

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Amending and Adopting)	
)	DOCKET A-081419
)	
Several rules in Title 480 WAC)	GENERAL ORDER R-554
)	
)	
Relating to adoption-by-reference date revisions and other minor administrative changes.)	ORDER AMENDING AND ADOPTING RULES
)	PERMANENTLY
)	
.....)	

1 STATUTORY OR OTHER AUTHORITY: The Washington Utilities and Transportation Commission (Commission) takes this action under Notice WSR # 08-20-130 for an expedited rulemaking, filed with the Code Reviser on October 1, 2008. The Commission brings this proceeding pursuant to RCW 80.01.040, RCW 80.04.160, RCW 81.04.160 and RCW 34.05.353.

2 STATEMENT OF COMPLIANCE: This proceeding complies with the Administrative Procedure Act (RCW 34.05), the State Register Act (RCW 34.08), the State Environmental Policy Act of 1971 (RCW 43.21C), and the Regulatory Fairness Act (RCW 19.85).

3 DATE OF ADOPTION: The Commission adopts this rule on the date that this Order is entered.

4 CONCISE STATEMENT OF PURPOSE AND EFFECT OF THE RULE: RCW 34.05.325(6) requires the Commission to prepare and publish a concise explanatory statement about an adopted rule. The statement must identify the Commission’s reasons for adopting the rule, describe the differences between the version of the proposed rules published in the register and the rules as adopted (other than editing changes), a summary of the comments received regarding the proposed rule changes, and state the Commission’s responses to the comments, reflecting the Commission’s consideration of them.

OFFICE OF THE CODE REVISER STATE OF WASHINGTON FILED
DATE: December 23, 2008 TIME: 11:18 AM
WSR 09-01-171

5 To avoid unnecessary duplication in the record of this docket, the Commission designates the discussion in this Order, including Appendix A, as its concise explanatory statement, supplemented where not inconsistent by the staff memoranda preceding the filing of the CR-105 proposal and the adoption order. 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 amends the following sections of the Washington Administrative Code:

Rule Changes			
Action	WAC No.	Rule Title	Changes
WAC 480-14, Motor Carriers Excluding Household Goods Carriers and Common Brokers			
Amend	480-14-999	Adoption by reference.	1. Adoption by Reference dates changed as follows: <ul style="list-style-type: none"> • North American Standard Out-of-Service Criteria (CVSA) April 1, 2008 – No significant change • Title 49 Code of Federal Regulations, April 30, 2008 – Part 171 April 30, 2008 – Part 395

WAC 480-15, Household Goods Carriers			
Amend	480-15-999	Adoption by reference.	<p>1. Adoption by Reference dates changed as follows:</p> <ul style="list-style-type: none"> • North American Standard Out-of Service Criteria April 1, 2008 – No significant change • Title 49 Code of Federal Regulations December 31, 2007 – Part 382 December 31, 2007 – Part 383 December 31, 2007 – Part 390 December 31, 2007 – Part 391 December 31, 2007 – Part 392 December 31, 2007 – Part 393 December 31, 2007 – Part 395 December 31, 2007 – Part 396
WAC 480-30, Auto Transportation Companies			
Amend	480-30-999	Adoption by reference.	<p>1. Adoption by Reference dates changed as follows:</p> <ul style="list-style-type: none"> • North American Standard Out-of Service Criteria April 1, 2008 – No significant change • Title 49 Code of Federal Regulations June 30, 2008 – Part 40 December 31, 2007 – Part 382 December 31, 2007 – Part 383 December 31, 2007 – Part 390 December 31, 2007 – Part 391 December 31, 2007 – Part 392 December 31, 2007 – Part 393 December 31, 2007 – Part 395 December 31, 2007 – Part 396 December 31, 2007 – Part 397

WAC 480-31, Private, Nonprofit Transportation Providers			
Amend	480-31-999	Adoption by reference.	<p>1. Adoption by Reference dates changed as follows:</p> <ul style="list-style-type: none"> • North American Standard Out-of-Service Criteria April 1, 2008 – No significant change • Title 49 Code of Federal Regulations December 31, 2007 – Part 382 December 31, 2007 – Part 383 December 31, 2007 – Part 391 December 31, 2007 – Part 392 December 31, 2007 – Part 393 December 31, 2007 – Part 395 December 31, 2007 – Part 396 December 31, 2007 – Part 397
WAC 480-62, Railroad Companies—Operations			
Amend	480-62-999	Adoption by reference.	<p>1. Adoption by Reference dates changed as follows:</p> <ul style="list-style-type: none"> • Title 49 Code of Federal Regulations October 1, 2007 – Parts 171, 172, 173, 174, 178, and 179 October 1, 2007 – Part 234 October 1, 2007 – Part 213 October 1, 2007 – Parts 209, 214, 217, 218, 219, 220, 221, 225, 228, 239, and 240 October 1, 2007 – Part 212 October 1, 2007 – Part 570.7 and 570.60

WAC 480-70, Solid Waste Collection Companies			
Amend	480-70-999	Adoption by reference.	<p>1. Adoption by Reference dates changed as follows:</p> <ul style="list-style-type: none"> • North American Standard Out-of-Service Criteria April 1, 2008 – No significant change • Title 40 Code of Federal Regulations June 25, 2008 – No significant change • Title 49 Code of Federal Regulations December 31, 2007 – Part 382 December 31, 2007 – Part 383 December 31, 2007 – Part 390 December 31, 2007 – Part 391 December 31, 2007 – Part 392 December 31, 2007 – Part 393 December 31, 2007 – Part 395 December 31, 2007 – Part 396 December 31, 2007 – Part 397
WAC 480-73, Hazardous Liquid Pipeline Companies			
Amend	480-73-999	Adoption by reference	<p>1. Adoption by Reference dates changed as follows:</p> <ul style="list-style-type: none"> • Title 18 Code of Federal Regulations April 1, 2008 – No change to current rule

WAC 480-75, Hazardous Liquid Pipeline Companies – Safety			
Amend	480-75-999	Adoption by reference.	1. Adoption by Reference dates changed as follows: <ul style="list-style-type: none"> • Title 49 Code of Federal Regulations, except Sections 195.0, 195.1, 199.1, and 199.2 September 2, 2008 – No significant change
WAC 480-90, Gas Companies—Operations			
Amend	480-90-999	Adoption by reference.	1. Adoption by Reference dates changed as follows: <ul style="list-style-type: none"> • Title 18 Code of Federal Regulations April 1, 2008 – No significant change • NARUC1, The Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies – as of 1985 No change to current rule
WAC 480-93, Gas Companies—Safety			
Amend	480-93-999	Adoption by reference.	1. Adoption by Reference dates changed as follows: <ul style="list-style-type: none"> • Title 49 Code of Federal Regulations, except Sections 191.1, 192.1(a), 193.2001(a), and 199.1 September 2, 2008 – No significant change

¹ National Association of Regulatory Utility Commissioners (NARUC).

WAC 480-100, Electric Companies			
Amend	480-100-999	Adoption by reference.	<p>1. Adoption by Reference dates changed as follows:</p> <ul style="list-style-type: none"> • Title 18 Code of Federal Regulations April 1, 2008 – No significant change • NARUC, The Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies – as of 1985 No change to current rule • National Electrical Code² – as of 2005 No change to current rule • ANSI C12.1, Code for Electricity Metering, 2001 – as of 2001 No change to current rule

² National Fire Protection Association (NFPA).

WAC 480-108, Electric Companies – Interconnection with Electric Generators			
Amend	480-108-999	Adoption by reference.	<p>1. Adoption by Reference dates changed as follows:</p> <ul style="list-style-type: none"> • Title 29 Code of Federal Regulations July 1, 2008 – No significant change • NARUC, The Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies – as of 1985 No change to current rule • National Electrical Code – as of 2005 No change to current rule • ANSI C12.1, Code for Electricity Metering, 2001 – as of 2001 No change to current rule
WAC 480-120, Telecommunications Companies			
Amend	480-120-999	Adoption by reference	<p>1. Adoption by Reference dates changed as follows:</p> <ul style="list-style-type: none"> • American National Standards for Telecommunications - “Network Performance Parameters for Dedicated Digital Services – Specifications” – (ANSI T1.510-1999) – as of December 29, 1999 and reaffirmed 2004 – No change to current rule • The Institute of Electrical and Electronic Engineers (IEEE) Standard Telephone Loop Performance Characteristics – as of 2005 No significant change • National Electrical Safety Code January 1, 2002 – No change to current rule • Title 47 Code of Federal Regulations, except Sections 64.2003 through 64.2009 October 1, 1998 – No change to current rule • Title 47 Code of Federal Regulations, Sections 64.2003 through 64.2009 October 1, 2008 – No significant change

WAC 480-123, Universal Service			
Amend	480-123-999	Adoption by reference	1. Adoption by Reference dates changed as follows: <ul style="list-style-type: none"> • The Cellular Telecommunications and Internet Association's (CTIA) Consumer Code for Wireless Service February 5, 2007 – No significant change

- 7 **PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS**
THEREUNDER: A preproposal statement of inquiry is not required under RCW 34.05.353, “Expedited rule making.”
- 8 **NOTICE OF EXPEDITED RULEMAKING:** The Commission filed notice of Expedited Rulemaking (CR-105) on October 1, 2008, at WSR # 08-20-130. The Notice informed interested persons that the rules were being proposed under an expedited rulemaking process as required by RCW 34.05.353. The Commission provided notice of its expedited rulemaking to all persons on the Commission’s list of persons requesting such information pursuant to RCW 34.05.353, and by sending notice to all companies affected by the adoption-by-reference rule proposal. The Notice provided interested persons the opportunity to submit written comments to the Commission no later than December 2, 2008. The Commission posted the relevant rulemaking information on its Internet web site at www.utc.wa.gov.
- 9 **COMMENTERS (WRITTEN COMMENTS):** No comments were received on the proposed rules.
- 10 **COMMISSION ACTION:** After considering all of the information regarding this proposal, the Commission finds and concludes that it should amend the rules as proposed in the CR-105 at WSR # 08-20-130.
- 11 **STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE:** After reviewing the entire record, the Commission determines that WAC 480-14-999, 480-15-999, 480-30-999, 480-31-999, 480-62-999, 480-70-999, 480-73-999, 480-75-999, 480-90-999, 480-93-999, 480-100-999, 480-108-999, 480-120-999, and 480-123-999

should be amended to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380 (2) on the thirty-first day after filing with the Code Reviser.

ORDER

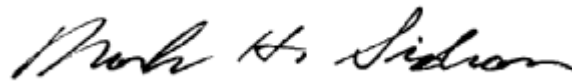
12 **THE COMMISSION ORDERS:**

13 The Commission amends WAC 480-14-999, 480-15-999, 480-30-999, 480-31-999, 480-62-999, 480-70-999, 480-73-999, 480-75-999, 480-90-999, 480-93-999, 480-100-999, 480-108-999, 480-120-999, and 480-123-999 are amended to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380 (2) on the thirty-first day after filing with the Code Reviser.

14 This Order and the rules set out in Appendix A, after being recorded in the register of the Washington Utilities and Transportation Commission, shall be forwarded to the Code Reviser for filing pursuant to RCW 80.01, RCW 34.05 and WAC 1-21.

DATED at Olympia, Washington, December 15, 2008.

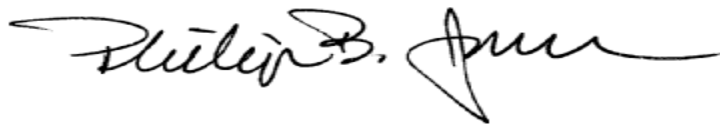
WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION



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 0, amended 0, repealed 0.

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 14, 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.