



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do **NOT** use for expedited rule making

Agency: Washington Utilities and Transportation Commission

Subject of possible rule making: The Washington Utilities and Transportation Commission (Commission) initiates this rulemaking inquiry to consider the need to clarify jurisdiction over water companies, homeowner associations, cooperatives and mutual corporations, or similar entities, under Washington Administrative Code (WAC) 480-110-245 and WAC 480-110-255. This rulemaking has been assigned Docket UW-131386

Statutes authorizing the agency to adopt rules on this subject: RCW 80.01.040, RCW 80.04.160, and RCW 80.04.010

Reasons why rules on this subject may be needed and what they might accomplish: During a recent classification proceeding, commission staff (staff) became aware that part of the Commission's rule on jurisdiction over water companies, WAC 480-110-255(2)(e) and (f), may be read to exempt from Commission regulation certain entities that are not exempt. To avoid this problem, staff proposes that the Commission consider repealing WAC 480-110-255(2)(e) and (f), relating to homeowner associations, cooperatives, mutual corporations and similar entities. Staff proposes the Commission consider addressing the jurisdictional status of such entities, preferably in a policy statement, or in the rule. Also, staff proposes to define the terms "for hire" and "to the public" in WAC 480-110-245, Glossary, in addition to other minor changes in WAC 480-110-255, Jurisdiction: (1)(b), 2(a).

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:
None

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

The Commission will ask for initial written comments, and will provide the opportunity for additional comments.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

Interested persons may file written comment with the Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W., Olympia, Washington, 98504-7250; Telephone (360) 664-1174; Facsimile (360) 586-1150, email at records@utc.wa.gov, or through the Commission's Web portal at www.utc.wa.gov/e-filing by **5:00 p.m., Monday, September 23, 2013**. For specific information regarding opportunities for written comment and to ensure receipt of further information concerning this rulemaking please see the attachment to this form.

DATE
August 21, 2013

NAME (TYPE OR PRINT)
Steven V. King

SIGNATURE

TITLE
Executive Director and Secretary

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 21, 2013

TIME: 11:23 AM

WSR 13-17-116

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
CR-101 - ATTACHMENT
DOCKET UW-131386

Interested persons may contact the Executive Director and Secretary, Washington Utilities and Transportation Commission, P. O. Box 47250, Olympia, Washington, 98504-7250, 360-664-1174 (Fax: 360-586-1150).

WRITTEN COMMENTS

Written comments may be submitted to the Commission at the address given above and should be filed with the Commission no later than **Monday, September 23, 2013**.

Electronic copies. The Commission requests that comments be provided in electronic format to enhance public access, for ease of providing comments, to reduce the need for paper copies, and to facilitate quotations from the comments. Comments may be submitted via the Commission's Web portal at www.utc.wa.gov/e-filing or by electronic mail to the Commission's Records Center at records@utc.wa.gov. Please include:

- The docket number of this proceeding (UW-131386)
- The commenting party's name
- The title and date of the comment or comments

An alternative method for submitting comments may be by mailing/delivering an electronic copy to the Commission's Records Center on a CD or flash drive, in .pdf Adobe Acrobat format or in Word 2010 or later format. Include all of the information requested above. The Commission will post on the Commission's web site all comments that are provided in electronic format. The web site is located at <http://www.utc.wa.gov/131386>. If you are unable to file your comments electronically or to submit them on a disk, the Commission will always accept a paper document.

Opportunity for further comment is anticipated. Information about the schedule and other aspects of the rulemaking, including comments, will be posted on the Commission's web site as it becomes available. If you wish to receive further information on this rulemaking you may (1) call the Commission's Records Center at 360-664-1234, (2) e-mail the Commission at records@utc.wa.gov, or (3) mail written comments to the address above to the attention of Steven V. King, Executive Director and Secretary. When contacting the Commission, please refer to Docket UW-131386 to ensure that you are placed on the appropriate service list. Questions may be addressed to Penny Ingram at (360) 664-1242 or e-mail at pingram@utc.wa.gov.

NOTICE

TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULEMAKING -- The Commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. **ANY PERSON WHO COMMENTS** will continue to receive notices and information. If you do not submit comments but wish to remain on the mailing list for this rulemaking, please advise the Records Center by any one of the following methods: (1) send a note with your name, address (or a copy of your mailing label), and telephone and fax numbers referencing Docket UW-131386, and the words "Please keep me on the mailing list"; or (2) E-mail your name, address, telephone and fax numbers, referencing Docket UW-131386, and the words "Please keep me on the mailing list" to <records@utc.wa.gov>. Please note that all information in the mailings will be accessible through the Commission's Internet web site at <<http://www.utc.wa.gov/131386>>. **THOSE INTERESTED PERSONS WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULEMAKING.**