

5 In this docket, to avoid unnecessary duplication, the Commission designates the discussion in this Order as its concise explanatory statement, supplemented where not inconsistent by the staff memoranda preceding the filing of the CR-102 proposal and the adoption hearing. Together, the documents provide a complete but concise explanation of the agency actions and its reasons for taking those actions.

6 **REFERENCE TO AFFECTED RULES:** This rule repeals, amends, or adopts the following sections of the Washington Administrative Code:

Repeal WAC 480-70-166 Canceling certificates.

Amend WAC 480-31-050 Certificates.

Amend WAC 480-31-070 Insurance.

Amend WAC 480-31-080 Fees and annual report.

Amend WAC 480-70-161 Suspending and canceling certificates.

Adopt WAC 480-31-052 Suspending and canceling certificates.

Adopt WAC 480-31-054 Certificates, reinstatement.

7 **PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS**

THEREUNDER: The Commission filed a Preproposal Statement of Inquiry (CR-101) on October 5, 2005, at WSR # 05-20-093. The statement advised interested persons that the Commission was considering entering a rulemaking to amend sections of WAC chapters 480-31 (Private, Nonprofit Transportation Providers), 480-51 (Commercial Ferries), and 480-70 (Solid Waste Collection Companies) to reflect recent changes to chapters 81.66, 81.77, and 81.84 RCW, relating to notice and opportunity for hearing prior to suspension or revocation of a certificate, and in conjunction with a request for a certificate to operate in a territory served by an existing certificate holder.

8 The Commission filed an amended Preproposal Statement of Inquiry (CR-101) on November 23, 2005, at WSR # 05-23-175. This notice expanded the original CR-101 filed at WSR # 05-20-093 to consider adding new language or sections in chapters 480-31 and 480-70 WAC to implement the statutory amendments. The amended CR-101 also eliminated Chapter 480-51 WAC, Commercial Ferries, from this rulemaking.

9 **ADDITIONAL NOTICE AND ACTIVITY PURSUANT TO PREPROPOSAL STATEMENT:** The Commission also informed persons of the inquiry into this matter by providing notice of the subject and the CR-101 to all persons on the Commission's list of persons requesting such information pursuant to RCW 34.05.320(3) and by sending a notice to all transportation companies and solid waste companies operating in the state, to the Commission's list of transportation attorneys, and by posting all information on the Commission's website.

10 **NOTICE OF PROPOSED RULEMAKING:** The Commission filed a notice of Proposed Rulemaking (CR-102) on January 18, 2006, at WSR #06-03-130. The Commission scheduled this matter for oral comment and adoption under Notice WSR #06-03-130 at 2:30 p.m., Wednesday, February 22, 2006, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington. The Notice provided interested persons the opportunity to submit written comments to the Commission.

11 **COMMENTERS (WRITTEN COMMENTS):** The Commission received no written comments.

12 **RULEMAKING HEARING:** The rule proposal was considered for adoption, pursuant to the notice in WSR # 06-03-130, at a rulemaking hearing on Wednesday, February 22, 2006, before Chairman Mark H. Sidran, Commissioner Patrick J. Oshie, and Commissioner Philip B. Jones. The Commission received no oral comments.

13 **COMMISSION ACTION:** After considering all of the information regarding this proposal, the Commission finds and concludes that it should amend, adopt, and repeal the rules as proposed in the CR-102 at WSR # 06-03-130.

14 **STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE:** After reviewing the entire record, the Commission determines that WAC 480-70-166 should be repealed, WAC 480-31-050, WAC 480-31-070, WAC 480-31-080 and WAC 480-70-161 should be amended, and WAC 480-31-052 and WAC 480-31-054 should be adopted to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect pursuant to 34.05.380(2) on the thirty-first day after filing with the Code Reviser.

ORDER

15 **THE COMMISSION ORDERS:**

- 16 (1) The Commission repeals WAC 480-70-166.
- 17 (2) The Commission amends and adopts WAC 480-31-050, WAC 480-31-070, WAC 480-31-080, WAC 480-70-161, WAC 480-31-052, and WAC 480-31-054 to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect on the thirty-first day after the date of filing with the Code Reviser pursuant to RCW 34.05.380(2).
- 18 (3) This Order and the rules set out below, after being recorded in the register of the Washington Utilities and Transportation Commission, shall be forwarded to the Code Reviser for filing pursuant to chapters 80.01 and 34.05 RCW and chapter 1-21 WAC.

DATED at Olympia, Washington, March 14, 2006.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK H. SIDRAN, Chairman

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner

Note: The following is added at Code Reviser request for statistical purposes:

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 2, amended 4, repealed 1.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.