



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:

Review fee methodology established in WAC 480-93-240 and WAC 480-75-240 to evaluate alternative methods for allocating pipeline safety program costs to pipeline operators regulated by the Washington Utilities and Transportation Commission (WUTC). Docket No. P-041344

Statutes authorizing the agency to adopt rules on this subject:

RCW 80.01.040, RCW 80.04.160, RCW 81.04.160, RCW 80.24.060, and RCW 81.24.090

Reasons why rules on this subject may be needed and what they might accomplish:

RCW 80.24.060 and RCW 81.24.090 require the WUTC to establish by rule a fee methodology to recover the reasonable costs of administering the pipeline safety program from pipeline operators. The fee methodology provides for an equitable distribution of program costs among all pipeline companies. This rulemaking will provide the WUTC the opportunity to review the current fee methodology and explore alternative ways of allocating pipeline safety program costs to regulated pipeline companies.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

Federal Department of Transportation, Office of Pipeline Safety, Energy Facility Site Evaluation Council, and the state Department of Ecology also have jurisdiction over some matters relating to pipeline safety and environmental effects. The Commission will invite those agencies to participate in this rulemaking.

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

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

The Commission will schedule one or more workshops with representatives of affected constituencies in a manner designed to develop consensus among affected interests regarding any rule proposal.

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 contact the 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. Interested persons may file written comments on the CR-101 by **September 8, 2004**. 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 11, 2004
NAME (TYPE OR PRINT) Carole J. Washburn
SIGNATURE
TITLE Executive Secretary

CODE REVISER USE ONLY
Filed with the Code Reviser's Office
August 11, 2004, 10:40 a.m.
WSR 04-17-056

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
CR-101 - ATTACHMENT
DOCKET NO. P-041344

(e) Interested persons may contact the 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 **September 8, 2004**.

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 by electronic mail to the Commission's Records Center at records@wutc.wa.gov. Please include:

- The docket number of this proceeding (P-041344)
- 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 on a 3 ½ inch, IBM-formatted, high-density disk, in .pdf Adobe Acrobat format or in Word 97 or later. 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.wutc.wa.gov/041344>. 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@wutc.wa.gov>, or (3) mail written comments to the address above to the attention of Carole J. Washburn, Secretary. When contacting the Commission, please refer to Docket No. P-041344 to ensure that you are placed on the appropriate service list. Questions may be addressed to Sondra Walsh (360) 664-1286 or e-mail at <swalsh@wutc.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 No. P-041344,

and the words "Please keep me on the mailing list"; or (2) E-mail your name, address, telephone and fax numbers, referencing Docket No. P-041344, and the words "Please keep me on the mailing list" to <records@wutc.wa.gov>. Please

note that all information in the mailings will be accessible through the

Commission's Internet web site at <http://www.wutc.wa.gov/041344>. **THOSE**

PARTIES WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER

MAILINGS OR INFORMATION ON THE RULEMAKING.