

Agenda Date: May 30, 2001  
Item Number: 4A

**Docket: A-010648**

**RE: Rulemaking: chapter 480-09 WAC--Procedure**

Staff: Dennis J. Moss, Review Judge (Lead; Administrative Law Division)  
Glenn Blackmon, Assistant Director  
Telecommunications(Regulatory Services Division)  
Karen Caillé, Administrative Law Judge (Administrative Law Division)  
Paul Curl, Deputy Director (Regulatory Services Division)  
Vicki Elliot, Assistant Director (Consumer Affairs)  
Graciela Etchart, Utility Rate Research Specialist (Regulatory Services Division)  
Nicolas Garcia, Policy Specialist (Policy Research Office)  
Kathy Hunter, Records Center Manager (Records Center)  
Jeffrey Showman, Knowledge Manager (Policy Research Office)  
Tim Sweeney, Public Outreach Coordinator (Public Affairs)  
Mary Tennyson, Senior Assistant Attorney General (Office of the Attorney General)

**Recommendation:**

Direct the Secretary to file a Preproposal Statement of Inquiry (CR-101) in Docket No. A-010648 to consider revisions to chapter 480-09 WAC, the Commission's procedural rules.

**Discussion:**

Since the Commission's most recent review of its procedural rules in early 1999, the Administrative Law Division (ALD) has engaged in numerous informal discussions concerning process and procedure. Discussions have been conducted both internally and with individuals who regularly appear before the Commission to conduct business, including individuals who participate in formal proceedings. On October 18, 2000, for example, ALD sponsored a half-day bench/bar conference in Seattle and conducted a series of panel discussions focused on the subject of process and procedure before the Commission in adjudications. The conference agenda included discussion of possible revisions to the Commission's procedural rules that would promote efficiency, consistency, and clarity. In addition, ALD has participated in periodic retreats with Assistant Attorneys General who serve as counsel to Commission Staff in formal proceedings. The agendas for these retreats have included discussions of process and procedure.

Based on ALD's internal discussions, and discussions with practitioners, including private counsel who appear before the Commission, counsel who work directly for regulated industries, and representatives from the Office of Attorney General, it appears worthwhile to undertake a comprehensive review and revision of the Commission's procedural rules focusing on three areas:

- Rules Organization (logical grouping/order; use of subheadings)
- Clear language (consistent style and grammar)
- Substantive changes (new rules, substantive changes to existing rules)

The staff for this project includes representatives from ALD, Policy Research Office, Regulatory Services Division, Public Affairs Division, Records Center, Consumer Affairs Division, and Office of the Attorney General. This staff structure will ensure that a variety of perspectives from within the Commission are represented in the rulemaking process. We anticipate that staff from throughout the Commission will be regularly consulted as the rulemaking process moves forward. Other perspectives will be brought to bear through the opportunity for interested persons to file written comments and to participate in one or more workshops that will be conducted during the course of the rulemaking. An initial workshop is tentatively scheduled for June 22, 2001, and will be formally noticed if the Commission elects to issue the recommended Preproposal Statement of Inquiry (CR-101).

The proposed rulemaking process and outcome is intended to be consistent with the requirements and standards established by Executive Order No. 97-02 regarding regulatory improvement. Thus, the Executive Order's criteria of need, effectiveness and efficiency, clarity, intent and statutory authority, coordination, cost, and fairness, all will be considered.

**Conclusion:**

We recommend that the Commission direct the Secretary to file a Preproposal Statement of Inquiry (CR-101) with the Office of Code Reviser to formally initiate a comprehensive review of the Commission's procedural rules to consider improvements to organization, clarity, and substance.