall not be construed as affecting the validity of any presently effective~~
79 ~~tariff provisions or pending tariff revisions. Attention shall be given by each utility to~~
80 ~~bringing presently effective tariffs into compliance with these rules so that all tariffs shall,~~
81 ~~within a reasonable period of time, conform as to tariff arrangement.~~

82

83

84 **New Section**

85 **480-80-025 Severability.**

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

89
90

91 **Amend**

92 **480-80-030 Definitions.**

93 ~~(1) "Utility," when used in these rules, means any person, partnership, firm or~~
94 ~~corporation operating a gas, electric, telecommunications, water or irrigation plant which~~
95 ~~is subject to the jurisdiction of the commission as to rates and service.~~

96 ~~(2) "Commission," when used in these rules, means the Washington utilities and~~
97 ~~transportation commission.~~

98 ~~(3) "Tariff," as used in these rules, shall mean the complete tariff or any portion~~
99 ~~thereof containing those rate schedules and rules and regulations relating to charges~~
100 ~~and service which is regularly established under and in accordance with these rules and~~
101 ~~regulations relating to charges and service which is regularly established under and in~~
102 ~~accordance with these rules and regulations and the applicable statutes and which is~~
103 ~~applied to specific groups of customers within any particular territory but shall exclude~~
104 ~~special contracts for special rates, service and facilities.~~

105 ~~(4) "Banded tariff," as used in these rules means a tariff filed by a~~
106 ~~telecommunications company in which at least one element of the rate schedule (WAC~~
107 ~~480-80-230) is a band consisting of a maximum and minimum rate within which the rate~~
108 ~~may vary.~~

109 ~~(5) "Number," "numbers," "numbered" and "numbering," when used in these~~
110 ~~rules, means either a letter of the alphabet or a numeral unless otherwise specifically~~
111 ~~indicated.~~

112 The definitions in this section apply throughout the chapter unless the context clearly
113 requires otherwise:

114 "Advice number" means a number assigned by the applicant to a tariff filing or
115 contract filing for internal tracking purposes.

116 "Banded rate" means a rate that has a minimum and maximum rate.

117 "Commission" means the Washington utilities and transportation commission.

118 "Competitive telecommunications company" means a telecommunications
119 company that has been classified as competitive by the commission pursuant to RCW
120 80.36.300.

121 "Fax" means the transmittal of electronic signals over telephone lines for
122 conversion into written text.

123 "Noncompetitive telecommunications company" means every
124 telecommunications company that has not been classified as competitive by the
125 commission.

126 "Price list" means a telecommunications company's standard offer to the
127 general public or to other telecommunications companies of one or more intrastate

128 telecommunications services that the commission has determined to be subject to
129 effective competition.

130 “Public service company” means every gas company, electric company,
131 telecommunications company, water company, or irrigation plant that is subject to the
132 jurisdiction of the commission as to rates and service.

133 “RCW” means the Revised Code of Washington.

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

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

140 “WAC” means the Washington Administrative Code.

141

142

143 **New Section**

144 **480-80-031 Delivery of tariff, price list, and contract filings.**

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

149 (2) In person or by mail.

150 (a) In order to be deemed received on a given day, the commission records
151 center must receive an original and two copies of the filing(s) and a transmittal letter by
152 5:00 p.m., Pacific time.

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

155 (3) Fax filing.

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

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

160 (c) The commission records center must receive a faxed filing in its entirety by
161 5:00 p.m., Pacific time, Monday through Friday, except on state holidays, to be
162 considered received on that business day.

163 (4) Electronic filing.

164 (a) An electronic filing must conform to commission procedures for electronic
165 filing.

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

168

169

170

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

172

173

174 **New Section**

175 **480-80-101 Tariff requirements.**

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

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

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

183

184

185 **New Section**

186 **480-80-102 Tariff content.**

187 The tariff must include:

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

189 (a) Tariff number;

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

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

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

193 (e) Effective date of the sheet; and

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

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

200 (a) Tariff number;

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

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

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

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

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

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

211 (i) Application for service;

212 (ii) Definition of service;

213 (iii) Reconnection charge;

- 214 (iv) Service connection;
215 (v) Installation of meters;
216 (vi) Distribution main or line extension unless specified in a rate schedule;
217 (vii) Responsibility for, and maintenance of, distribution plant and
218 service lines;
219 (viii) Access to premises;
220 (ix) Interruptions to service;
221 (x) Bills;
222 (xi) Deposits;
223 (xii) Delinquent accounts;
224 (xiii) Discontinuance of service; and
225 (xiv) The method the utility will use to give notice to its customers of
226 changes within the limits of a banded rate.
227 (b) Gas companies must also include the requirements set out in:
228 (i) WAC 480-90-233 (Purchased gas adjustment) (may be included in
229 rules section or rates section);
230 (ii) WAC 480-90-303 (Heating value of gas); and
231 (iii) WAC 480-90-343 (Statement of meter test procedures).
232 (c) Electric companies must also include the requirements set out in WAC 480-
233 100-343 (Statement of meter test procedures).
234 (d) Rules for specific services may be included in either the rate schedule section
235 or the rules section.
236 **(5) Rate schedule section.**
237 **(a) Rate schedule sheets must include the following, when applicable:**
238 **(i) Schedule number;**
239 **(ii) A title that accurately describes the service;**
240 **(iii) Availability;**
241 **(iv) The rates to be paid for the service;**
242 **(v) Any special terms or conditions associated with the service or the**
243 **calculation of rates to be paid for the service.**
244 **(b) Noncompetitive telecommunications companies must also provide the**
245 **following information, when applicable, based upon the type of service offered:**
246 **(i) Exchange service rate schedules that include:**
247 **(A) Primary rate schedules;**
248 **(B) Private branch exchange rate schedules;**
249 **(C) Miscellaneous rate schedules; and**
250 **(D) Exchange area maps.**
251 **(ii) Inter-exchange service rate schedules that include:**
252 **(A) Basic rate schedules;**
253 **(B) Supplementary rate schedules; and**
254 **(C) List of toll points.**
255
256
257

New Section

258 **480-80-103 Tariff format.**

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

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

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

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

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

267 (a) The designated tariff number;

268 (b) The tariff sheet revision number;

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

270 (d) The effective date.

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

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

273 (b) All subsequent revisions must be in sequential order and indicate the

274 cancellation of the superseded sheet as follows:

275

On the first revision, designate the sheet as:

FIRST REVISION OF SHEET

CANCELLING

ORIGINAL SHEET

280

On the second revision, designate the sheet as:

SECOND REVISION OF SHEET

CANCELLING

FIRST REVISION OF SHEET

285

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

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

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

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

294 **(4) Authorizing signature.**

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

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

301

302

303

304 **New Section**

305 **480-80-104 Transmittal letter.**

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

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

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

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

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

315 (5) Include the advice number if the utility uses consecutively numbered advice
316 letters;

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

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

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

326

327

328 **New Section**

329 **480-80-105 Tariff filing instructions.**

330 (1) A tariff filing must:

331 (a) Comply with statutory notice requirements;

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

333 (c) Include an original and two copies of each tariff sheet unless it is filed
334 electronically; and

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

336 (2) Tariff filings must comply with the requirements set forth in chapter 480-09
337 WAC, where applicable.

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

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

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

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

346

347 D - discontinued rate, service, regulation or condition;
348 N - new rate, service, regulation, condition or sheet;
349 I - a rate increase;
350 R - a rate reduction;
351 C - changed condition or regulation;
352 K - that material has been transferred to another sheet in the tariff (A
353 footnote is required on the tariff sheet to identify the material's new
354 sheet number.);
355 M - that material has been transferred from another sheet in the tariff (A
356 footnote is required on the tariff sheet to identify the material's former
357 sheet number.);
358 T - a change in text for clarification;
359 O - no change (This symbol is discretionary unless specifically requested
360 by the commission.); and

361
362 (c) May use additional symbols for other purposes when it has identified the
363 symbols in its tariff as provided for in WAC 480-80-102(3).

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

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

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

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

374

375

376 **New Section**

377 **480-80-111 Substitute tariff filings.**

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

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

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

383 or

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

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

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

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

389

390

391 **New Section**

392 **480-80-112 Banded rate tariff filings.**

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

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

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

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

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

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

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

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

416

417

418 **New Section**

419 **480-80-121 Tariff changes with statutory notice.**

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

422 Noncompetitive telecommunications companies that meet the requirements of RCW
423 80.36.110(2) may file with ten days' notice to the commission.

424 (2) The statutory notice period begins on the date the commission receives the
425 tariff filing, in accordance with WAC 480-80-031.

426

427

428 **New Section**

429 **480-80-122 Tariff changes with less than statutory notice.**

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

432 treatment may use an LSN form provided by the commission, or may submit a letter that
433 includes the following:

- 434 (a) Utility information:
435 (i) Name and address of utility;
436 (ii) Telephone number, e-mail address, and fax number; and
437 (iii) Name of contact person for the filing.
438 (b) Tariff identification information:
439 (i) Number of the tariff being amended;
440 (ii) Title of the tariff item(s) being amended, if applicable; and
441 (iii) Number of the tariff sheet being amended.
442 (c) Concise description of the changes being proposed;
443 (d) Reason(s) for requesting LSN handling;
444 (e) Effective date requested; and
445 (f) If the utility does not include an authorizing signature on the tariff sheets, a
446 statement certifying that the submitting person has authority to issue tariff changes on
447 behalf of the utility.
448 (2) A utility requesting LSN must file tariff sheets with an effective date that
449 reflects the required statutory notice period.
450 (3) If the LSN request is granted, the commission will issue an order directing
451 that the tariff sheets be revised to reflect the authorized LSN effective date.

452
453
454 **New Section**

455 **480-80-123 Tariff changes that do not require statutory notice.**

- 456 (1) A utility must file with the commission tariff changes that do not require statutory
457 notice at least one day before the effective date.
458 (2) The filing must include a transmittal letter as set forth in WAC 480-80-104.
459 (3) Tariff changes that do not require statutory notice include:
460 (a) Initial tariffs filed by a newly regulated utility;
461 (b) A filing for a service not previously contained within a regulated utility's
462 existing tariff;
463 (c) A tariff change that does not affect the public; and
464 (d) A change in a banded rate when notice to customers has been or will be
465 given in accordance with tariff rules applicable to the service.

466
467
468 **New Section**

469 **480-80-124 Failure to provide statutory notice.**

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

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

476

477

478 **New Section**

479 **480-80-131 Withdrawing a tariff filing.**

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

481 (1) The name and address of the utility;

482 (2) Docket number;

483 (3) Advice number, if applicable;

484 (4) The name of the contact person for the withdrawal;

485 (5) An explanation of why it is requesting the withdrawal; and

486 (6) A statement certifying that the submitting person has authority to withdraw the
487 filing on behalf of the utility.

488

489

490 **New Section**

491 **480-80-132 Rejecting tariff changes.**

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

494

495

496 **New Section**

497 **480-80-133 Tariff adoption notice.**

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

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

501 (b) Utility name change.

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

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

506

507 (Name of Utility) adopts and makes its own in every respect all tariffs,

508 supplements and amendments filed with the Washington Utilities and

509 Transportation Commission by (Name of Previous Utility or Prior

510 Name of the Utility) prior to (Date).

511

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

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

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

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

520 and

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

522

523

524 **New Section**

525 **480-80-134 Discontinuing a tariffed service or services.**

526 When discontinuing a service or services, a utility must file to cancel the applicable tariff
527 sheets in the same manner as required by tariff filing instructions set forth in WAC 480-
528 80-105. The commission will handle discontinuation filings in the same manner and in
529 accordance with the provisions governing all other tariff filings.

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532 **New Section**

533 **480-80-141 Service contract.**

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

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

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

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

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545

546 **New Section**

547 **480-80-142 Special contracts for telecommunications companies not classified**
548 **as competitive.**

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

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

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

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

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

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

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

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

565 (4) Types of telecommunications contracts. The following types of
566 telecommunications contracts have special or unique features, effective dates, and
567 requirements:

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

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

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

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**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

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

583 (6) School, library, and RHC provider contracts - filing requirements and effective
584 dates. A telecommunications company that enters into a contract to provide service to
585 a school, library, or RHC provider, as part of the federal universal service program, must
586 file the contract with the commission no later than fifteen days after acceptance by the
587 administrator of the federal universal service program. The filing must include the same
588 documentation as required for approval by subsection (7)(b) and, if applicable,

589 subsection (8). The contract will become effective at the time specified in the contract,
590 but not earlier than when filed with the commission.

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

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

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

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

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

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

604 (iv) Summarize the basis of the charge(s) proposed in the contract and
605 explain the derivation of the proposed charge(s) including all cost computations
606 involved; and

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

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

615 (8) Confidentiality. Filings under this section may be submitted with portions
616 designated "confidential" pursuant to WAC 480-09-015. However, any filing that
617 designates as "confidential" the essential terms and conditions will be rejected by the
618 commission as not in compliance with the public inspection requirement of RCW
619 80.36.150(1). Essential terms and conditions are:

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

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

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

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

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628 **New Section**

629 **480-80-143 Special contracts for gas, electric, and water companies.**

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

633 (a) State charges or conditions that do not conform to any existing tariff; or
634 (b) Provide for utility services not specifically addressed in the gas, electric, or
635 water company's existing tariffs.
636 (2) Any significant modification of a previously executed contract will be treated
637 as a new contract for purposes of this section.
638 (3) Essential terms and conditions of all contracts filed pursuant to this section
639 are considered a part of the gas, electric, or water company's filed tariffs and are
640 subject to enforcement, supervision, regulation, control, and public inspection as such.
641 (4) Filing and effective dates. The contract will become effective on the effective
642 date stated in the contract or thirty days after the filing date, whichever occurs later,
643 unless suspended or rejected by the commission. The commission may approve an
644 earlier effective date, in which event the contract shall not become effective on a date
645 that precedes commission approval. A request for an earlier effective date must include
646 a complete explanation of why an earlier effective date is appropriate.
647 (5) Each application filed for commission approval of a contract must:
648 (a) Include a complete copy of the proposed contract;
649 (b) Show that the contract meets the requirements of RCW 80.28.090
650 (Prohibiting unreasonable preference) and RCW 80.28.100 (Prohibiting rate
651 discrimination);
652 (c) Demonstrate, at a minimum, that the contract charges recover all costs
653 resulting from providing the service during its term, and, in addition, provide a
654 contribution to the gas, electric, or water company's fixed costs;
655 (d) Summarize the basis of the charge(s) proposed in the contract and explain
656 the derivation of the proposed charge(s) including all cost computations involved; and
657 (e) Indicate the basis for using a contract rather than a filed tariff for the specific
658 service involved. If the basis for using a contract is the availability of an alternative
659 service provider, identify that provider.
660 (6) All contracts must be for a stated time period, except for contracts for water
661 line extensions. The commission may approve terms and conditions that prescribe the
662 charge(s) to be applied during the time period, if such charge(s) are found to be
663 appropriate. Unless otherwise provided by the commission, such approval will not be
664 determinative with respect to the expenses and revenues of the gas, electric, or water
665 company for subsequent ratemaking considerations.
666 (7) Filings under this section may be submitted with portions designated
667 "confidential" pursuant to WAC 480-09-015. However, any filing that designates the
668 essential terms and conditions of the contract as "confidential" shall be rejected by the
669 commission as not in compliance with the public inspection requirement of RCW
670 80.28.050. Essential terms and conditions are:
671 (a) Identity of the customer;
672 (b) Nature and characteristics of the service provided, including interruptible, firm,
673 or peak delivery;
674 (c) Duration of the contract, including any options to renew;
675 (d) Charge(s) for service, including minimum charge provisions;
676 (e) Geographic location where service will be provided; and
677 (f) Additional obligations specified in the contract, if any.

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III. PRICE LISTS and CONTRACTS: Competitive Companies and Services

New Section

685 **480-80-201 Use of price lists.**

686 (1) A competitive telecommunications company may file a price list instead of a tariff to
687 offer any intrastate telecommunications service. A noncompetitive telecommunications
688 company may file a price list instead of a tariff to offer any intrastate
689 telecommunications service that has been classified as competitive under RCW
690 80.36.330.

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

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New Section

699 **480-80-202 Interpretation and application of price lists.**

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

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

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New Section

709 **480-80-203 Transmittal letter.**

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

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

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

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

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

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New Section

723 **480-80-204 Price lists format and content.**

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

727 (2) A price list must:

728 (a) Plainly state the places where the offered telecommunications service will be
729 rendered;

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

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

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

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

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

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

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750 **New Section**

751 **480-80-205 Effective date of price list filings.**

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

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

754 (b) Ten days after it is filed with the commission, as required by RCW
755 80.36.320(2) and RCW 80.36.330(2); or

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

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

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762 **New Section**

763 **480-80-206 Price list availability to customers.**

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

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

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

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

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

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784 **New Section**

785 **480-80-241 Filing contracts for services classified as competitive.**

786 (1) This section applies to services offered by competitive telecommunications company
787 and to any service classified as competitive under RCW 80.36.330. However, if a
788 telecommunications company has elected, pursuant to WAC 480-80-201(2), to offer a
789 competitive service by tariff, the contract rules in WAC 480-80-142 applicable to tariffed
790 services apply instead.

791 (2) A telecommunications company must file with the commission any contract
792 with an end-user for retail intrastate telecommunications service if the service is not
793 included in its price list or the contract contains prices, terms, or conditions other than
794 those in its price list. A telecommunications company is not required to file a contract
795 with prices below the maximum prices in the price list, as provided for in WAC 480-80-
796 204(3), or within the maximum and minimum prices in the price list, as provided for in
797 WAC 480-80-204(4), if the contract is otherwise consistent with the price list.

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

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

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

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

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815 **New Section**

816 **480-80-242 Using contracts for services classified as competitive.**

817 (1) If a competitive telecommunications company or a company offering a service
818 classified as competitive makes an offer of service at prices, terms, or conditions other
819 than those in its price list, and the customer accepts that offer, the company must
820 provide the service at prices, terms, and conditions consistent with the offer. Except as
821 provided in WAC 480-80-241, the company must file with the commission either a price
822 list change or a customer contract setting out the alternative prices, terms, and
823 conditions.

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

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

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

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

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835 **IV. REPEALED SECTIONS**

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838 **480-80-035 Price lists.**

839 **480-80-040 Tariff.**

840 **480-80-041 Tariff.**

841 **480-80-045 Filing of banded tariffs.**

842 **480-80-050 Copies of tariff to be filed.**

843 **480-80-060 Delivery of tariff.**

844 **480-80-070 Statutory notice.**

845 **480-80-080 Tariff file at principal business office.**

846 **480-80-090 Tariff file at designated business offices.**

847 **480-80-100 Payment agencies.**

848 **480-80-110 Reference to tariff file.**

849 **480-80-125 Notice by utility to customers concerning hearing.**

850	480-80-130	Notation of receipt of tariff by agents.
851	480-80-140	Form of tariff sheets.
852	480-80-150	Numbering of tariffs.
853	480-80-160	General arrangement of tariff.
854	480-80-170	Schedule designation.
855	480-80-180	Tariff sheet designation.
856	480-80-190	Numbering plan for sheets.
857	480-80-200	Title page.
858	480-80-210	Index page.
859	480-80-220	Rules and regulations page.
860	480-80-230	Rate schedule page.
861	480-80-240	Less than statutory notice.
862	480-80-250	Adoption notice.
863	480-80-260	Tariff of acquired utility.
864	480-80-270	Reference to tariff.
865	480-80-280	Issuing agent.
866	480-80-290	Suspension of tariffs.
867	480-80-300	Rejection of tariffs.
868	480-80-310	Exceptions.
869	480-80-320	Discontinuance of service.
870	480-80-325	Contract for service.
871	480-80-326	Contract for gas and electric service.
872	480-80-330	Telecommunications contracts.
873	480-80-335	Special contracts for electric, water, and natural gas companies.
874	480-80-340	Forms.
875	480-80-350	Refiling tariffs.
876	480-80-360	Standard tariff forms.
877	480-80-370	Symbols.
878	480-80-380	Availability of rules.