

MEMORANDUM

August 11, 2007

To: Mark Sidran, Chairman
Patrick Oshie, Commissioner
Philip Jones, Commissioner

FROM: Ann Rendahl Sharyn Bate
Chris Rose Lisa Wyse
Dave Pratt Don Trotter

SUBJECT: Rulemaking Docket A-072162 – Procedural Rules.

RE: Adoption Hearing, August 14, 2008

Background

The commission initiated this rulemaking on December 5, 2007, to amend rules governing the agency's open meeting and delegations rules to allow for a more efficient open meeting process and to address some concerns and shortcomings in the delegation rules. The rulemaking is also intended to "clean up" certain procedural rules.

The commission circulated a set of draft rules to interested parties on January 25, 2008. The commission heard oral comments on these rules from practitioners at the agency's Bench Bar Conference on February 6, 2008. The commission also received comments on the draft rules from Public Counsel, Qwest, Verizon, Avista, Puget Sound Energy, WITA, PacifiCorp and Northwest Natural. The commission circulated a second set of draft rules on March 21, 2008, and received comments from Qwest, Avista, Verizon, Public Counsel, and PSE. The commission considered these comments in preparing the CR-102 proposed rules.

CR-102 Comments

The commission issued the CR-102, Notice of Proposed Rulemaking and an Opportunity to Submit Written Comments on June 6, 2008. Only Verizon and Public Counsel filed comments on the proposed rules. Verizon and Public Counsel both raised concerns with the language of one of the proposed delegation rules addressing delegation of decisions concerning transfers of telecommunications company property. Verizon also identified a concern that the proposed rule omitted language allowing delegation of decisions on the disposal of telecommunications company property. Other than these concerns, all interested parties, including Public Counsel, do not contest the proposed procedural rules.

Changes to Proposed Rules

- **WAC 480-07-145(6)(b):** The reference to the commission's web site should be corrected to read www.utc.wa.gov/e-filing, rather than www.wutc.wa.gov/e-filing.
- **WAC 480-07-904(1)(l):** To address comments submitted by Verizon and Public Counsel the language as proposed in WAC 480-07-904(1)(l) should be modified to read as follows:
 - (l) Requests by telecommunications companies for authorization of transfers of property by telecommunications companies under WAC 480-~~120-379~~143-120 (Transfers of property) or determination under WAC 480-143-180 (Disposal and determination of necessary and useful property) that property is not necessary or useful to perform public duties and may be disposed, limited to applications for the disposal of property that has a market value that exceeds does not exceed either one percent of the company's rate base, last established by commission order, or two hundred thousand dollars, whichever is greater.

Conclusion

The commission may consider adoption of the proposed rules in WAC 480-07, with minor changes to WAC 480-07-145(6)(b) and WAC 480-07-904(1)(l) from the language in the commission's CR-102 proposed rules.

Attachments