

**BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of

DOCKET NO. A-072162

Rulemaking to Consider Possible  
Corrections and Changes to Selected  
Rules in WAC 480-07, Relating to  
Procedural Rules

Comment Opportunity (CR-102)

**FOURTH COMMENTS OF PUBLIC COUNSEL (CR-102)**

**July 9, 2008**

**I. INTRODUCTION**

The Public Counsel Section of the Washington State Attorney General's Office (Public Counsel) files these comments in response to the Washington Utilities and Transportation Commission's (Commission) June 6, 2008 Notice of Opportunity to Submit Written Comments on Proposed Rules (CR-102) and third discussion draft of the rules (Third Draft). These comments address the most important aspects of our prior comments as they apply to the current proposed rules.

**II. COMMENTS**

**1. WAC 480-07-510(3): Organization and application to all workpapers**

The Commission's second discussion draft included three new subsections under WAC 480-07-510(3)(b). In our comments on that draft, Public Counsel agreed that the new subsections helped to clarify the requirements for work papers, but noted that the new organization left it unclear whether the requirements in the subsections applied to all workpapers

or only those supporting restating or pro forma adjustments.<sup>1</sup> In the Third Draft, this section has been reorganized into nine distinct subsections and is no longer unclear. Public Counsel supports this amendment.

**2. WAC 480-07-510(3)(c): Electronic documents**

In our previous comments, Public Counsel recommended that the Commission remove the language from subsection 510(3)(c) providing that a company can withhold password information for electronic spreadsheets to “secure the integrity of a proprietary model or proprietary calculations.”<sup>2</sup> Public Counsel voiced strong opposition to this inclusion, noting that allowing companies to withhold password information raised important policy concerns about the public nature of Commission regulatory proceedings and the potential limitation of the Commission’s regulatory authority.<sup>3</sup> The Commission accepted this recommendation, deleting this clause from 510(3)(c). Public Counsel supports this amendment.

**3. WAC 480-07-904: Delegation of requests for authorizations of transfers of property**

In our previous comments, Public Counsel voiced concern with a provision, WAC 480-07-904(1)(l), that delegates all requests for authorizations for transfer of property of telecommunications companies to the Executive Secretary. Public Counsel maintained that the Commission should retain authority to oversee significant transfers of property and recommended that delegation only be allowed for requests for *de minimus* transfers.<sup>4</sup> However,

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<sup>1</sup> See Third Comments of Public Counsel (Filed June 6, 2008), *Rulemaking to Consider Possible Corrections and Changes to Selected Rules in WAC 480-07, Relating to Procedural Rules*, Docket No. A-072162, pp. 2-3.

<sup>2</sup> *Id.*, p. 3.

<sup>3</sup> *Id.*, pp. 3-4.

<sup>4</sup> *Id.*, pp. 5-6.

the Third Draft changed WAC 480-07-904(1)(l) to read:

Requests for authorization of transfers of property by telecommunications companies under WAC 480-120-379 (Transfers of property), *limited to applications for the disposal of property that has a market value that exceeds either one percent of the company's rate base, last established by commission order, or two hundred thousand dollars, whichever is greater.*<sup>5</sup>

The limitation on applications for transfers of property having a market value *exceeding* one percent of the company's rate base, or having a value *greater* than \$200,000, appears to effectuate the opposite: excluding only *de minimus* items. Public Counsel remains concerned that such transactions can have significant customer impact and thus warrant more thorough consideration by the Commission. For these reasons and the reasons stated in our earlier filings, Public Counsel opposes this change and again recommends that the Commission consider limiting delegation to applications to approve transfers of property that has a market value of *less than* \$200,000 or one percent of the company's rate base.

### III. CONCLUSION

Public Counsel respectfully requests that the Commission consider these comments as it concludes this rulemaking and looks forward to participating in the August 14, 2008 Adoption Hearing.

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<sup>5</sup> Third Discussion Draft WAC 480-07-904(1)(l) (emphasis added).