

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

In the Matter of Amending)	DOCKET NO. A-030852
)	
Several rules in Title 480 WAC)	GENERAL ORDER NO. R-511
)	
Relating to adoption-by-reference)	
date revisions and other minor)	ORDER AMENDING RULES
administrative changes.)	PERMANENTLY
)	
.....)	

1 **STATUTORY OR OTHER AUTHORITY:** The Washington Utilities and Transportation Commission takes this action under Notice WSR # 03-19-130 for an expedited rulemaking, filed with the Code Reviser on September 17, 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 the following sections of the Washington Administrative Code:

Rule Changes			
Action	WAC No.	Rule Title	Changes
Chapter 480-14 WAC, Motor Carriers Excluding Household Goods Carriers and Common Brokers			
Amend	480-14-999	Adoption by reference.	1. Adoption by Reference dates changed as follows: North American Uniform Out-of Service Criteria, April 1, 2003 Title 49 Code of Federal Regulations, October 1, 2002 2. Includes section titles in WAC references.
Chapter 480-15 WAC, Household Goods Carriers			
Amend	480-15-999	Adoption by reference.	1. Adoption by Reference dates changed as follows: North American Uniform Out-of Service Criteria, April 1, 2003 Title 49 Code of Federal Regulations, October 1, 2002 2. Includes section titles in WAC references.
Chapter 480-30 WAC, Auto Transportation Companies			
Amend	480-30-999	Adoption by reference.	1. Adoption by Reference dates changed as follows: North American Uniform Out-of Service Criteria, April 1, 2003 Title 49 Code of Federal Regulations, October 1, 2002 2. Includes section titles in WAC references.
Chapter 480-31 Private WAC, Nonprofit Transportation Providers			
Amend	480-31-999	Adoption by reference.	1. Adoption by Reference dates changed as follows: North American Uniform Out-of Service Criteria, April 1, 2003 Title 49 Code of Federal Regulations, October 1, 2002 2. Includes section titles in WAC references.
Chapter 480-40 WAC, Passenger Charter Carriers			
Amend	480-40-999	Adoption by reference.	1. Adoption by Reference dates changed as follows: North American Uniform Out-of Service Criteria, April 1, 2003 Title 49 Code of Federal Regulations, October 1, 2002 2. Includes section titles in WAC references.

Chapter 480-62 WAC, Railroad Companies—Operations			
Amend	480-62-999	Adoption by reference.	1. Adoption by Reference dates changed as follows: Title 49 Code of Federal Regulations, October 1, 2002 MUTCD, January 29, 2003 WSDOT Chapter 468-95 WAC, February 28, 2003 ANSI Z308.1, April 29, 2003 ANSI/ISEA 107, no change Title 49 United States Code, no change. 2. Changes in subsection (4) and (4)(c) update the 1998 American National Standard for Minimum Requirements for the Workplace First Aid Kits to 2003 version. 3. Typographical change in subsection (3)(c) capitalizes Internet. 4. Removes reference to Internet address in subsections (4)(c) and (5)(c) for publication availability. 5. Includes section titles in WAC references.
Chapter 480-70 WAC, Solid Waste Collection Companies			
Amend	480-70-999	Adoption by reference.	1. Adoption by Reference dates changed as follows: North American Uniform Out-of Service Criteria, April 1, 2003 Title 40 Code of Federal Regulations, July 1, 2003 Title 49 Code of Federal Regulations, October 1, 2002 2. Includes section titles in WAC references.
Chapter 480-75 WAC, Hazardous Liquid, Gas, Oil and Petroleum Pipeline Companies—Safety			
Amend	480-75-999	Adoption by reference.	1. Adoption by Reference dates changed as follows: Title 49 Code of Federal Regulations – no change The American Society of Mechanical Engineers (ASME) B31.4 – no change Section IX, ASME Boiler and Pressure Vessel Code – no change American Petroleum Institute (API), Standard 1104 – no change API RP standard 1117 – no change 2. Change in subsection (1)(b) corrects outdated WAC reference to 480-75-005 to read WAC 480-75-370, 480-75-630, and 480-75-660. 3. Includes section titles in WAC references.

Chapter 480-90 WAC, Gas Companies—Operations			
Amend	480-90-999	Adoption by reference.	1. Adoption by Reference dates changed as follows: Title 18 Code of Federal Regulations, April 1, 2003¹ NARUC, The Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies – no change 2. Typographical changes within section.
Chapter 480-100 WAC, Electric Companies			
Amend	480-100-999	Adoption by reference.	1. Adoption by Reference dates changed as follows: Title 18 Code of Federal Regulations, April 1, 2003.¹ NARUC, The Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies – no change National Electrical Code – no change ANSI C12.1, 2001 – no change 2. Typographical changes within section.

7 The accounting and reporting requirements in these rules do not affect treatment by this Commission for ratemaking purposes.²

8 **PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS**

THEREUNDER: A preproposal statement of inquiry is not required under RCW 34.05.353, “Expedited rule making.”

9 **NOTICE OF EXPEDITED RULEMAKING:** The Commission filed notice of Expedited Rulemaking (CR-105) on September 17, 2003, at WSR #03-19-130. 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 adoption-by-reference rule proposal. The Notice provided interested persons the opportunity to submit

¹ 18 CFR Parts 201, 101, and 352, Federal Energy Regulatory Commission (FERC): Accounting and Reporting of Financial Instruments, Comprehensive Income, Derivatives and Hedging Activities, Effective January 6, 2003 (Docket No. RM 02-3-000). The FERC has amended the General Instructions of 18 CFR Parts 201,101, and 352 to update the accounting and financial reporting requirements under its Uniform System of Accounts for jurisdictional public utilities and licensees, natural gas companies and oil pipeline companies.

² *WUTC v. Puget Sound Power & Light Company, Docket Nos. UE-921262, UE-920499, UE-920433, Fifteenth Supplemental Order (December 1993).*

written comments to the Commission not later than November 17, 2003. The Commission posted the relevant rulemaking information on its Internet web site at www.wutc.wa.gov.

- 10 **COMMENTERS (WRITTEN COMMENTS):** No comments were received on the proposed rules.
- 11 **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 November 26, 2003, before Chairwoman Marilyn Showalter, Commissioner Richard Hemstad and Commissioner Patrick J. Oshie. No interested person commented.
- 12 **COMMISSION ACTION:** After considering all of the information regarding this proposal, the Commission amended the rules as proposed in the CR-105 at WSR # 03-19-130.
- 13 **CHANGES FROM PROPOSAL:** The Commission adopted the proposal with minor housekeeping changes from the text noticed at WSR # 03-19-130.
- 14 **STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE:** In reviewing the entire record, the Commission determines that WAC sections 480-14-999, 480-15-999, 480-30-999, 480-31-999, 480-40-999, 480-62-999, 480-70-999, 480-75-999, 480-90-999, and 480-100-999 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.

ORDER

- 15 **THE COMMISSION ORDERS That :**
- 16 WAC sections 480-14-999, 480-15-999, 480-30-999, 480-31-999, 480-40-999, 480-62-999, 480-70-999, 480-75-999, 480-90-999, and 480-100-999 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 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 22nd day of December, 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 0, amended 0, 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.