

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

In the Matter of Amending)
) DOCKET NO. A-030832
)
WAC 480-90-153)
WAC 480-100-153) GENERAL ORDER NO. R-509
WAC 480-107-001)
WAC 480-107-005)
WAC 480-110-435)
WAC 480-120-083) ORDER AMENDING AND
WAC 480-120-147) ADOPTING RULES
WAC 480-120-264) PERMANENTLY
WAC 480-120-439)
WAC 480-121-063)
)
Relating to updating internal WAC)
references)
)
And Amending and Adopting)
)
WAC 480-80-121)
WAC 480-80-122)
WAC 480-80-126)
WAC 480-80-205)
)
Relating to changes in legislation)
.....)

1 **STATUTORY OR OTHER AUTHORITY:** The Washington Utilities and Transportation Commission takes this action under Notice WSR # 03-15-142 for an expedited rulemaking, filed with the Code Reviser on July 23, 2003. 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 480-80 WAC, Utilities General—Tariffs, Price Lists, and Contracts			
Amend	480-80-121	Tariff changes with statutory notice.	1. Updated to reflect new legislation clarifying telecommunications tariff filings, effective July 27, 2003.
Amend	480-80-122	Tariff changes with less than statutory notice.	1. Updated to reflect new legislation simplifying processing of routine promotional and price list filings, effective July 27, 2003.
Adopt	480-80-126	Telecommunications promotional offering.	1. Added to reflect new legislation simplifying processing of promotional telecommunications tariff filings, effective July 27, 2003.
Amend	480-80-205	Effective date of price list filings.	1. Updated to reflect new legislation simplifying processing of routine promotional and price list filings, effective July 27, 2003.
Chapter 480-90 WAC, Gas Companies—Operations			
Amend	480-90-153	Disclosure of private information.	1. Updated to reflect revised WAC section cross-referenced in Chapter 480-80 WAC, Utilities General—Tariffs, Price Lists, and Contracts.
Chapter 480-100 WAC, Electric Companies—Operations			
Amend	480-100-153	Disclosure of private information.	1. Updated to reflect revised WAC section cross-referenced in Chapter 480-80 WAC, Utilities General—Tariffs, Price Lists, and Contracts.
Chapter 480-107 WAC, Electric Companies—Purchases Of Electricity From Qualifying Facilities and Independent Power Producers and Purchases of Electrical Savings From Conservation Suppliers			
Amend	480-107-001	Purpose and scope.	1. Updated to reflect revised WAC section cross-referenced in Chapter 480-100 WAC, Electric Companies--Operations.
Amend	480-107-005	Definitions.	1. Updated to reflect revised WAC section cross-referenced in Chapter 480-100 WAC, Electric Companies--Operations.

Chapter 480-110 WAC, Water Companies—Operations			
Amend	480-110-435	Extension contracts.	1. Updated to reflect revised WAC section cross-referenced in Chapter 480-80 WAC, Utilities General—Tariffs, Price Lists, and Contracts.
Chapter 480-120 WAC, Telecommunications Companies			
Amend	480-120-083	Cessation of telecommunications services.	1. Updated to reflect new numbering of chapter, effective July 1, 2003.
Amend	480-120-147	Changes in local exchange and intrastate toll services.	1. Updated to correct language from “interstate” to “intraLATA.”
Amend	480-120-264	Prepaid calling services.	1. Updated to reflect new numbering of chapter, effective July 1, 2003.
Amend	480-120-439	Service quality performance reports.	1. Amend to remove reference to incorrect WAC section.
Chapter 480-121 WAC, Registration, Competitive Classification and Price Lists of Telecommunications Companies			
Amend	480-121-063	Regulatory requirements that may be waived for competitively classified telecommunications companies.	1. Revised to reflect references to repealed sections and new numbering of Chapter 480-120, Telecommunications Companies, effective July 1, 2003.

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 July 23, 2003, at WSR # 03-15-142. 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 rule proposal. The Notice provided interested persons the opportunity to submit written comments to the Commission not later than September 22, 2003. The Commission posted the relevant rulemaking information on its internet web site at www.wutc.wa.gov.

- 9 **COMMENTERS (WRITTEN COMMENTS):** No comments were received on 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 October 8, 2003, before 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 # 03-15-142.
- 12 **CHANGES FROM PROPOSAL:** The Commission adopted the proposal with minor housekeeping changes from the text noticed at WSR # 03-15-142.
- 13 **STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE:** In reviewing the entire record, the Commission determines that WAC sections 480-80-121, 480-80-122, 480-80-205, 480-90-153, 480-100-153, 480-107-001, 480-107-005, 480-110-435, 480-120-083, 480-120-147, 480-120-264, 480-120-439, and 480-121-063 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 480-80-126 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 480-80-121, 480-80-122, 480-80-205, 480-90-153, 480-100-153, 480-107-001, 480-107-005, 480-110-435, 480-120-083, 480-120-147, 480-120-264, 480-120-439, and 480-121-063 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 480-80-126 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 29th day of October, 2003.

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 1, amended 3, 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 10, 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.