

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

In the Matter of Amending and Adopting)	DOCKET NO. A-020379
)	
Several rules in Title 480 WAC)	GENERAL ORDER NO. R-501
)	
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 takes this action under Notice WSR # 02-12-131 for an expedited rulemaking, filed with the Code Reviser on June 5, 2002. 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 Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

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 requires that the Commission prepare and provide to commenters a concise explanatory statement about an adopted rule. The statement must include the identification of the reasons for adopting the rule, a summary of the comments received regarding the proposed rule, and responses reflecting the Commission’s consideration of the comments.

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 presented at the adoption hearing and at the open meetings where the Commission considered whether to propose adoption of specific language. 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 or adopts the following sections of the Washington Administrative Code:

Affected Rules			
Action	WAC No.	Rule Title	Changes
Chapter 480-14 WAC, Motor Carriers Excluding Household Goods Carriers and Common Brokers			
Amend	480-14-999	Adoption by reference.	1. Adoption by Reference dates changed as follows: North American Uniform Out-of Service Criteria, April 1, 2002 Title 49 Code of Federal Regulations, October 1, 2001
Chapter 480-15 WAC, Household Goods Carriers			
Amend	480-15-999	Adoption by reference.	1. Adoption by Reference dates changed as follows: North American Uniform Out-of Service Criteria, April 1, 2002 Title 49 Code of Federal Regulations, October 1, 2001
Chapter 480-30 WAC, Auto Transportation Companies			
Amend	480-30-999	Adoption by reference.	1. Adoption by Reference dates changed as follows: North American Uniform Out-of Service Criteria, April 1, 2002 Title 49 Code of Federal Regulations, October 1, 2001
Chapter 480-31 Private WAC, Nonprofit Transportation Providers			
Amend	480-31-999	Adoption by reference.	1. Adoption by Reference dates changed as follows: North American Uniform Out-of Service Criteria, April 1, 2002 Title 49 Code of Federal Regulations, October 1, 2001
Chapter 480-40 WAC, Passenger Charter Carriers			
Amend	480-40-999	Adoption by reference.	1. Adoption by Reference dates changed as follows: North American Uniform Out-of Service Criteria, April 1, 2002 Title 49 Code of Federal Regulations, October 1, 2001

Chapter 480-62 WAC, Railroad Companies - Operations			
Amend	480-62-999	Adoption by reference.	1. Adoption by Reference dates changed as follows: Title 49 Code of Federal Regulations, October 1, 2001 MUTCD – no change WSDOT Chapter 480-95 WAC – no change ANSI Z308.1, December 31, 1998 (replaces L&I rules) L&I Chapter 296-24 WAC – repeal ANSI/ISEA 107, no change Title 49 United States Code, January 2, 2002
Amend	480-62-240	Passenger carrying vehicles – equipment.	1. Change in subsection (1)(h) removes reference to repealed L& I rules, WAC 296-24-060145 and WAC 296-24-06160, Appendix 2 and replaces the repealed rules with the ANSI standard, ANSI Z308.1 (Minimum Requirements for Workplace First Aid Kits). A cross reference directing the reader to WAC 480-62-999 is also added.
Chapter 480-70 WAC, Solid Waste Collection Companies			
Amend	480-70-999	Adoption by reference.	1. Adoption by Reference dates changed as follows: North American Uniform Out-of Service Criteria, April 1, 2002 Title 40 Code of Federal Regulations, July 1, 2002 Title 49 Code of Federal Regulations, October 1, 2001
Chapter 480-90 WAC, Gas Companies – Operations			
Amend	480-90-999	Adoption by reference.	1. Adoption by Reference dates changed as follows: Title 18 Code of Federal Regulations, April 1, 2002
Amend	480-90-203	Accounting system requirements.	1. Change in subsection (1) identifies the specific part of Title 18 CFR that applies to accounting requirements – Part 201. 2. New subsection (4) added to clarify that adopting the most current version of FERC requirements does not supercede prior Commission orders directing companies to treat accounting items in a specific manner such as depreciation accounting.
Amend	480-90-208	Financial reporting requirements.	1. Change in subsection (1)(a) identifies the specific part of Title 18 that applies to accounting requirements – Part 260.
Chapter 480-100 WAC, Electric Companies			
Amend	480-100-999	Adoption by reference.	1. Adoption by Reference dates changed as follows: Title 18 Code of Federal Regulations, April 1, 2002 National Electrical Code, 2002 ANSI C12.1, 2001 2. Change in subsection (3) corrects National Electric Code reference to National Electrical Code.
Amend	480-100-163	Service entrance facilities	1. Changes in subsection (2) corrects National Electric Code reference to National Electrical Code.

Amend	480-100-203	Accounting systems requirements.	1. Change in subsection (1) identifies the specific part of Title 18 CFR that applies to accounting requirements – Part 101. 2. New subsection (4) added to clarify that adopting the most current version of FERC requirements does not supercede prior Commission orders directing companies to treat accounting items in a specific manner such as depreciation accounting.
Amend	480-100-208	Financial reporting requirements.	1. Change in subsection (1)(a) identifies the specific part of Title 18 that applies to accounting requirements – Part 141.
Chapter 480-110 WAC, Water Companies			
New Section	480-110-999	Adoption by reference.	1. New section created so the section number will be consistent throughout Title 480 chapters. 2. Adoption by Reference dates added as follows: Uniform System of Accounts for Water Utilities, 1996 Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies, 1985 3. Cross-references added that identify the sections within this chapter that refer to adopted material.
Amend	480-110-275	Accounting and reporting requirements, and regulatory fees.	1. A punctuation correction is made to the rule title. 2. Change in subsection (1) adds a cross-reference to WAC 480-110-999.
Amend	480-110-485	Retention and preservation of records and reports.	1. Change in subsection (2) adds a cross-reference to WAC 480-110-999

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 June 5, 2002, at WSR #02-12-131. 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 not later than August 5, 2002. The Commission posted the relevant rulemaking information on its internet web site at www.wutc.wa.gov.

9 **COMMENTERS (WRITTEN COMMENTS):** The Washington State Patrol submitted written comments supporting the proposed rules.

- 10 **RULEMAKING HEARING:** The rule proposal was considered for adoption, pursuant to the notice, at a rulemaking hearing scheduled during the Commission's regularly scheduled open public meeting on August 14, 2002, before Chairwoman Marilyn Showalter, Commissioner Richard Hemstad and Commissioner Patrick J. Oshie. No interested person commented.
- 11 **COMMISSION ACTION:** After considering all of the information regarding this proposal, the Commission amended and adopted the rules as proposed in the CR-105 at WSR # 02-12-131.
- 12 **CHANGES FROM PROPOSAL:** The Commission adopted the proposal without changes from the text noticed at WSR # 02-12-131.
- 13 **STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE:** In reviewing the entire record, the Commission determines that WAC sections 480-14-999, 480-15-999, 480-30-999, 480-31-999, 480-40-999, 480-62-999, 480-62-240, 480-70-999, 480-90-999, 480-90-203, 480-90-208, 480-100-999, 480-100-163, 480-100-203, 480-100-208, 480-110-275, and 480-110-485 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.
- 14 The Commission also determines that WAC 480-110-999 should be adopted to read as set forth in Appendix A, as a rule 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

- 15 **THE COMMISSION ORDERS That :**
- 16 WAC sections 480-14-999, 480-15-999, 480-30-999, 480-31-999, 480-40-999, 480-62-999, 480-62-240, 480-70-999, 480-90-999, 480-90-203, 480-90-208, 480-100-999, 480-100-163, 480-100-203, 480-100-208, 480-110-275, and 480-110-485 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.
- 17 WAC 480-110-999 is adopted to read as set forth in Appendix A, as a rule 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 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 chapters 80.01 and 34.05 RCW and chapter 1-21 WAC.

DATED at Olympia, Washington, this ____ day of August, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, 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 1, amended 17, 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.