



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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FILED

DATE: March 20, 2019

TIME: 8:20 AM

WSR 19-07-077

Agency: Utilities and Transportation Commission

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 18-17-051 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) The purpose of this rulemaking is to implement Substitute Senate Bill (SSB) 6519, Chapter 107, Laws of 2018, enacted during the 2018 legislative session, and effective on July 1, 2019. This rulemaking is recorded as Docket TP-180402 at the Commission.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
April 24, 2019	9:30 a.m.	Commission Hearing Room 206 2nd Floor, Richard Hemstad Building 1300 S. Evergreen Park Drive S.W. Olympia, WA 98504-7250	

Date of intended adoption: April 24, 2019 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Washington Utilities and Transportation Commission

Address: 1300 S. Evergreen Park Drive S.W., Olympia, WA 98504-7250

Email: records@utc.wa.gov

Fax: (360) 586-1150

Other:

By (date) April 19, 2019

Assistance for persons with disabilities:

Contact Susan Holman

Phone: (360) 664-1243

Fax:

TTY: (360) 586-8230

Email: susan.holman@utc.wa.gov

Other:

By (date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The 2018 legislature passed and the governor signed SSB 6519 which transfers marine pilotage tariff rate-setting authority from the Board of Pilotage Commissioners (BPC) to the Utilities and Transportation Commission (UTC) effective July 1, 2019. The bill allows any person with a substantial interest in marine pilotage tariffs, including marine pilots and shippers, to file a proposed tariff with the UTC and also transfers consideration of the Port of Grays Harbor tariff rate recommendations for pilotage services within its district from the BPC to the UTC. The legislation authorizes the UTC to include in marine pilotage tariffs its reasonable costs for tariff rate setting.

Reasons supporting proposal: In 2018, the legislature passed SSB 6519, Chapter 107, Laws of 2018, which transferred marine pilotage rate-setting authority from the BPC to the UTC effective July 1, 2019. The legislation also transfers to the UTC consideration of the Grays Harbor port district's tariff rate recommendations for pilotage services, and authorizes the UTC to include in rates the reasonable costs for setting tariff rates. To ensure the timely adoption of rules, RCW 81.116.900 allows the UTC to adopt rules prior to July 1, 2019. This rulemaking will establish rules for general rate proceedings for marine pilotage services, including a detailed description of the information required for such filings

Statutory authority for adoption: RCW 81.116.020; RCW 81.116.900

Statute being implemented: RCW 53.08.390, 81.16.035, 81.16.061, 81.16.070, 81.16.120 and 81.16.130

Is rule necessary because of a:

- Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None

Name of proponent: (person or organization) Washington Utilities and Transportation Commission Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Jason Lewis	1300 S. Evergreen Park Dr. S.W. Olympia, WA 98504-7250	(360) 664-1206
Implementation:	Mark L. Johnson	1300 S. Evergreen Park Dr. S.W. Olympia, WA 98504-7250	(360) 664-1115
Enforcement:	Mark L. Johnson	1300 S. Evergreen Park Dr. S.W. Olympia, WA 98504-7250	(360) 664-1115

Is a school district fiscal impact statement required under RCW 28A.305.135? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

- Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Is a cost-benefit analysis required under RCW 34.05.328?

- Yes: A preliminary cost-benefit analysis may be obtained by contacting:
Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

No: Please explain: RCW 34.05.328 does not apply to the Washington Utilities and Transportation Commission as it is not one of the listed agencies in RCW 34.05.328(5)(a)(i).

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- RCW 34.05.310 (4)(b) (Internal government operations)
- RCW 34.05.310 (4)(c) (Incorporation by reference)
- RCW 34.05.310 (4)(d) (Correct or clarify language)
- RCW 34.05.310 (4)(e) (Dictated by statute)
- RCW 34.05.310 (4)(f) (Set or adjust fees)
- RCW 34.05.310 (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW .

Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. The Utilities and Transportation Commission is proposing to adopt rules that establish a process for setting rates, terms, and conditions for pilotage services that is comparable to the general ratemaking process the UTC has long used for utilities and other transportation companies the commission regulates. On January 18, 2019, the UTC mailed a notice to all stakeholders interested in the rulemaking, providing a copy of the draft rules and an opportunity to respond to an SBEIS questionnaire. The notice requested that entities affected by the proposed rules provide information about possible cost impacts of the rules with specific information for each rule that the entity identified as causing an impact. The UTC did not receive any information in response to the questionnaire. Based on the information available to it, the UTC determined that the proposed rules merely implement the statute and extend existing UTC procedures to marine pilotage services as required by the legislature.

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

Date: March 20, 2019

Name: Mark L. Johnson

Title: Executive Director and Secretary

Signature:

