

Appendix B
(Legislative Version)

CHAPTER 480-04 WAC

Public Access to Information and Records

[Draft]

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WAC 480-04-020 Definitions. (1) ~~Public records.~~ "Public record" includes any writing (defined in subsection (5) of this section) prepared, owned, used, or retained by the commission, which contains~~ing~~ information relating to the conduct of government or the performance of any governmental or proprietary function~~prepared, owned, used or retained by the commission regardless of physical form or characteristics.~~

(2) "Public records officer" means the official responsible for the commission's compliance with the public records act, chapter 42.17 RCW, and for the implementation of this chapter. The commission's secretary is designated as its public records officer. The secretary may designate one or more persons to assist in the implementation and

~~application of this rule. Writing. "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation. "Writing" includes letters; words; pictures; sounds; symbols; telefacsimile copies; papers; maps; magnetic or paper tapes; photographic films and prints; magnetic or punched cards; diskettes; drums; and other documents.~~

~~(3) Washington utilities and transportation commission. The Washington utilities and transportation commission, referred to as "the commission" in these rules, is the commission appointed by the governor under RCW 80.01.010.~~

~~Where appropriate, the term "commission" also refers to the staff and employees of the Washington utilities and transportation commission.~~

~~(4) Secretary. "Secretary," also referred to as "executive secretary," means the secretary of the commission appointed pursuant to RCW 80.01.030. Unless otherwise restricted, the term "secretary" also refers to the acting secretary and to the secretary's designee.~~

~~(5) "Washington utilities and transportation commission," referred to in this chapter as "the commission," is the commission appointed by the governor under RCW 80.01.010. Where appropriate, the term "commission" also refers to the staff and employees of the Washington utilities and transportation commission.~~

~~(6) "Writing" means any information (e.g., words, numbers, symbols, images, and sounds) recorded in any media (e.g., handwritten, typewritten, printed, electronic, photographic, and video and audio recording), as defined in RCW 42.17.020(42).~~

~~(7) You. The word "you," or "your," when used in this chapter, means refer to a person who requests access to public records.~~

WAC 480-04-030 Organization of the Washington utilities and transportation commission. (1) The Washington utilities and transportation commission consists of three members appointed by the governor under RCW 80.01.010. The governor designates one member as the commission chair.

~~(2) The administrative office of the commission, also known as the headquarters office, is located at 1300 S. Evergreen Park Drive S.W., Olympia, Washington. Its mailing address is Washington Utilities & Transportation Commission, 1300 S Evergreen Park Dr SW, PO Box 47250, Olympia WA 98504-7250. Its telephone number is (360) 753-6423. The commission maintains no other offices.~~

~~(3) The commission is organized into the following principal partssections and divisions: Regulatory regulatory services division; safety and consumer protection; policy and public information; administrative law; knowledge management; financial and budget services division;; policy planning and research section; public affairs section; and legal, accounting, and policy development sectionemployee services. The head of each section or division is directly responsible directly to the commissioners.~~

WAC 480-04-040 Physical address; telephone; facsimile; e-mail; internet

The information included in this section is current at the time of rule adoption, but may change. Current information and additional contact information are available on the commission's internet site, in person at the commission's offices, or by telephone call to the commission's main public number.

<u>Physical address; address for U. S. Mail or hand-delivery</u>	<u>Washington Utilities and Transportation Commission 1300 S. Evergreen Park Drive S.W. P.O. Box 47250 Olympia, WA 98504-7250</u>
<u>Telephone (general)</u>	<u>(360) 664-1160</u>
<u>Telephone (records center)</u>	<u>(360) 664-1234</u>
<u>Telefacsimile (records center)</u>	<u>(360) 586-1150</u>
<u>Electronic mail (records center)</u>	<u>records@wutc.wa.gov</u>
<u>Internet</u>	<u>www.wutc.wa.gov</u>

WAC 480-04-050 Public information; public submissions or requests other than requests for public documents. ~~(1) Anyone who wishes to obtain general information concerning topics within the commission's jurisdiction is available through the commission's administrative office, and may find such information on the commission's internet home page site or may contact the commission by letter, telephone, or e-mail, as described in this section. The commission will route all inquiries to staff who can best respond to the inquiry. The home page address at the time this rule is adopted is <http://www.wutc.wa.gov>.~~

~~(2) Anyone may request information from the commission administrative office, concerning whether a common or contract carrier of solid waste or household goods currently has operating authority; the scope of that authority; and the carriers' current tariffs.~~

~~(3) Written requests for information should be submitted sent to the office of the secretary of the commission's public records officer at the commission's mailing address.~~

~~(4) Electronic mail and telefacsimile Rrequests for information may also be made by telephone or electronic mail. The commission will do its best to route the inquiry to staff who can assist the requesters should be sent to the commission's records center.~~

~~(3) Telephone requests for information may be made by contacting the commission's records center, or by call to the commission's general telephone number.~~

WAC 480-04-060 Public records available; hours for inspection and copying.

~~(1) Except as otherwise provided by RCW 42.17.310 (exempt records), RCW 42.17.260(6) (lists of individuals requested for commercial purposes), RCW 80.04.095~~

~~(records containing commercial information), WAC 480-09-015, these rules, and other provisions of the law, all public records of the commission, as defined in WAC 480-04-020(1), are available for public inspection and copying. All of the commission's public records are available for inspection and copying unless the public record is exempt from disclosure under chapter 42.17 RCW (the public records act), protected from disclosure under RCW 80.04.095 (records that contain valuable commercial information), WAC 480-07-160 (confidential information), WAC 480-07-420 (discovery—protective orders), or under other provision of law. Except as provided in RCW 42.17.260(6), the commission will not give, sell, or provide access to lists of individuals if the information is requested for commercial purposes.~~

(2) The commission ~~shall will act~~ promptly ~~respond to on~~ requests for inspection and copying ~~of public records~~.

~~(3) The commission will respond in accordance with these rules to requests received by mail for identifiable public records.~~

(43) Public records are available for inspection and copying during the commission's customary office hours which are from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding ~~legal-official state~~ holidays ~~as defined in RCW 1.16.050 (legal holidays and legislatively recognized days)~~.

WAC 480-04-065 Records index. The commission will publish and index its significant adjudicative decisions; declaratory orders; interpretive statements; and policy statements.

(1) ~~Each month, t~~The commission will publish and make available to ~~subscribers the public~~ its adjudicative orders ~~entered the prior month which that~~ resolve contested issues or which it believes will be of interest or significance, ~~its- declaratory orders, its interpretive statements, and its policy statements.~~ The commission will publish these documents by the means it deems best suited to achieve broad availability, consistent with staff resources and technology, including distribution of paper copies, electronic mail, and internet web site posting. Each publication will include declaratory orders and; interpretive and policy statements; and will includeThe commission will contemporaneously publish a summary of the decisions, orders, and statements.

(2) The commission will annually publish indices of the principles ~~which that~~ are applied in the text of published decisions, orders, and statements ~~entered during the prior year.~~

(3) The ~~publications commission~~ will ~~be available~~ make paper copies of its indices available for sale at the commission's estimated actual cost of reproduction and

distribution. ~~They will also be available for inspection during office hours in the commission branch of the Washington state library, at the commission's office in Olympia.~~

~~**WAC 480-04-070 Public records officer.** The secretary of the commission is the commission's public records officer for all records maintained by the commission. The secretary's office is located in the commission's administrative office. The public records officer is responsible for implementing the commission's rules about release of public records; coordinating the staff of the commission in this regard; and for compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.~~

WAC 480-04-090 Requests for public records. (1) Many requests for public records can be handled quickly and informally without the need for a formal written request. You may ask orally, in person, or by telephone to look at a document, or get a copy of a document. ~~You may ask orally, in person or by telephone.~~ You may also ask informally in writing, by letter or electronic mail. Requests may be made by electronic mail to the commission records center, records@wutc.wa.gov. ~~Commission staff will advise you if a formal written request, as described in subsection (4) of this section, is required.~~

(2) The commission ~~normally may~~ requires any person who seeks access to public records to present a formal written request. The commission may require a formal written request, for example,

~~(a) If you ask for large quantities of information, or have a list or make an unusual request, the formal written request helps the commission may need a written record to make sure that you get all the information you have requested, or to make sure and that the any charges for copies are proper.~~

~~(b) The commission may require a formal written request if the information that you want ask for might be within one of the exceptions to the law requiring disclosure, the commission may need a written request to make sure that the decision is made properly, by the right person, and that you get the response you are entitled to. In this situation, your formal written request helps the commission make sure that its decision to disclose or withhold the information is made properly and that you get the public records you are entitled to receive.~~ Examples of information that might be exempt from disclosure include documents that have been designated "confidential" by the person providing them to the commission, documents containing private or personal information, and documents that may be involved in litigation or hearings.

~~(3) If you need to make a formal written request for information, you may use a "public records request" form provided by the commission or you may write a letter that contains the information listed below. If you want to use the form, you can get a copy at the commission's internet site or office, or you can ask to have it sent to you.~~

~~—(4) You should take or send written requests for documents to the secretary of the commission. You may give the request to the receptionist or to any other available commission staff member; except that a request for a record which has been designated as confidential under the provisions of RCW 80.04.095 or WAC 480-09-015 must be submitted to the secretary of the commission as required by WAC 480-09-015(5).~~

~~—(5) A Formal written requests shall must include the following information:~~

~~(a) Your name, and address, and telephone number.~~

~~(b) When you are making the The date on which you submit your request.~~

~~(c) For whom The identity of any individual, business, or other organization for whom (the individual, business, or other organization) you are making the request, ; if not only for yourself personally.~~

~~(d) A clear indication, (such as in a document heading or title,) that you are requesting public records, to help make sure that the request is handled properly.~~

~~(e) Whether you want to inspect the document public records or get a copy of it copies, or both.~~

~~(f) A clear description of the public records s you want that is clear enough so that commission staff can find the records s. If you know how it is the public records are described in the index maintained by the commission, provide that description to assist the commission to identify the public records you want to review, that would be helpful in identifying it.~~

~~(g) A statement of whether a purpose of you are making the request is in order to obtain a list of individuals to be used for any commercial purposes.~~

~~(6) Commission staff will make a reasonable effort to assist in identifying and providing the all public records s that you request.~~

~~(7) The commission may waive the need for a completed form when doing so supports the commission's administrative convenience and is not inconsistent with legal requirements or public policies.~~

WAC 480-04-095 Disclosure procedure. (1) The ~~secretary~~ public records officer will promptly notify you if ~~commission staff finds that they~~ your request is found to be incomplete, and will tell you what the problem is. The ~~secretary~~ public records officer will assist you in to completing complete or correcting your request. Notifying you of a deficiency is not a denial of your request. The ~~secretary~~ public records officer may act on a deficient request to the extent that doing so is reasonable.

(2) Upon receiving a complete request, the ~~secretary~~ public records officer will review the requested record to determine whether the record or a portion of it is exempt from disclosure under the public records act, chapter 42.17 RCW, protected from disclosure under RCW 80.04.095 (records that contain valuable commercial information), WAC 480-07-160 (confidential information), WAC 480-07-420 (discovery—protective orders), or under another provision of law. ~~any provision of law.~~ ~~The review shall also determine whether any of the requested records include confidential information, as defined in pertinent law.~~

(3) ~~The commission will delete identifying details from a public record To the extent required to protect the personal privacy interests protected by RCW 42.17.310 and 42.17.315, as provided by law the commission will delete identifying details from a public record~~ when it makes the record available or publishes it. ~~Whenever that happens, t~~The commission will explain the reasons for ~~the any such~~ deletion.

(4) Only the ~~secretary~~ public records officer is authorized to deny requests for public records. Any action other than granting access to public records, when taken by a person other than the public records officer~~secretary~~, is a deferral of action, and not a denial of a request. Any commission staff member who does not grant access to a public record when a complete written request is made must immediately take or send the requested document, together with the written request, to the public records officer~~secretary~~ for a prompt decision granting or denying the request.

(5) If the public records officer~~secretary~~ ~~refuses to~~ does not grant access to all or part of a requested public record, the public records officer ~~will~~~~secretary shall~~ give you a written statement identifying the exemption authorizing the action and how it applies to the requested record. Any portion of the record that is not subject to exemption shall be promptly disclosed.

(6) ~~Records containing "confidential information."~~

~~— (a) If you requested a public record that contains information that has been designated confidential under RCW 80.04.095, and WAC 480-097-015160, or a protective order, and you have not specifically asked for to be provided with confidential information, the public records officer shall will tell you that material has been designated confidential, and make sure that you do ask whether you want the confidential information, before processing the your request.~~

~~— (b) AThe commission will process any request for a record designated as confidential under RCW 80.04.095 and or WAC 480-0907-015-160 shall be processed in accordance with the provisions of WAC 480-09-015 in accordance with those provisions of law.~~

(7) ~~If the public records officer denies your public records request in whole or in part, After receiving the public records officer will provide you a secretary's written explanation of the basis for the denial nondisclosure, under this rule, if~~ If you ~~still want disclosure want to contest the denial,~~ you may request a review under WAC 480-04-120.

WAC 480-04-100 Copying and service charges. The commission will provide copies of public records upon request.

(1) The commission ~~shall~~ may charge a published fee for copying ~~and providing information~~ public records, if you request copies. The commission may, by order, within the requirements of RCW 42.17.300, establish and change prices and establish the maximum number of various kinds of copies that will be provided without charge.

(2) The commission's charges for copies at the time this rule is adopted are as follows, Except as provided in WAC 480-0907-125-145(3)(b). Out-of-state customers and governmental agencies are not charged sales tax.

<u>Charges for Copies</u>	
<u>DESCRIPTION</u>	<u>CHARGES</u>
<u>Photocopies</u>	<u>\$0.15 per page + 8.0% sales tax</u> <u>-- 150 pages or less are free</u>
<u>Photocopies – City and County Agencies, plus all other exempt institutions.</u>	<u>\$0.07 per page – 300 pages or less are free</u> <u>(There is no tax charged)</u>
<u>Certified Copies</u>	<u>\$3.00 per certification sheet + 8.0% sales tax. Photocopies sent with certification are in addition to certification charge, at appropriate rate for photocopies</u>
<u>Fax Copies</u>	<u>\$0.50 per page + 8.0% sales tax</u> <u>-- 5 pages or less are free</u>
<u>Computer Runs</u>	<u>\$0.50 per page + 8.0% sales tax</u> <u>-- 5 pages or less are free</u>
<u>Colored Copies – 8 ½ X 11</u>	<u>\$1.00 per page + 8.0% sales tax</u> <u>No minimum – all colored copies are chargeable</u>
<u>Colored Copies – 8 ½ X 14</u>	<u>\$1.50 per page + 8.0% sales tax</u> <u>No minimum – all colored copies are chargeable</u>
<u>Computer Disks</u>	<u>\$5.00 per disk + 8.0% sales tax</u> <u>No minimum – all disks are chargeable</u>
<u>Audio Tapes</u>	<u>\$5.00 per tape + 8.0% sales tax</u> <u>No minimum – all tapes are chargeable</u>
<u>Video Tapes</u>	<u>\$5.00 per tape + 8.0% sales tax</u> <u>No minimum – all tapes are chargeable</u>
<u>GIS Maps – Premade</u>	<u>\$15.00 per map + 8.0% sales tax</u> <u>No minimum</u>
<u>GIS Maps – Custom</u>	<u>\$25.00 per map + 8.0% sales tax</u> <u>No minimum</u>
<u>Black & White Maps</u>	<u>\$5.00 per map + 8.0% sales tax</u> <u>No minimum – excluding BPA* maps, which are provided free by BPA</u>
<u>Washington & Northern Idaho Exchange Area Maps</u>	<u>\$2.00 per map + 8.0% sales tax</u> <u>No minimum – all WNIEA maps are chargeable</u>
<u>Gas Incident Report</u>	<u>\$13.00 per report + 8.0% sales tax</u> <u>No minimum</u>

<u>Gas Incident Photographs</u>	<u>\$1.00 per photograph + 8.0% sales tax</u> <u>No minimum – all photographs are chargeable</u>
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<u>PUBLICATIONS:</u>	<u>CHARGES:</u>
<u>Final Utility Orders</u>	<u>\$72.00 per year + 8.0% sales tax</u>
<u>Final Transportation Orders</u>	<u>\$20.00 per year + 8.0% sales tax</u>
<u>Telecommunication Comm. Digest</u>	<u>\$25.00 + 8.0% sales tax</u>
<u>Publication Safety Manual</u>	<u>\$5.50 + 8.0% sales tax</u>
<u>Cost Assessment Guidelines for Local Solid Waste Management Planning</u>	<u>\$7.70 + 8.0% sales tax</u>

The commission's charges for copies are also published in Administrative Policy 1.60c, except for charges made under WAC 480-07-145(3)(b). If there is a discrepancy between the charges stated in this rule and those stated in Administrative Policy 1.60c, the Administrative Policy 1.60c charges will apply. The commission will provide you with a copy of Administrative Policy 1.60c on request.

(3) WAC 480-07-145(3)(b) fixes the charge for copies when a party to an adjudicative proceeding fails to file the number of copies required to meet the commission's internal distribution needs.~~for producing for internal distribution, copies that parties to a proceeding have failed to file, the charges for services at the time this rule is adopted are as follows:~~

- ~~—— (a) Photocopies, fifteen cents per page for fifty one or more copies.~~
- ~~—— (b) Certified copies, three dollars per certified sheet.~~
- ~~—— (c) Telefacsimile (FAX) transmissions, fifty cents per page, for transmissions of six or more pages.~~
- ~~—— (d) Computer lists or printouts, fifty cents per page for six or more pages.~~
- ~~—— (e) Computer data copied onto floppy diskettes shall cost five dollars per diskette.~~
- ~~—— (f) Audio tapes, five dollars each.~~
- ~~—— (g) Video tapes, five dollars each.~~
- ~~—— (h) Color copies, one dollar per page.~~
- ~~—— (i) No charge is made for documents provided by electronic mail.~~
- ~~—— (3) Sales tax, at the current rate, shall be added to the price of each item.~~

~~—— **WAC 480-04-110 Information for commercial purposes.** Except as provided in RCW 42.17.260(6), the commission will not give, sell, or provide access to lists of individuals if the information is requested for commercial purposes.~~

WAC 480-04-120 Review of denials of public records requests. (1) If ~~the commission does not disclose a public record that you have requested and you disagree with the denial, you are denied disclosure of a public document and disagree with the denial~~ you may ask the ~~secretary~~public records officer, in writing, for a review of the denial. ~~The~~Your written request for review must describe or enclose the public records officer's ~~secretary's~~ written statement that ~~explains~~ing the reasons for the denial, as provided in WAC 480-04-095(5).

(2) ~~A request for review must be made in writing. It may be made~~You may hand deliver, or have a courier deliver your written request for review in person at the commission's administrative office or you may send it by mail or electronic mail.

(3) ~~The public records officer will~~P~~romptly after receiving a written request for review the secretary shall~~ review ~~the decision~~your written request. ~~He or she~~The public records officer may personally reconsider the denial decision, or may refer the request to the commission for review ~~at a commission meeting~~.

(4) The ~~public records officer's initial denial becomes~~commission's review of a decision denying disclosure is final ~~unless the commission modifies the decision within two days after the commission receives your request for review. at the end of the second business day following the secretary's initial denial decision, unless the commission provides a revised decision to you during that period. The commission, however, still may~~ This does not prevent the commission from reversing ~~modify a denial decision at a later time. Once the public records officer's initial denial decision becomes final or is modified by the commission, you may seek judicial review under RCW 42.17.340. after the end of the second business day following the initial denial decision.~~

WAC 480-04-130 Protection of public records. (1) Only commission staff may copy public documents unless the ~~public records officer~~secretary decides that copying by others will not disrupt commission ~~administration~~business operations or pose any risk to the integrity and safety of the documents.

(2) No person may take any ~~document~~public record from the area ~~designated by the secretary~~public records officer designates for ~~the~~ public inspection of ~~documents~~public records unless expressly authorized to do so by the public records officer~~secretary~~ authorizes doing so.

(3) When a member of the public asks to examine an entire file or group of ~~documents~~public records, as distinguished from specific ~~documents~~public records that can be individually identified and supplied~~made available~~, the commission may take a reasonable time ~~for to~~ inspection the file or group of public records to remove any

material designated as confidential and any information protected from disclosure by chapter RCW 42.17.310-RCW, or other provision of law.