

MEMORANDUM

July 27, 2006

TO: Commissioners

FROM: Ann E. Rendahl, Administrative Law Judge

RE: Docket A-060357 – Delegation/Initial Order Rules
Adoption Hearing – Friday, July 28, 2006, 10:30 a.m.

On March 15, 2006, the Washington Utilities and Transportation Commission (Commission) filed with the Code Reviser a Preproposal Statement of Inquiry (CR-101) to consider the development of rules to implement SHB 2426, legislation allowing the Commission to delegate routine decisions, while maintaining oversight by the Commissioners. The Commission received written comments from PacifiCorp, Public Counsel and Avista.

The Commission held a workshop to discuss draft rules on May 11, 2006. The Commission received written comments on the draft rules from PacifiCorp, Public Counsel and Rick Finnigan.

On June 20, 2006, the Commission filed with the Code Reviser a Notice of Proposed Rulemaking (CR-102) proposing new sections to chapter 480-07 WAC that would delegate authority to the executive secretary to decide certain matters and proposing WAC480-07-370 relating to probable cause decisions.

Two stakeholders, Verizon and Public Counsel, submitted written comments. A summary of the comments is attached. The issues raised in the written comments are:

1. Whether to modify the basis for an administrative law judge to find probable cause.
2. Whether to characterize initial orders as “non-precedential.”
3. Whether to say in the rule that the commission may also delegate by order.
4. Whether to allow, for good cause, late-filed requests to review a delegated decision of the secretary.