



STATE OF WASHINGTON
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
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Centennial Accord Plan Utilities and Transportation Commission

The Utilities and Transportation Commission (commission) regulates a wide range of services provided by investor-owned companies, including electricity and natural gas, landline telecommunications (but not wireless, internet or cable), solid waste collection, water, pipelines, railroad carriers and facilities, household goods movers, commercial ferries and buses. For each industry, the type and purpose of regulation varies, as does the commission's authority and jurisdiction. Generally, the commission regulates rates, service quality, consumer protection and safety measures.

The commission's budget for the 2011-13 biennium is \$49.1 million and the agency has 166 full-time equivalent positions. Its operations are supported through fees paid by regulated companies. The commission also receives federal grants for our pipeline safety and motor carrier safety.

Mission

The Utilities and Transportation Commission protects consumers by ensuring that investor-owned utility and transportation services are fairly-priced, available, reliable and safe.

We do this by carefully balancing the interests of the companies providing the services with the interests of the consumers in Washington who pay in excess of \$6.5 billion annually for these services.

Goals

1. Increase public safety by improving Washington's pipeline damage-prevention system and improving safety at high-risk railroad crossings.

Commission Tribal Liaison:

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2. Tailor regulation to the requirements of the market by reducing rate and entry regulation of auto transportation companies and streamlining regulation of wire-line telecommunications services.
3. Adapt regulations to promote cost-effective conservation measures and renewable resources as prescribed by statute by implementing requirements of the Energy Independence Act.
4. Ensure that regulated firms provide safe and reliable infrastructure and services on which the state's economy depends by ensuring that regulated utilities are prepared to respond to risks or threats to critical infrastructure and that natural gas distribution companies prudently and timely address risks to the integrity of their pipelines.
5. Improve the commission's business performance for the benefit of employees, regulated firms and the public by developing new applications in, and migrate existing applications to, the commission's new information technology architecture.

UTC Organization

Regulatory Services Division

The role of the Regulatory Services Division is to conduct economic regulation of investor-owned utilities and transportation companies. Economic regulation involves setting the rates, terms and conditions regulated firms may require of their customers. This division also ensures energy companies' renewable energy programs are appropriately designed and cost-effective.

Safety and Consumer Protection Division

The role of the Safety and Consumer Protection division is to provide safety oversight of pipeline, railroad and certain kinds of transportation companies including solid waste, household goods, charter bus, intercity buses and airporters. The division also investigates and resolves complaints by customers or regulated companies, investigates the business practices of companies to ensure compliance with commission rules and orders and publishes information to help consumers understand their rights and responsibilities and make efficient use of services provided by regulated companies.

Administrative Law and Policy Divisions

Attorneys in the Administrative Law Division preside over formal proceedings (such as rate increases, complaints and staff investigations) with the commissioners or alone when the

commissioners are not available to preside. In addition, the attorneys serve the commission staff as legal advisors in formal proceedings. Policy staff provides advisory support to the commissioners and to Administrative Law Judges in contested cases before the commission. Policy staff also coordinates the commission's state and federal legislative activities, coordinates policy development with the Governor's Office, analyzes and prepares responses to policies put forth by federal regulatory agencies (such as the Federal Energy Regulatory Commission and Federal Communications Commission) and researches emerging issues and technological trends.

Commission Programs or Services Available to or Affecting Tribes

The commission provides the following services that may be of interest to Tribes or Tribal members:

1. Complaint resolution between regulated companies and their tribal customers.
2. Safety inspections of transportation companies owned by tribes or tribal members.
3. Safety inspections of pipelines located within a reservation.
4. Safety inspections of railroad facilities located within a reservation.
5. Safety improvements at railroad grade crossings and tracks located on tribal lands, including at areas where tribes and tribal members have access across railroad tracks to recognized fishing grounds.
6. Siting energy facility near or within a reservation.
7. Opportunity for tribes to “opt-out” of local taxes on utility services provided by regulated companies.
8. Commission developed or sponsored plans for broadband infrastructure.
9. Designation of a telecommunications company owned by the tribe or tribal members as an eligible telecommunications carrier.
10. Participation in commission and Energy Facility Site Evaluation Council proceedings through docket-specific or general interested persons mailing lists.

Funding Available to Tribes – Grade Crossing Protective Fund

The commission administers the Grade Crossing Protective Fund (GCPF) to provide grants to railroad companies, local governments, tribal organizations and other agencies that propose to make safety improvements at a railroad crossing or along a railroad right-of-way. Designated funding is available for safety improvements at public railroad crossings with no lights or gates, to mitigate hazards to pedestrians at railroad crossings or tracks and for implementing other safety projects. Examples of projects include:

- **Public crossing safety projects such as** improvements to motorists' ability to see approaching trains, including the removal of physical obstructions, participation in roadway improvements at or approaching grade crossings and mitigation of crossing closures.
- **Private grade crossing safety improvements** such as installation of crossing-specific warning devices, installation of nighttime or off-hours locked gates and improvements to existing warning devices
- **Pedestrian safety improvement projects** such as fencing or other physical barriers that prevent trespassing on railroad rights-of-way, pedestrian warning devices, channeling devices, media or public relations campaigns and enforcement-related activities.

The commission will consider and select projects for funding based on:

1. The relative severity of the hazard being addressed.
2. The safety benefits resulting from a project.
3. The costs of implementing a project.
4. Geographic diversity.
5. Available funds.

Consultation Process

The commission will approach affected tribes and consult with them on the services and information the commission offers and the kinds of issues it addresses. Some of the topics or issues where tribes may wish consultation include:

1. The opportunity to be added to commission distribution lists. The commission notifies all persons on the distribution list of upcoming proceedings, as well as the process for consultation with staff regarding the proceeding.
2. The opportunity to apply for funding for safety improvements at railroad crossings and tracks, including those areas where tribes and tribal members have access across railroad tracks to recognized fishing grounds.
3. Education regarding commission services and consumer rights, pipelines and dig safely practices, or other presentations by the commission outreach manager.

4. Opportunities for Operation Lifesaver presentations regarding rail safety at tribal schools or events.
5. Information about the Washington Telephone Assistance and Lifeline programs.
6. Safety guide for transportation companies.
7. Subscription to the commission’s Consumer Connection electronic newsletter.

Dispute Resolution

If a dispute arises between the commission and a tribe, disputing parties will attempt to address disputes informally through staff contacts. If the dispute cannot be resolved at the staff level, the commission will escalate the issue to the director level for the commission and the level designated by the tribe. If director level involvement is unsuccessful, the commission will engage the assistance of the commissioners, the Governor’s Office or other elected leaders as needed.

Definitions of Relevant Terms

Economic regulation: The regulation of entry into the market and setting or approving rates for services rendered.

Eligible telecommunications carrier: A telephone company that provides service in a challenging rural area and is designated by the commission to be eligible for financial support from the federal Universal Service Fund.

Energy Facility Site Evaluation Council (EFSEC): EFSEC coordinates all [evaluation and licensing steps](#) for siting [certain energy facilities](#) in Washington, including the conditions of construction and operation. EFSEC also manages an environmental and safety oversight program of facility and site operations.

Lifeline: Lifeline is a program administered by individual telephone companies that allows low income households to receive discounted telephone services, both landline and cellular.

Operation Lifesaver: Washington Operation Lifesaver is a free public service education program dedicated to preventing and reducing fatalities and injuries at highway-rail grade crossings and along railroad rights-of-way.

Washington Telephone Assistance Program (WTAP): A program administered by the Department of Social and Health Services, funded through a charge on Washington residential telephone bills that helps low-income customers get access to telephone service through discounted residential rates.