

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Amending)	
)	DOCKET NO. A-031232
Several rules in Title 480 WAC)	
)	GENERAL ORDER NO. R-512
Relating to minimum regulatory fees)	
for Class 1 utilities and)	
transportation industries, except for)	ORDER AMENDING RULES
motor freight carriers.)	PERMANENTLY
)	
.....)	

1 STATUTORY OR OTHER AUTHORITY: The Washington Utilities and Transportation Commission takes this action under Notice WSR # 03-24-060, filed with the Code Reviser on December 1, 2003. The Commission brings this proceeding pursuant to RCW 80.01.040, RCW 80.04.160, RCW 81.04.160, and Chapter 296, Laws of 2003, which amended Chapters 80.24, 81.24, and 81.77 RCW to give 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.

2 STATEMENT OF COMPLIANCE: This proceeding complies with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

3 DATE OF ADOPTION: The Commission adopts this rule on the date that this Order is entered.

4 CONCISE STATEMENT OF PURPOSE AND EFFECT OF THE RULE: RCW 34.05.325 requires that the Commission prepare and provide to commenters a concise explanatory statement about an adopted rule. The statement must

include the identification of the reasons for adopting the rule, a summary of the comments received regarding the proposed rule, and responses reflecting the Commission's consideration of the comments.

5 The Commission often includes a discussion of those matters in its rule adoption order. In addition, most rulemaking proceedings involve extensive work by Commission Staff that includes summaries in memoranda of stakeholder comments, Commission decisions, and Staff recommendations in each of those areas.

6 In this docket, to avoid unnecessary duplication, the Commission designates the discussion in this order as its concise explanatory statement, supplemented where not inconsistent by the staff memoranda presented at the adoption hearing and at the open meetings where the Commission considered whether to begin a rulemaking and whether to propose adoption of specific language. Together, the documents provide a complete but concise explanation of the agency actions and its reasons for taking those actions.

7 **REFERENCE TO AFFECTED RULES:** These rules amend the following sections of the Washington Administrative Code:

WAC 480-30-110 Fees and gross operating revenue.

Amends the title, amends the filing date to May 1, establishes the maximum statutory regulatory fee, establishes the Commission's process for reducing the maximum statutory regulatory fee, establishes 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 dollar (\$20) minimum regulatory fee.

WAC 480-51-100 Annual reports—Regulatory fees.

Establishes the maximum statutory regulatory fee, establishes the Commission's process for reducing the maximum statutory regulatory fee, establishes 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 dollar (\$20) minimum regulatory fee.

WAC 480-62-300 Annual reports.

Amends the title, establishes the maximum statutory regulatory fee, establishes the Commission's process for reducing the maximum statutory regulatory fee, establishes 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 dollar (\$20) minimum regulatory fee.

WAC 480-70-076 Regulatory fees.

Amends the filing date to May 1, establishes the Commission's process for reducing the maximum statutory regulatory fee, establishes 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 dollar (\$20) minimum regulatory fee.

WAC 480-90-208 Financial reporting requirements.

Establishes the maximum statutory regulatory fee, establishes the Commission's process for reducing the maximum statutory regulatory fee, establishes 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 dollar (\$20) minimum regulatory fee.

WAC 480-100-208 Financial reporting requirements.

Establishes the maximum statutory regulatory fee, establishes the Commission's process for reducing the maximum statutory regulatory fee, establishes 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 dollar (\$20) minimum regulatory fee.

WAC 480-110-275 Accounting and reporting requirements, and regulatory fees.

Establishes the maximum statutory regulatory fee, establishes the Commission's process for reducing the maximum statutory regulatory fee, establishes 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 dollar (\$20) minimum regulatory fee.

WAC 480-120-303 Reporting requirements for competitively classified companies.

Establishes the maximum statutory regulatory fee, establishes the Commission's process for reducing the maximum statutory regulatory fee, establishes 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 dollar (\$20) minimum regulatory fee.

WAC 480-120-304 Reporting requirements for companies not classified as competitive.

Establishes the maximum statutory regulatory fee, establishes the Commission's process for reducing the maximum statutory regulatory fee, establishes 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 dollar (\$20) minimum regulatory fee.

8 PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS THEREUNDER:
The Commission filed a Preproposal Statement of Inquiry (CR-101) on September 3, 2003, at WSR # 03-18-116.

9 ADDITIONAL NOTICE AND ACTIVITY PURSUANT TO PREPROPOSAL STATEMENT: The statement advised interested persons that the Commission was considering entering a rulemaking to amend minimum regulatory fee rules for class 1 utilities and transportation industries, except motor freight carriers, in

Title 480 WAC. The Commission also informed persons of the inquiry into this matter by providing notice of the subject and the CR-101 to all persons on the Commission's list of persons requesting such information pursuant to RCW 34.05.320(3) and by sending notice to auto transportation, railroad, solid waste, gas, electric, telecommunications, and water companies, and commercial ferries. Pursuant to the notice, the Commission called for written comments. No comments were received.

- 10 NOTICE OF PROPOSED RULEMAKING: The Commission filed a notice of Proposed Rulemaking (CR-102) on December 1, 2003 at WSR #03-24-060. The Commission scheduled this matter for oral comment and adoption under Notice WSR #03-24-060 at 9:30 a.m., Wednesday, January 14, 2004, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington. The Notice provided interested persons the opportunity to submit written comments to the Commission. No comments were received.
- 11 RULEMAKING HEARING: The rule proposal was considered for adoption, pursuant to the notice, at a rulemaking hearing scheduled during the Commission's regularly scheduled open public meeting on January 14, 2004, before Chairwoman Marilyn Showalter, Commissioner Richard Hemstad, and Commissioner Patrick J. Oshie. The Commission heard oral comments from Mike Young, representing Commission Staff. No other interested person made oral comments.
- 12 COMMISSION ACTION: After considering all of the information regarding this proposal, the Commission adopted the rule amendments as noticed at #WSR 03-24-060.
- 13 STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE: In reviewing the entire record, the Commission determines that WAC 480-30-110, WAC 480-51-100, WAC 480-62-300, WAC 480-70-076, WAC 480-90-208, WAC 480-100-208,

WAC 480-110-275, WAC 480-120-303, and WAC 480-120-304 should be amended to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380(2) on the thirty-first day after filing with the Code Reviser.

ORDER

14 THE COMMISSION ORDERS:

15 WAC 480-30-110, WAC 480-51-100, WAC 480-62-300, WAC 480-70-076, WAC
480-90-208, WAC 480-100-208, WAC 480-110-275, WAC 480-120-303, and WAC
480-120-304 are amended to read as set forth in Appendix A, as rules of the
Washington Utilities and Transportation Commission, to take effect on the thirty-
first day after filing with the Code Reviser pursuant to RCW 34.05.380(2).

16 This Order and the rules set out below, after being recorded in the register of the
Washington Utilities and Transportation Commission, shall be forwarded to the
Code Reviser for filing pursuant to chapters 80.01 and 34.05 RCW and chapter
1-21 WAC.

DATED at Olympia, Washington, this 11th day of February 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner

Note: The following is added at Code Reviser request for statistical purposes:

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 9, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.