

Agenda Date: January 14, 2004

Item No.: C2

Docket: **A-031232**

Subject: Review of Commission's minimum regulatory fees for Class 1 utilities and transportation industries, except for motor freight carriers.

Staff: Barbara Weigel, Rulemaking Lead
Karen Caillé, Administrative Law Judge
Paul Curl, Regulatory Services
Mike Young, Financial and Budget Services

Recommendation:

Direct the Staff to prepare a Rule Adoption Order for Commissioners' review to adopt changes to regulatory fee rules for Class 1 utilities and transportation industries, except for motor freight carriers, in Title 480 of the Washington Administrative Code.

Discussion:

Recent amendments to Chapters 80.24, 81.24, and 81.77 RCW pursuant to Chapter 296, Laws of 2003, gave the Commission authority to set minimum regulatory fees that do not exceed the cost of collecting the fees, and to waive collection of the minimum fee.

On September 3, 2003, the Commission filed with the Code Reviser a Preproposal Statement of Inquiry (CR-101) to review rules relating to regulatory fees for Class 1 utilities and transportation industries, except for motor freight carriers.

On December 1, 2003, the Washington Utilities and Transportation filed proposed rule changes with the Code Reviser in a Notice of Proposed Rulemaking (CR-102) in WSR #03-24-060 and asked for comments on the proposed rules to be filed by December 24, 2003. No comments were received.

The proposed rule changes have been drafted using parallel language across the industries to establish: the maximum statutory regulatory fee for each industry; the Commission's process for reducing the maximum statutory regulatory fee; a twenty dollar (\$20) minimum regulatory fee; and a waiver of the minimum regulatory fee for any company whose annual gross revenues are below the threshold that would generate the twenty (\$20) minimum regulatory fee.

The proposed rule changes will not increase revenue to the agency, nor will they increase the regulatory fee that any company is required to pay.

The proposed changes would affect the following rules in Title 480 of the Washington Administrative Code.

- WAC 480-30-110 Fees and gross operating revenue (Auto Transportation Companies)
- WAC 480-51-100 Annual Reports – Regulatory Fees (Commercial Ferries)
- WAC 480-62-300 Regulatory Fees (Railroad Companies)

- WAC 480-70-076 Regulatory Fees (Solid Waste Collection Companies)
- WAC 480-90-208 Financial reporting requirements (Gas Companies)
- WAC 480-100-208 Financial reporting requirements (Electric Companies)
- WAC 480-110-275 Accounting and reporting requirements, and regulatory fees (Water Companies)
- WAC 480-120-303 Reporting requirements for competitively classified companies (Telecommunication Companies)
- WAC 480-120-304 Reporting requirements for companies not classified as competitive (Telecommunication Companies)

Attachment A to this memorandum includes the proposed rule changes in legislative format.

Conclusion:

Staff recommends that the Commission direct the Staff to prepare a Rule Adoption Order for Commissioners' review to adopt changes to regulatory fee rules for Class 1 utilities and transportation industries, except for motor freight carriers, in Title 480 of the Washington Administrative Code.

Attachments