

Service Date: July 14, 2023



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

621 Woodland Square Loop S.E. • Lacey, Washington 98503

P.O. Box 47250 • Olympia, Washington 98504-7250

(360) 664-1160 • TTY 1-800-833-6384 or 711

July 14, 2023

NOTICE OF OPPORTUNITY TO FILE WRITTEN OBJECTIONS
(By Monday, September 18, 2023)

Re: Rulemaking to Amend Pipeline Safety Program Fee Calculation,
Docket PG-230583

TO ALL INTERESTED PERSONS:

On July 14, 2023, the Washington Utilities and Transportation Commission (Commission) filed with the Code Reviser an Emergency Rulemaking Order (CR-103E) for publication at WSR 23-15-057. The CR-103E revised WAC 480-93-240(3)(a) on an emergency basis to strike the provision requiring that the Commission offset calculation of pipeline safety fee program fees with penalties collected pursuant to RCW 19.122.055. Also on July 14, 2023, the Commission filed with the Code Reviser an Expedited Rulemaking (CR-105) for publication at WSR 23-15-059 to permanently amend that provision of WAC 480-93-240.

It came to the Commission's attention that the Commission's rule, specifically WAC 480-93-240, conflicted with the statutes prescribing the method of calculation of pipeline safety fees. The rule required the Commission to offset pipeline safety fees by the total amount of penalties collected under RCW 19.122.055 (erroneously referenced as RCW 19.122.050), but RCW 19.122.170 directs the Commission to spend those penalty funds on education, not to fund the pipeline safety program. The resulting offset left the pipeline safety program fund underfunded.

The pipeline safety program provides for essential services that are necessary for the preservation of public safety. Pipeline safety fees must be billed to the pipeline operators by August 1, 2023. Because the permanent rulemaking notice and opportunity to comment time requirements would not allow the rule to be effective in time for the billing cycle, the Commission found that removing the offset provision immediately through an emergency rulemaking was in the public interest. Through the emergency rulemaking, the Commission amended WAC 480-93-240 to remove the offset provision to allow the Commission to accurately calculate and invoice pipeline safety program fees for this year.

The Commission now proposes this expedited rulemaking to permanently amend WAC 480-93-240.

NOTICE

THE COMMISSION PROPOSES TO AMEND WAC 480-93-240 UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE COMMISSION TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO THE EXECUTIVE DIRECTOR AND SECRETARY BY ELECTRONIC TRANSMISSION AS DESCRIBED BELOW AND RECEIVED NO LATER THAN 5:00 P.M., MONDAY, SEPTEMBER 18, 2023.

Electronic copies. Pursuant to WAC 480-07-250(3), written objections must be submitted in electronic form, specifically in searchable .pdf format (Adobe Acrobat or comparable software). As provided in WAC 480-07-140(5), those objections must be submitted via the Commission's web portal at www.utc.wa.gov/e-filing. If you are unable to submit documents via the portal, you may submit your comments by email to the Commission's Records Center at records@utc.wa.gov or by mailing or delivering an electronic copy to the Commission's Records Center on a flash drive, DVD, or compact disc that includes the filed document(s). Comment submissions should include:

- The docket number of this proceeding (PG-230583)
- The objecting party's name
- The title and date of the objections

The Commission will post on its web site all objections that are provided in electronic format. The web site is located at <https://www.utc.wa.gov/casedocket/2023/230583/docsets>. If you are unable to file your objections electronically or to submit them on a disk, the Commission will accept a paper document.

If you have questions regarding this expedited rulemaking, please contact Gregory J. Kopta at (360) 664-1355, or by email at gregory.kopta@utc.wa.gov.

AMANDA MAXWELL
Executive Director and Secretary