

Attachment A

U-991301

Chapter 480-80 WAC

Tariff, Price Lists, and Contracts Rules

January 9, 2002

I. GENERAL RULES

AMENDATORY SECTION (Amending Docket No. U-991301, General Order No. R-481, filed 4/4/01, effective 5/5/01)

WAC 480-80-010 Application of rules. (~~(1) These rules shall apply to any public service company, defined as such by the laws of the state of Washington, as amended, operating a gas, electric, telecommunications, water or irrigation plant which is subject to the jurisdiction of the Washington utilities and transportation commission as to rates and service.~~

~~(2) Upon acceptable showing by any utility, the commission may waive or modify, as to that utility, the provisions of any rule herein contained, except when such provisions are fixed by statute.~~

~~(3) In no case shall any utility deviate from these rules unless authorized in writing by the commission.~~

~~(4) Competitively classified telecommunications companies previously granted exemptions from chapter 480-80 WAC Utilities general Tariff are not exempt from WAC 480-80-035 Price lists and WAC 480-80-325 Contract for service. Exemptions from the provisions of chapter 480-80 WAC include only the provisions in effect at the time the exemption was granted.)~~ (1) The rules in this chapter apply to any public service company that is subject to the jurisdiction of the commission as to rates and services under the provisions of RCW 80.04.010, chapters 80.28 and 80.36 RCW.

(2) The tariff, price list, and contract provisions filed by public service companies must conform with these rules. If the commission accepts a tariff, price list, or contract that conflicts with these rules, the acceptance does not constitute a waiver of these rules unless the commission specifically approves the variation consistent with WAC 480-80-015 (Exemptions from rules in chapter 480-80 WAC). Tariffs, price lists, or contracts that conflict with these rules without approval are superseded by these rules.

(3) Any affected person may ask the commission to review the interpretation of these rules by a public service company or customer by posing an informal complaint under WAC 480-09-150 (Informal complaints), or by filing a formal complaint under WAC 480-09-420 (Pleadings and briefs--Applications for authority--Protests).

(4) No deviation from these rules is permitted without written authorization by the commission. Violation will be subject to penalties as provided by law.

(5) Any tariff, price list, or contract on file and in effect or pending on the effective date of these rules, is not required to be refiled to comply with these rules.

NEW SECTION

WAC 480-80-015 Exemptions from rules in chapter 480-80 WAC. (1) The commission may grant an exemption from the provision of any rule in this chapter, if consistent with the public interest, the purposes underlying regulation, and applicable statutes.

(2) To request a rule exemption, a person must file with the commission a written request identifying the rule for which an exemption is sought, giving a full explanation of the reason for requesting the exemption.

(3) The commission will assign the request a docket number, if it does not arise in an existing docket, and will schedule the request for consideration at one of its regularly scheduled open meetings or, if appropriate under chapter 34.05 RCW, in an adjudication. The commission will notify the person requesting the exemption, and other affected persons, of the date of the hearing or open meeting when the commission will consider the request.

(4) In determining whether to grant the request, the commission may consider whether application of the rule would impose undue hardship on the petitioner, of a degree or a kind different from hardship imposed on other similarly situated persons, and whether the effect of applying the rule would be contrary to the purposes of the rule.

(5) The commission will enter an order granting or denying the request or setting it for hearing, pursuant to chapter 480-09 WAC.

(6) Competitive telecommunications companies previously granted exemptions from chapter 480-80 WAC Utilities general--Tariffs, price lists, and contracts, are not exempt from Part I. and Part III. of this chapter. Exemptions from the provisions of chapter 480-80 WAC include only the provisions in effect at the time the exemption was granted. This subsection confirms that there is no change in exemptions previously granted to telecommunications companies that have been classified as competitive as a result of:

- (a) Moving rules between chapters 480-80 and 480-120 WAC; and
- (b) Renumbering sections within chapters 480-80 and 480-120 WAC.

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-80-020 ((~~Saving clause.~~) Additional requirements. ((~~These rules shall not be construed as affecting the validity of any presently effective tariff provisions or pending tariff revisions. Attention shall be given by each utility to bringing presently effective tariffs into compliance with these rules so that all tariffs shall, within a reasonable period of time, conform as to tariff arrangement.~~)) (1) These rules do not relieve any public service company from any of its duties and obligations under the laws of the state of Washington.

(2) The commission retains the authority to impose additional or different requirements on any public service company in appropriate circumstances, consistent with the requirements of law.

NEW SECTION

WAC 480-80-025 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

AMENDATORY SECTION (Amending Order R-238, Cause No. U-85-44, filed 9/19/85)

WAC 480-80-030 Definitions. (~~((1) "Utility," when used in these rules, means any person, partnership, firm or corporation operating a gas, electric, telecommunications, water or irrigation plant which is subject to the jurisdiction of the commission as to rates and service.~~

~~(2) "Commission," when used in these rules, means the Washington utilities and transportation commission.~~

~~(3) "Tariff," as used in these rules, shall mean the complete tariff or any portion thereof containing those rate schedules and rules and regulations relating to charges and service which is regularly established under and in accordance with these rules and regulations relating to charges and service which is regularly established under and in accordance with these rules and regulations and the applicable statutes and which is applied to specific groups of customers within any particular territory but shall exclude special contracts for special rates, service and facilities.~~

~~(4) "Banded tariff," as used in these rules means a tariff filed by a telecommunications company in which at least one element of the rate schedule (WAC 480-80-230) is a band consisting of a maximum and minimum rate within which the rate may vary.~~

~~(5) "Number," "numbers," "numbered" and "numbering," when used in these rules, means either a letter of the alphabet or a numeral unless otherwise specifically indicated.)) The definitions in this section apply throughout the chapter unless the context clearly requires otherwise:~~

"Advice number" means a number assigned by the applicant to a tariff filing or contract filing for internal tracking purposes.

"Banded rate" means a rate that has a minimum and maximum rate.

"Commission" means the Washington utilities and transportation commission.

"Competitive telecommunications company" means a telecommunications company that has been classified as competitive by the commission pursuant to RCW 80.36.300.

"Fax" means the transmittal of electronic signals over telephone lines for conversion into written text.

"Noncompetitive telecommunications company" means every telecommunications company that has not been classified as competitive by the commission.

"Price list" means a telecommunications company's standard offer to the general public or to other telecommunications companies of one or more intrastate telecommunications services that the commission has determined to be subject to effective competition.

"Public service company" means every gas company, electric company,

telecommunications company, water company, or irrigation plant that is subject to the jurisdiction of the commission as to rates and service.

"RCW" means the Revised Code of Washington.

"Tariff" is a document that sets forth terms and conditions of regulated service, including rates, charges, tolls, rentals, rules, and equipment and facilities, and the manner in which rates and charges are assessed for regulated services provided to customers, and rules and conditions associated with offering service.

"Unified Business Identifier (UBI) number" means the standard nine-digit sequential number issued by Washington state and used by all state agencies to uniquely identify a business entity. The Department of Licensing, Department of Revenue, and Secretary of State's Office are authorized to issue UBI numbers.

"Utility" means every public service company that has not been classified as competitive by the commission.

"WAC" means the Washington Administrative Code.

NEW SECTION

WAC 480-80-031 Delivery of tariff, price list, and contract filings.

(1) The commission will accept a tariff, price list, or contract filing delivered in person, by mail, fax, or (when procedures are in place) electronic means. The commission will stamp a filing received on Saturdays, Sundays, and state holidays, or after 5:00 p.m., Pacific time, as received on the next business day.

(2) In person or by mail.

(a) In order to be deemed received on a given day, the commission records center must receive an original and two copies of the filing(s) and a transmittal letter by 5:00 p.m., Pacific time.

(b) A filing delivered by mail must be free from all charges for postage. The commission records center will return any postage-due filing to the sender.

(3) Fax filing.

(a) The commission must receive an original and two copies of the filing the following business day.

(b) The commission will use the date and time the fax filing is received and printed at the records center as the official file date.

(c) The commission records center must receive a faxed filing in its entirety by 5:00 p.m., Pacific time, Monday through Friday, except on state holidays, to be considered received on that business day.

(4) Electronic filing.

(a) An electronic filing must conform to commission procedures for electronic filing.

(b) After accepting an electronic filing, the commission will return an electronic mail message noting the receipt date.

II. TARIFFS AND CONTRACTS: UTILITIES

NEW SECTION

WAC 480-80-101 Tariff requirements. (1) A utility that is required to have a tariff on file with the commission must file and maintain its tariff(s) as required in the RCW and WAC.

(2)(a) A utility that provides more than one kind of service, such as gas, electric, or water must file a separate tariff for each service type.

(b) Each tariff must have an official designation number, printed as WN U-number. Subsequent tariff designations must be sequentially numbered in ascending order.

NEW SECTION

WAC 480-80-102 Tariff content. The tariff must include:

(1) **Title page.** The first sheet of the tariff must contain the following information:

- (a) Tariff number;
- (b) The canceled tariff number, when applicable;
- (c) The types of services covered by the tariff;
- (d) An identification of the territory to which the tariff applies;
- (e) Effective date of the sheet; and
- (f) The complete name, address, phone number, unified business identifier (UBI) number, and if available, the electronic mail address and web page address of the issuing utility.

(2) **Index or table of contents.** The second section of the tariff must be updated, when applicable, whenever a tariff sheet is added, revised, or canceled. It must include:

- (a) Tariff number;
- (b) Name of the utility issuing the tariff;
- (c) Effective date of the revised index or table of contents sheet; and
- (d) A complete and accurate list of the contents of the tariff.

(3) **Legend of symbols.** This section must identify all symbols used in the tariff to identify changes resulting from the filing of the specific sheet change. The list must include the required symbols and their meanings, and any other utility-specific symbol with its meaning consistent with the requirements identified in WAC 480-80-105(4).

(4) **Rules section.** The rules section sets forth the conditions governing services under the tariff.

(a) The rules section must include the following, when applicable:

- (i) Application for service;
- (ii) Definition of service;
- (iii) Reconnection charge;
- (iv) Service connection;
- (v) Installation of meters;
- (vi) Distribution main or line extension unless specified in a rate schedule;
- (vii) Responsibility for, and maintenance of, distribution plant and service lines;

(vii) Responsibility for, and maintenance of, distribution plant and service lines;

- (viii) Access to premises;
 - (ix) Interruptions to service;
 - (x) Bills;
 - (xi) Deposits;
 - (xii) Delinquent accounts;
 - (xiii) Discontinuance of service; and
 - (xiv) The method the utility will use to give notice to its customers of changes within the limits of a banded rate.
- (b) Gas companies must also include the requirements set out in:
- (i) WAC 480-90-233 (Purchased gas adjustment) (may be included in rules section or rates section);
 - (ii) WAC 480-90-303 (Heating value of gas); and
 - (iii) WAC 480-90-343 (Statement of meter test procedures).
- (c) Electric companies must also include the requirements set out in WAC 480-100-343 (Statement of meter test procedures).
- (d) Rules for specific services may be included in either the rate schedule section or the rules section.
- (5) **Rate schedule section.**
- (a) Rate schedule sheets must include the following, when applicable:
 - (i) Schedule number;
 - (ii) A title that accurately describes the service;
 - (iii) Availability;
 - (iv) The rates to be paid for the service;
 - (v) Any special terms or conditions associated with the service or the calculation of rates to be paid for the service.
 - (b) Noncompetitive telecommunications companies must also provide the following information, when applicable, based upon the type of service offered:
 - (i) **Exchange service rate schedules** that include:
 - (A) Primary rate schedules;
 - (B) Private branch exchange rate schedules;
 - (C) Miscellaneous rate schedules; and
 - (D) Exchange area maps.
 - (ii) **Inter-exchange service rate schedules** that include:
 - (A) Basic rate schedules;
 - (B) Supplementary rate schedules; and
 - (C) List of toll points.

NEW SECTION

- WAC 480-80-103 Tariff format. (1) Tariff sheet format.**
- (a) A utility must clearly print or type all tariffs on eight and one-half inch by eleven inch paper, with at least one-half inch margins on each side.
 - (b) The tariff sheet must include a blank space at least two inches wide and one and one-half inches high in the upper right hand corner of the sheet for commission use.
 - (c) Tariff sheets filed electronically must meet the requirements set forth in the applicable commission procedures.
- (2) **Sheet requirements.** Each tariff sheet must specify:
- (a) The designated tariff number;
 - (b) The tariff sheet revision number;
 - (c) The name of the utility issuing the tariff; and
 - (d) The effective date.

(3) **Sheet numbering.** Each tariff sheet must have a unique sheet number.

(a) The utility must designate the initial tariff sheet as the "original sheet."

(b) All subsequent revisions must be in sequential order and indicate the cancellation of the superseded sheet as follows:

On the first revision, designate the sheet as:
FIRST (or 1st) REVISION OF SHEET
CANCELING
ORIGINAL SHEET

On the second revision, designate the sheet as:
SECOND (or 2nd) REVISION OF SHEET
CANCELING
FIRST REVISION OF SHEET

(c) Each tariff revision sheet must use consecutive revision numbers and indicate the cancellation of the superseded sheet.

(d) A utility may reuse revision numbers assigned to sheets that were rejected or withdrawn for subsequent tariff changes.

(e) A utility may not reuse sheet numbers assigned to tariff sheets that are canceled and removed from the tariff during the life of the tariff unless the utility specifies that the sheet is reserved for future use.

(f) A utility may assign sheet numbers to sheets intended for future use.

(4) **Authorizing signature.**

(a) When the tariff sheets are submitted without a signature, the utility must include a statement in the transmittal letter certifying that the submitting person has authority to issue tariff revisions on behalf of the utility; or

(b) When the tariff sheets are submitted with a signature, such signature constitutes a certification that the person signing the tariff sheet has the authority to issue the tariff sheets on behalf of the utility.

NEW SECTION

WAC 480-80-104 Transmittal letter. A utility must submit a transmittal letter with all tariff and contract filings. The transmittal letter must:

(1) Identify all new tariffs or contracts, or identify the tariff or contract changes;

(2) Explain in understandable terms why the tariff or contract filing is being submitted;

(3) Specify the changes requested in clear and concise terms and define any acronyms used;

(4) Refer to the commonly used name of the service, the advice number, if known, and the docket number, if applicable;

(5) Include the advice number if the utility uses consecutively numbered advice letters;

(6) Describe the general effect of, and reasons for, tariff or contract filings involving only text changes;

(7) Describe which services are affected, and the dollar amount and percentage of increase or decrease if the filing is a rate change. If a combination of changes is filed (i.e., increases and decreases), each change should be described, as well as the net effect on company revenues; and

(8) If the utility does not include an authorizing signature on the tariff sheets, include a statement certifying that the submitting person has authority to issue tariff revisions on behalf of the utility.

NEW SECTION

WAC 480-80-105 Tariff filing instructions. (1) A tariff filing must:

- (a) Comply with statutory notice requirements;
- (b) Specify the requested effective date of the tariff sheet;
- (c) Include an original and two copies of each tariff sheet unless it is filed electronically; and
- (d) Be accompanied by a transmittal letter as set forth in WAC 480-80-104.

(2) Tariff filings must comply with the requirements set forth in chapter 480-09 WAC, where applicable.

(3) The tariff filing must include information sufficient to determine that the proposed tariff is fair, just, and reasonable. (4) **Tariff symbols.** Each time a tariff sheet(s) is revised, a utility must code all changes with the tariff symbol that best reflects the purpose and effect of the change. A utility:

- (a) Must locate the symbols on the right hand side of the changed text directly across from the change;
- (b) Must use the following list of symbols to signify:
 - D** - discontinued rate, service, regulation or condition;
 - N** - new rate, service, regulation, condition or sheet;
 - I** - a rate increase;
 - R** - a rate reduction;
 - C** - changed condition or regulation;
 - K** - that material has been transferred **to** another sheet in the tariff. (A footnote is required on the tariff sheet to identify the material's new sheet number);
 - M** - that material has been transferred **from** another sheet in the tariff. (A footnote is required on the tariff sheet to identify the material's former sheet number);
 - T** - a change in text for clarification;
 - O** - no change. (This symbol is discretionary unless specifically requested by the commission); and
- (c) May use additional symbols for other purposes when it has identified the symbols in its tariff as provided for in WAC 480-80-102(3).

(5) A utility must not give effect to revised tariff sheets until the commission approves the tariff filing by issuing an order or the new or changed provisions become effective by operation of law.

(6) When a tariff sheet(s) becomes effective, the commission will return one copy of the transmittal letter and one copy of each tariff sheet to the utility marked with the receipt date.

(7) The commission may require a utility to refile the tariff in its entirety should circumstances warrant it.

(8) If the commission issues an order directing a utility to refile all or a portion of its tariff, the utility must refile marking each affected sheet with the docket number.

NEW SECTION

WAC 480-80-111 Substitute tariff filings. (1) A utility may file substitute tariff sheets within a pending tariff filing if:

(a) There is no material change to the terms and conditions of service contained in the pending tariff sheet. This restriction does not apply to changes made to address commission concerns with the filing;

(b) The change does not increase the rates contained in the pending tariff sheet; or

(c) The change is to make typographical corrections to the pending tariff sheet.

(2) The filing must include a transmittal letter as set forth in WAC 480-80-104. The substitute filing must include the notation "Do Not Redocket."

(3) The commission retains discretion to reject any substitute tariff sheets where doing so is in the public interest.

NEW SECTION

WAC 480-80-112 Banded rate tariff filings. (1) **Noncompetitive telecommunication companies.** Noncompetitive telecommunications companies may file banded rate tariffs. When a noncompetitive telecommunications company files for a banded rate tariff, the filings must, at a minimum, be accompanied with the following:

(a) A statement supporting the use of a banded rate tariff rather than a tariff with fixed rates;

(b) A verifiable cost-of-service study supporting the contention that the minimum rate in the banded rate tariff covers the cost of the service. Costs will be determined under a long-run incremental cost analysis, including as part of the incremental cost, the price charged to other telecommunications companies for any essential function used to provide the service, or any other commission-approved cost method; and

(c) Information detailing the potential effect on revenue of the proposed banded rate tariff range, as well as the effect on revenue of the current or proposed rate.

(2) **Gas and electric companies.** Gas and electric companies may file banded rate tariffs for any nonresidential gas or electric service that is subject to effective competition from energy suppliers not regulated by the commission. When a gas or electric company files for a banded rate tariff, the filings must, at a minimum, be accompanied with the following:

(a) A statement supporting the use of a banded rate tariff rather than a tariff with fixed rates;

(b) A verifiable cost-of-service study supporting the contention that the minimum rate in the banded rate tariff covers all costs resulting from providing the service and provides a contribution to fixed costs; and

(c) Information detailing the potential effect on revenue of the proposed banded rate tariff range, as well as the effect on revenue of the current or proposed rate.

NEW SECTION

WAC 480-80-121 Tariff changes with statutory notice. (1) The commission must receive tariff changes not less than thirty days in advance of the requested effective date as required by RCW 80.28.060 and 80.36.110. Noncompetitive telecommunications companies that meet the requirements of RCW 80.36.110(2) may file with ten days' notice to the commission.

(2) The statutory notice period begins on the date the commission receives the tariff filing, in accordance with WAC 480-80-031.

NEW SECTION

WAC 480-80-122 Tariff changes with less than statutory notice. (1) The commission may allow tariff changes to become effective with less than statutory notice (LSN) when the utility provides good cause. A utility filing for LSN treatment may use an LSN form provided by the commission, or may submit a letter that includes the following:

- (a) Utility information:
 - (i) Name and address of utility;
 - (ii) Telephone number, e-mail address, and fax number; and
 - (iii) Name of contact person for the filing.
- (b) Tariff identification information:
 - (i) Number of the tariff being amended;
 - (ii) Title of the tariff item(s) being amended, if applicable; and
 - (iii) Number of the tariff sheet being amended.
- (c) Concise description of the changes being proposed;
- (d) Reason(s) for requesting LSN handling;
- (e) Effective date requested; and
- (f) If the utility does not include an authorizing signature on the tariff sheets, a statement certifying that the submitting person has authority to issue tariff changes on behalf of the utility.

(2) A utility requesting LSN must file tariff sheets with an effective date that reflects the required statutory notice period.

(3) If the LSN request is granted, the commission will issue an order directing that the tariff sheets be revised to reflect the authorized LSN effective date.

NEW SECTION

WAC 480-80-123 Tariff changes that do not require statutory notice. (1) A utility must file with the commission tariff changes that do not require statutory notice at least one day before the effective date.

(2) The filing must include a transmittal letter as set forth in WAC 480-80-104.

(3) Tariff changes that do not require statutory notice include:

- (a) Initial tariffs filed by a newly regulated utility;
- (b) A filing for a service not previously contained within a regulated utility's existing tariff;
- (c) A tariff change that does not affect the public; and
- (d) A change in a banded rate when notice to customers has been or will be given in accordance with tariff rules applicable to the service.

NEW SECTION

WAC 480-80-124 Failure to provide statutory notice. Except as provided under WAC 480-80-122, a tariff filing issued without the required statutory notice to the commission and the public has the same status as if the tariff filing had not been issued. A utility must give full statutory notice on any reissued tariff filing. The commission will promptly notify the utility in writing when a tariff filing is rejected for failure to provide statutory notice, but failure to notify the utility will not affect the status of the tariff filing.

NEW SECTION

WAC 480-80-131 Withdrawing a tariff filing. When withdrawing a filing, a utility must submit a letter that includes the following:

- (1) The name and address of the utility;
- (2) Docket number;
- (3) Advice number, if applicable;
- (4) The name of the contact person for the withdrawal;
- (5) An explanation of why it is requesting the withdrawal; and
- (6) A statement certifying that the submitting person has authority to withdraw the filing on behalf of the utility.

NEW SECTION

WAC 480-80-132 Rejecting tariff changes. The commission will reject any tariff change that reflects retroactive rate treatment. The commission may reject any tariff change that does not comply with commission rules.

NEW SECTION

WAC 480-80-133 Tariff adoption notice. (1) A utility must file a tariff adoption notice with the commission when either of the following changes affects an existing tariff:

- (a) Transfer of all or part of the operating control or ownership; or

(b) Utility name change.

(2) The acquiring utility must file the tariff adoption notice if there is a change in ownership or operating control. The surviving utility must file the tariff adoption notice if there is a name change.

(3) Content of the tariff adoption notice must contain, at a minimum, the following:

(Name of Utility) adopts and makes its own in every respect all tariffs, supplements and amendments filed with the Washington Utilities and Transportation Commission by (Name of Previous Utility or Prior Name of the Utility) prior to (Date).

(4) The tariff adoption notice may be made effective on one day's notice.

(5) In the event of a change in control or ownership, as described above, the utility adopting the tariff must file to incorporate the adopted tariff in its own tariff within sixty days of the date of the filing of the adoption notice. In the event of a name change the time limit is one year.

(6) Until the utility that adopted a tariff refiles the tariff in its own name, all changes after the adoption must include:

(a) The name of the utility whose tariff was adopted at the top of the sheet; and

(b) The name of the utility that adopted the tariff at the bottom of the sheet.

NEW SECTION

WAC 480-80-134 Discontinuing a tariffed service or services. When discontinuing a service or services, a utility must file to cancel the applicable tariff sheets in the same manner as required by tariff filing instructions set forth in WAC 480-80-105. The commission will handle discontinuation filings in the same manner and in accordance with the provisions governing all other tariff filings.

NEW SECTION

WAC 480-80-141 Service contract. (1) A utility may use service contracts when its tariff requires certain assurances from the customer for a specific service level such as a commitment to a minimum period of service.

(2) If the utility chooses to use service contracts, the utility must provide the commission with samples of the service contracts.

(a) Gas, electric, and water companies must provide the commission with samples of all service contracts currently in use.

(b) Noncompetitive telecommunications companies must provide the commission with samples of current service contracts within five days after a request by the commission.

NEW SECTION

WAC 480-80-142 Special contracts for noncompetitive telecommunications companies. (1) Contracts to be filed. Noncompetitive telecommunications companies must file with the commission:

(a) All contracts for retail sale to end-use customers of intrastate telecommunications services not classified as competitive that:

(i) State rates, charges, prices, terms, or conditions that are not consistent with any existing tariff; or

(ii) Provide for telecommunications services not specifically addressed in the noncompetitive telecommunications company's existing tariffs.

(b) Any significant modification of a previously executed contract will be treated as a new contract.

(c) A service order made pursuant to a filed contract is not itself a contract or contract amendment and need not be filed with the commission.

(2) Duration. All contracts must be for a stated time period.

(3) Ratemaking disclaimer. Unless otherwise provided by the commission, approval of contracts will not be determinative with respect to the expenses and revenues of the company for subsequent ratemaking considerations.

(4) Types of telecommunications contracts. The following types of telecommunications contracts have special or unique features, effective dates, and requirements:

(a) Federal, state, and local government "firm bid" contracts are governed under subsection (5) of this section.

(b) School, library, and rural health care (RHC) provider contracts entered into pursuant to 47 CFR, Part 54, are governed under subsection (6) of this section.

(c) All other retail contracts are governed under subsection (7) of this section.

SUMMARY COMPARISON OF THE DIFFERENT TYPES OF RETAIL CONTRACTS			
Subsection	Contract Type	When to File	Effective Date
(5)	Federal, State, and Local Firm Bid	no later than fifteen days after acceptance	when filed or later as specified
(6)	47 CFR Part 54; Schools, Libraries, and RHCs	no later than fifteen days after acceptance	when filed or later as specified
(7)	All other retail contracts	no later than thirty days prior to the proposed effective date	at least thirty days after filing

(5) Federal, state, and local government "firm bid" contracts - filing requirements and effective dates. Where a government agency asserts its authority to solicit a firm offer of services, and a contract subject to this section is submitted in response to that solicitation, the noncompetitive telecommunications company must file the contract with the commission no later than fifteen days after acceptance. The filing must include the same documentation as required for approval by subsection (7)(b) of this section and, if applicable, subsection (8) of this section. The contract will become effective at the time specified in the contract, but not earlier than when filed with the commission.

(6) School, library, and RHC provider contracts - filing requirements

and effective dates. A telecommunications company that enters into a contract to provide service to a school, library, or RHC provider, as part of the federal universal service program, must file the contract with the commission no later than fifteen days after acceptance by the administrator of the federal universal service program. The filing must include the same documentation as required for approval by subsection (7)(b) of this section and, if applicable, subsection (8) of this section. The contract will become effective at the time specified in the contract, but not earlier than when filed with the commission.

(7) All other retail contracts - standard filing requirements and effective dates.

(a) Contracts must be filed with the commission not less than thirty days before the proposed effective date of the contract.

(b) Each application filed for commission approval of a contract must:

(i) Include a complete copy of the proposed contract;

(ii) Show that the contract meets the requirements of RCW 80.36.170 (Prohibiting unreasonable preference) and RCW 80.36.180 (Prohibiting rate discrimination);

(iii) Demonstrate, at a minimum, that the contract charges cover the company's cost of providing the service. Costs will be determined under a long-run incremental cost analysis, including the price charged by the offering company to other telecommunications companies for any essential function used to provide the service, or any other commission-approved cost method.

(iv) Summarize the basis of the charge(s) proposed in the contract and explain the derivation of the proposed charge(s) including all cost computations involved; and

(v) Indicate the basis for using a contract rather than a filed tariff for the specific service involved.

(c) Contracts will become effective on the effective date stated on the contract or thirty days after the filing date, whichever occurs later, unless suspended or rejected by the commission. The commission may approve an earlier effective date, in which event the contract shall not become effective on a date that precedes commission approval. A request for an earlier effective date must include a complete explanation of why an earlier effective date is appropriate.

(8) Confidentiality. Filings under this section may be submitted with portions designated "confidential" pursuant to WAC 480-09-015. However, any filing that designates as "confidential" the essential terms and conditions will be rejected by the commission as not in compliance with the public inspection requirement of RCW 80.36.150(1). Essential terms and conditions are:

(a) Nature, characteristics, and quantity of the service provided;

(b) Duration of the contract, including the stated effective date, ending date, and any options to renew;

(c) Charge(s) for service, including minimum charge provisions; and

(d) Geographic location(s), such as exchange or city, where service will be provided.

NEW SECTION

WAC 480-80-143 Special contracts for gas, electric, and water companies. (1) Contracts to be filed. Gas, electric, and water companies must file with the commission all contracts for the retail sale of regulated utility services to end-use customers that:

(a) State charges or conditions that do not conform to any existing tariff; or

(b) Provide for utility services not specifically addressed in the gas, electric, or water company's existing tariffs.

(2) Any significant modification of a previously executed contract will be treated as a new contract for purposes of this section.

(3) Essential terms and conditions of all contracts filed pursuant to this section are considered a part of the gas, electric, or water company's filed tariffs and are subject to enforcement, supervision, regulation, control, and public inspection as such.

(4) Filing and effective dates. The contract will become effective on the effective date stated in the contract or thirty days after the filing date, whichever occurs later, unless suspended or rejected by the commission. The commission may approve an earlier effective date, in which event the contract shall not become effective on a date that precedes commission approval. A request for an earlier effective date must include a complete explanation of why an earlier effective date is appropriate.

(5) Each application filed for commission approval of a contract must:

(a) Include a complete copy of the proposed contract;

(b) Show that the contract meets the requirements of RCW 80.28.090 (Prohibiting unreasonable preference) and RCW 80.28.100 (Prohibiting rate discrimination);

(c) Demonstrate, at a minimum, that the contract charges recover all costs resulting from providing the service during its term, and, in addition, provide a contribution to the gas, electric, or water company's fixed costs;

(d) Summarize the basis of the charge(s) proposed in the contract and explain the derivation of the proposed charge(s) including all cost computations involved; and

(e) Indicate the basis for using a contract rather than a filed tariff for the specific service involved. If the basis for using a contract is the availability of an alternative service provider, identify that provider.

(6) All contracts must be for a stated time period, except for contracts for water line extensions. The commission may approve terms and conditions that prescribe the charge(s) to be applied during the time period, if such charge(s) are found to be appropriate. Unless otherwise provided by the commission, such approval will not be determinative with respect to the expenses and revenues of the utility for subsequent ratemaking considerations.

(7) Filings under this section may be submitted with portions designated "confidential" pursuant to WAC 480-09-015. However, any filing that designates the essential terms and conditions of the contract as "confidential" shall be rejected by the commission as not in compliance with the public inspection requirement of RCW 80.28.050. Essential terms and conditions are:

(a) Identity of the customer;

(b) Nature and characteristics of the service provided, including interruptible, firm, or peak delivery;

- (c) Duration of the contract, including any options to renew;
- (d) Charge(s) for service, including minimum charge provisions;
- (e) Geographic location where service will be provided; and
- (f) Additional obligations specified in the contract, if any.

III. PRICE LISTS AND CONTRACTS: COMPETITIVE COMPANIES AND SERVICES

NEW SECTION

WAC 480-80-201 Use of price lists. (1) A competitive telecommunications company may file a price list instead of a tariff to offer any intrastate telecommunications service. A noncompetitive telecommunications company may file a price list instead of a tariff to offer any intrastate telecommunications service that has been classified as competitive under RCW 80.36.330.

(2) A telecommunications company authorized to file a price list may file a tariff for a service. If a company elects to offer a competitive service by tariff, the company and the service will be subject to all rules and laws applicable to fully regulated services, and any waivers of rule or law otherwise applicable to competitive services or competitive companies will not apply.

NEW SECTION

WAC 480-80-202 Interpretation and application of price lists. (1) A price list is not a tariff and is not reviewed or approved by the commission at the time of filing. The commission will, when appropriate, investigate a price list or complain against a price list.

(2) If the commission determines that a telecommunications company's price list or other offer of service is ambiguous or conflicts with other offers, there is a rebuttable presumption that the conflict or ambiguity should be construed in favor of the customer.

NEW SECTION

WAC 480-80-203 Transmittal letter. A telecommunications company must submit a transmittal letter with all price list and contract filings. The transmittal letter must:

- (1) Identify all new price lists or contracts, or identify the price list or contract changes;
- (2) Specify the changes requested in clear and concise terms and define any acronyms used;

(3) Describe which services are affected, and the dollar amount and percentage of increase or decrease if the filing is a rate change; and

(4) Describe the general effect of, and reasons for, price list or contract filings involving only text changes.

NEW SECTION

WAC 480-80-204 Price lists format and content. (1) A price list must include, for each service in the price list, a description of the service, any limitations, terms, or conditions on the offering of that service, and all rates, charges, or prices at which the service is offered.

(2) A price list must:

(a) Plainly state the places where the offered telecommunications service will be rendered;

(b) Include the effective date clearly marked on each page;

(c) Conform to all applicable laws, rules, and orders. The filing of a nonconforming price list will not be deemed a waiver of the law, rule, or order. A company may not enforce a price list provision that conflicts with a law, rule, or order unless the commission waives that law, rule, or order.

(3) A price list of a competitive telecommunications company may state the rates, charges, or prices as maximum amounts rather than as specific prices.

(4) A price list of a noncompetitive telecommunications company offering a service classified as competitive under RCW 80.36.330 may state the rates, charges, or prices as maximum and minimum amounts rather than as specific prices. The minimum price must comply with the cost requirement in subsection (6) of this section.

(5) A transmittal letter must accompany a price list filing in compliance with the provisions of WAC 480-80-203.

(6) The rates, charges, and prices of services classified as competitive under RCW 80.36.330 must cover the cost of providing the service. Costs must be determined using a long-run incremental cost analysis, including the price charged by the offering company to other telecommunications companies for any essential function used to provide the service, or any other commission-approved cost method.

NEW SECTION

WAC 480-80-205 Effective date of price list filings. (1) Any new price list or price list change becomes effective on the later of:

(a) The effective date stated in the price list;

(b) Ten days after it is filed with the commission, as required by RCW 80.36.320(2) and 80.36.330(2); or

(c) Ten days after any existing customers are provided actual notice of the change in accordance with WAC 480-120-196.

(2) This section does not apply to the filing of initial price lists as a part of an application for registration and competitive classification under chapter 480-121 WAC.

NEW SECTION

WAC 480-80-206 Price list availability to customers. (1) Each telecommunications company offering service under a price list must maintain a complete copy of the price list on a website accessible to the public using standard web browser software.

(2) Each telecommunications company offering service under a price list must provide to any customer making a written or oral request a copy of the price list sheets applicable to that customer's service. The telecommunications company must provide the price list at no charge to the customer. This subsection does not apply if the telecommunications company makes available for public inspection, at a location within the customer's exchange, a complete copy of the price list.

(3) Each telecommunications company offering service under a price list must include in each customer bill or notice:

(a) The Internet address (uniform resource locator) of the website containing its price list; and

(b) The toll-free telephone number to use in requesting price list copies and a statement that there is no charge for the price list copy. If a company is not required by subsection (2) of this section to provide price list copies, it must instead provide the address, telephone number, and business hours of the location within the customer's exchange at which a complete copy of the price list is available for public inspection.

NEW SECTION

WAC 480-80-241 Filing contracts for services classified as competitive. (1) This section applies to services offered by competitive telecommunications company and to any service classified as competitive under RCW 80.36.330. However, if a telecommunications company has elected, pursuant to WAC 480-80-201(2), to offer a competitive service by tariff, the contract rules in WAC 480-80-142 applicable to tariffed services apply instead.

(2) A telecommunications company must file with the commission any contract with an end-user for retail intrastate telecommunications service if the service is not included in its price list or the contract contains prices, terms, or conditions other than those in its price list. A telecommunications company is not required to file a contract with prices below the maximum prices in the price list, as provided for in WAC 480-80-204(3), or within the maximum and minimum prices in the price list, as provided for in WAC 480-80-204(4), if the contract is otherwise consistent with the price list.

(3) Any significant modification to a previously executed contract is a new contract and must be filed as required by this section.

(4) Unless the contract includes a provision allowing the commission to reject it during the first fifteen days after it is filed, any contract required by subsection (2) of this section to be filed with the commission will become effective on the later of (a) its stated effective date or (b) ten days after it is filed with the commission. The deadline for filing a

contract that provides for commission rejection within fifteen days of filing is fifteen days after its stated effective date.

(5) A telecommunications company may submit filings under this section with portions designated "confidential" pursuant to WAC 480-09-015. However, the commission will reject any filing that designates as "confidential" the essential terms and conditions of a contract as defined in WAC 480-80-142(8).

(6) A telecommunications company filing a contract for a service classified as competitive under RCW 80.36.330 must provide information demonstrating that the contract prices comply with the cost requirement in WAC 480-80-204(6).

NEW SECTION

WAC 480-80-242 Using contracts for services classified as competitive.

(1) If a competitive telecommunications company or a company offering a service classified as competitive makes an offer of service at prices, terms, or conditions other than those in its price list, and the customer accepts that offer, the company must provide the service at prices, terms, and conditions consistent with the offer. Except as provided in WAC 480-80-241, the company must file with the commission either a price list change or a customer contract setting out the alternative prices, terms, and conditions.

(2) All contracts will be for a stated time period.

(3) A contract will be enforceable by the contracting parties according to its terms even if the telecommunications company fails to file the contract where required by WAC 480-80-241.

(4) Any contract for a service classified as competitive under RCW 80.36.330 must comply with the cost requirement in WAC 480-80-204(6).

(5) A contract must not include both "price listed" and "tariffed" services unless the tariffed services are set forth separately (see WAC 480-80-142).

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 480-80-035	Price lists.
WAC 480-80-040	Tariff.
WAC 480-80-041	Tariff.
WAC 480-80-045	Filing of banded tariffs.
WAC 480-80-050	Copies of tariff to be filed.
WAC 480-80-060	Delivery of tariff.
WAC 480-80-070	Statutory notice.
WAC 480-80-080	Tariff file at principal business office.
WAC 480-80-090	Tariff file at designated business offices.
WAC 480-80-100	Payment agencies.
WAC 480-80-110	Reference to tariff file.
WAC 480-80-125	Notice by utility to customers concerning hearing.
WAC 480-80-130	Notation of receipt of tariff by agents.

WAC 480-80-140	Form of tariff sheets.
WAC 480-80-150	Numbering of tariffs.
WAC 480-80-160	General arrangement of tariff.
WAC 480-80-170	Schedule designation.
WAC 480-80-180	Tariff sheet designation.
WAC 480-80-190	Numbering plan for sheets.
WAC 480-80-200	Title page.
WAC 480-80-210	Index page.
WAC 480-80-220	Rules and regulations page.
WAC 480-80-230	Rate schedule page.
WAC 480-80-240	Less than statutory notice.
WAC 480-80-250	Adoption notice.
WAC 480-80-260	Tariff of acquired utility.
WAC 480-80-270	Reference to tariff.
WAC 480-80-280	Issuing agent.
WAC 480-80-290	Suspension of tariffs.
WAC 480-80-300	Rejection of tariffs.
WAC 480-80-310	Exceptions.
WAC 480-80-320	Discontinuance of service.
WAC 480-80-325	Contract for service.
WAC 480-80-326	Contract for gas and electric service.
WAC 480-80-330	Telecommunications contracts.
WAC 480-80-335	Special contracts for electric, water, and natural gas companies.
WAC 480-80-340	Forms.
WAC 480-80-350	Refiling tariffs.
WAC 480-80-360	Standard tariff forms.
WAC 480-80-370	Symbols.
WAC 480-80-380	Availability of rules.