

**WSR 12-07-012****PREPROPOSAL STATEMENT OF INQUIRY  
WASHINGTON STATE LOTTERY**

[Filed March 12, 2012, 10:25 a.m.]

Subject of Possible Rule Making: The lottery commission is considering technical and correctional updates to Title 315 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.70.040 (1), (3).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To accomplish technical and correctional updates necessary for operational procedures.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jana Jones, Director of Legal Services, P.O. Box 43000, Olympia, WA 98504-3000, phone (360) 664-4833, Jennifer McDaniel, legal assistant, phone (360) 664-4834.

March 12, 2012

Jana L. Jones

Director of Legal Services

**WSR 12-07-014****PREPROPOSAL STATEMENT OF INQUIRY  
EVERETT COMMUNITY COLLEGE**

[Filed March 12, 2012, 11:37 a.m.]

Subject of Possible Rule Making: Tobacco use policy.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: With this proposed change Everett Community College will become a tobacco free college. The policy will apply to all who come on campus.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jennifer Howard, Vice-president of Administrative Services, Everett Community College, 2000 Tower Street, Everett, WA 98201, e-mail [jhoward@everettcc.edu](mailto:jhoward@everettcc.edu), fax (425) 388-9228, phone (425) 388-9232. Board of trustee meetings, in which public comment is received, occur each third Tuesday of the month, 5 p.m. at the Olympus Hall Board Room, 801 Wetmore Avenue, Everett, WA 98201.

March 12, 2012

Jennifer L. Howard

Vice-president

Administrative Services

**WSR 12-07-024****PREPROPOSAL STATEMENT OF INQUIRY  
HEALTH CARE AUTHORITY**

(Medicaid Program)

[Filed March 12, 2012, 5:14 p.m.]

Subject of Possible Rule Making: WAC 182-550-4900 Disproportionate share hospital (DSH) payments—General provisions; new WAC 182-550-5300 Payment method—Children's health program disproportionate share hospital (CHPDSH); and possibly other related WAC sections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (the agency) is removing references to the general assistance-unemployable (GA-U) program in WAC 182-550-4900 and replacing them with the medical care services (MCS) program. The agency is establishing a rule for payment to hospitals for providing services to noncitizen children that do not qualify for Title XIX.

Process for Developing New Rule: The agency welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, the agency will file a notice of proposed rule making (CR-102) with the office of the code reviser. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jason R. P. Crabbe, Rules and Publications Program Manager, Health Care Authority, Legal and Administrative Services, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1346, fax (360) 586-9727, TTY 1-800-848-5429, e-mail [jason.crabbe@hca.wa.gov](mailto:jason.crabbe@hca.wa.gov).

March 12, 2012

Kevin M. Sullivan

Rules Coordinator

**WSR 12-07-025****PREPROPOSAL STATEMENT OF INQUIRY  
HEALTH CARE AUTHORITY**

(Medicaid Program)

[Filed March 12, 2012, 5:17 p.m.]

Subject of Possible Rule Making: WAC 182-550-5150 Payment method—General assistance-unemployable disproportionate share hospital (GAUDSH); and possibly other related WAC sections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (the agency) is removing any references to the general assistance-unemployable (GA-U) program in this rule and replacing them with the medical care services (MCS) program. The agency is also clarifying that only inpatient hospital services are eligible for payment under the MCS program.

Process for Developing New Rule: The agency welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, the agency will file a notice of proposed rule making (CR-102) with the office of the code reviser. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jason R. P. Crabbe, Rules and Publications Program Manager, Health Care Authority, Legal and Administrative Services, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1346, fax (360) 586-9727, TTY 1-800-848-5429, e-mail [jason.crabbe@hca.wa.gov](mailto:jason.crabbe@hca.wa.gov).

March 12, 2012  
Kevin M. Sullivan  
Rules Coordinator

**WSR 12-07-035**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed March 14, 2012, 11:06 a.m.]

Subject of Possible Rule Making: The department plans to update all necessary sections in Title 388 WAC to implement annual adjustments to standards for WASHCAP and the Washington Basic Food program. Amendments may include updates to the following rules for federal fiscal year 2013: WAC 388-412-0015 General information about your Basic Food allotments, 388-450-0185 What income deductions does the department allow when determining if I am eligible for food benefits and the amount of my monthly benefits?, 388-450-0190 How does the department figure my shelter cost income deduction for Basic Food?, 388-450-0195 Does the department use my utility costs when calculating my Basic Food or WASHCAP benefits?, 388-478-0060 What are the income limits and maximum benefit amounts for Basic Food?, and other related rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.08.090, 74.08A.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These standards are required by federal regulations and approved department waivers. Under federal regulations these standards must be adjusted annually in order to determine a client's eligibility and benefit level for the Washington Basic Food program or the WASHCAP.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, Food and Nutrition Service (FNS) annually adjusts income and payment standards, the standard deduction, and maximum shelter deductions for the upcoming federal fiscal year. FNS also requires that the department adjust the SNAP utility allowance and WASHCAP standards on an annual basis. DSHS

adopts the new FNS standards into administrative rule. The department adjusts WASHCAP standards as required under the department's approved waiver based on changes to the consumer price index.

The department will update the current standard utility allowance (SUA) for Basic Food, adjusting for inflation for the various utilities included in the SUA deduction and submitting proposed standards to FNS for approval. The standards approved by FNS will be adopted by the department for use in determining monthly benefits for Basic Food and WASHCAP.

Process for Developing New Rule: Negotiated rule making. DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Holly St. John, Policy Analyst, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4895, fax (360) 725-4904, e-mail [stjohhc@dshs.wa.gov](mailto:stjohhc@dshs.wa.gov).

March 12, 2012  
Katherine I. Vasquez  
Rules Coordinator

**WSR 12-07-036**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed March 14, 2012, 11:06 a.m.]

Subject of Possible Rule Making: The department plans to amend WAC 388-492-0040 Can I choose whether I get WASHCAP food benefits or Basic Food benefits?, 388-492-0070 How are my WASHCAP food benefits calculated?, and other related rules to ensure that WASHCAP benefits are cost neutral to the supplemental [nutrition] assistance program (SNAP).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.04.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As required by the demonstration project waiver with the United States Department of Agriculture Food and Nutrition Service (FNS), the department will review the cost neutrality between the Washington state combined application project (WASHCAP) and the SNAP administered as the Washington Basic Food program or Basic Food. Based on the findings of this evaluation, the department may amend WAC 388-492-0040, 388-492-0070, and other related rules to ensure that WASHCAP benefits are cost neutral to SNAP.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: FNS enforces the provisions of the federal SNAP as enacted in the 2008 Food and Nutrition Act and codified in the Code of Federal Regulations. The department will develop amendments to WASHCAP rules that are consistent with the act, federal regulations, and our approved WASHCAP demonstration project waiver while ensuring cost neutrality of the program.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Holly St. John, Program Manager, Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4895, fax (360) 725-4904, e-mail Holly.St.John@dshs.wa.gov.

March 12, 2012  
Katherine I. Vasquez  
Rules Coordinator

**WSR 12-07-050**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**CLARK COLLEGE**

[Filed March 15, 2012, 4:44 p.m.]

Subject of Possible Rule Making: Adopt new code defining time, place and manner of first amendment activities on college property and facilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140(13).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify the time, place and manner of first amendment activities on college property and facilities. Last year, the college adopted an official policy on this subject, using a template prepared by the state's attorney general's office. The college is seeking to codify the policy as a new rule.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: There are no other federal or state agencies that regulate this matter.

Process for Developing New Rule: Clark College adopted a new policy last year clarifying the time, place and manner of first amendment activities. The policy was developed by a college-wide subcommittee, reviewed by college council and approved by the college's executive cabinet.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bob Williamson, Vice-president of Administrative Services, Clark College, 1933 Ft. Vancouver

Way, BRD 159, Vancouver, WA 98663-3598, bwilliamson@clark.edu, (360) 992-2123, fax (360) 992-2884.

March 12, 2012  
Bob Williamson  
Vice-president of  
Administrative Services

**WSR 12-07-058**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**LIQUOR CONTROL BOARD**

[Filed March 19, 2012, 8:31 a.m.]

Subject of Possible Rule Making: Creating a new section in Title 314 WAC, compliance checks.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Compliance checks have been performed by law enforcement agencies for many years. This has been a standard enforcement practice. The board plans to adopt state rules to conduct compliance checks based on language in RCW 66.44.290 involving minors purchasing alcohol.

Process for Developing New Rule: Interested parties can participate in the discussions formulating this rule change by contacting or sending written comments to the agency staff listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Karen McCall, Agency Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1631, fax (360) 664-9689, e-mail rules@liq.wa.gov.

March 14, 2012  
Sharon Foster  
Chairman

**WSR 12-07-069**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed March 20, 2012, 9:07 a.m.]

Subject of Possible Rule Making: Chapter 296-23 WAC, Radiology, radiation therapy, nuclear medicine, pathology, hospital, chiropractic, physical therapy, drugless therapeutics and nursing—Drugless therapeutics, etc.

Specifically, the part of the chapter on independent medical examinations (IMEs), WAC 296-23-302 through 296-23-387.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020, 51.04.030, 51.32.055, 51.32.110, 51.32.112, 51.32.114, 51.36.060, and 51.36.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department has already adopted new rules to implement provisions of SSB 5801 (chapter 6, Laws of 2011) that create minimum standards for

treating providers in the medical provider network to treat injured workers of state fund and self-insured employers. Without amending the IME WACs, the standards for IME examiners will be inconsistent with standards for treating physicians.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Labor and industries will begin the rule development process and will share the draft proposal with stakeholders and other interested parties, including the workers' compensation advisory committee. Public hearings will be held after the proposal is filed.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. A notification will be mailed to all IME providers alerting them to the rule making and encouraging them to sign up for the IME listserv. Updates will be published at the listserv site. Providers who wish to be added to the listserv can do so through this link <http://www.lni.wa.gov/Main/List-servs/IME.asp>.

Meetings will be held with business and labor representatives and small groups representing IME firms and providers. Feedback from providers is encouraged through the listserv or by contacting Kristen Baldwin-Boe, Health Services Analysis, Department of Labor and Industries, P.O. Box 44322, Olympia, WA 98504-4322, phone (360) 902-6815, fax (360) 902-4249, e-mail [Kristen.Baldwin-Boe@Lni.wa.gov](mailto:Kristen.Baldwin-Boe@Lni.wa.gov).

March 20, 2012  
Judy Schurke  
Director

**WSR 12-07-070**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed March 20, 2012, 9:07 a.m.]

Subject of Possible Rule Making: Chapter 296-17B WAC, Retrospective rating for workers' compensation insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.16.035, 51.04.020, and 51.18.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changes to the retrospective rating rules are necessary based on the adoption of 2011 legislation, ESHB 1725 and EHB 2123. Specifically, rules will:

- Clarify that neither premiums paid nor reimbursements to employers for the Washington stay at work program will be included in calculations for retro adjustments.
- Add new claim types specific to structured settlements.
- Make changes and identify any information needed when retro employers pay for direct care services for their workers who have industrial injury or occupational disease claims.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other federal or state agency will regulate this subject.

Process for Developing New Rule: The retro community and the public will have the opportunity to provide input for these rule changes. A public hearing will be held for the proposed rules as filed. Interested parties will be invited to provide comments prior to and at the hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by commenting to Tim Smolen, P.O. Box 44180, Olympia, WA 98504-4180, e-mail [Tim.Smolen@lni.wa.gov](mailto:Tim.Smolen@lni.wa.gov), phone (360) 902-4835, fax (360) 902-4258.

March 20, 2012  
Judy Schurke  
Director

**WSR 12-07-074**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**  
(Medicaid Program)  
[Filed March 20, 2012, 11:07 a.m.]

Subject of Possible Rule Making: Amending WAC 182-531-2000 Increased payments for physician-related services for qualified trauma cases and 182-550-5450 Supplemental distributions to approved trauma service centers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On July 1, 2012, a substantial number (100,000+) of fee-for-service (FFS) clients will be shifted to managed care. The health care authority (HCA) currently makes supplemental payments to trauma care providers for FFS clients who meet specified criteria, but trauma care services provided to managed care clients are not eligible for such payments. The proposed rules/amendments will allow HCA to make supplemental payments to trauma care providers for clients in managed care. HCA will also apply for a federal waiver to pay hospitals the supplemental payments outside the capitation rate. These steps will help prevent the loss of up to \$7.5M per year in federal matching funds from the statewide trauma care system. The proposed rules also include housekeeping changes (e.g., replacing "DSHS" with "HCA").

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: HCA and the department of health (DOH) jointly manage funding and administration of the statewide trauma care system. HCA will coordinate with DOH the development and implementation of necessary policy changes through regular ongoing meetings and communications with trauma system stakeholders.

Process for Developing New Rule: HCA welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, HCA will file a notice of proposed rule making (CR-

102) with the office of the code reviser. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kevin Sullivan, HCA Rules Coordinator, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1344, fax (360) 586-9727, TTY 1-800-848-5429.

March 20, 2012  
Kevin M. Sullivan  
Rules Coordinator

### WSR 12-07-075

#### PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

(Medicaid Program)

[Filed March 20, 2012, 11:13 a.m.]

Subject of Possible Rule Making: Amends WAC 388-438-0110 Alien medical programs, 388-438-0115 Alien emergency medical program (AEM) and 388-438-0120 Alien medical for dialysis and cancer treatment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is changing the titles of these rules to clarify the rules' content, removing reference to "state-only" funding from WAC 388-438-0120, changing references to the "department" to the "agency," and correcting cross-references.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of social and health services.

Process for Developing New Rule: The agency welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, the agency will file a notice of proposed rule making (CR-102) with the office of the code reviser. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jason R. P. Crabbe, Rules and Publications Program Manager, Health Care Authority, Legal and Administrative Services, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1346, fax (360) 586-9727, TTY 1-800-848-5429.

March 20, 2012  
Kevin M. Sullivan  
Rules Coordinator

### WSR 12-07-077

#### PREPROPOSAL STATEMENT OF INQUIRY PROFESSIONAL EDUCATOR STANDARDS BOARD

[Filed March 20, 2012, 12:03 p.m.]

Subject of Possible Rule Making: Chapter 181-85 WAC, Professional education—Continuing education requirements—Certification requirements for continuing education and renewal.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.410, 28A.410.010, and 28A.150-220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amending rules for teacher, administrator, education staff associates certification related to maintaining licensure.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Professional educator standards board meeting[s] are open to the public and regularly scheduled. The calendar of meetings is announced on the web site at [www.PESB.wa.gov](http://www.PESB.wa.gov).

March 20, 2012  
David Brenna  
Senior Policy Analyst

### WSR 12-07-086

#### PREPROPOSAL STATEMENT OF INQUIRY UTILITIES AND TRANSPORTATION COMMISSION

[Docket PG-120345—Filed March 21, 2012, 9:09 a.m.]

Subject of Possible Rule Making: This rule making would consider possible corrections and clarifications to selected sections of chapter 480-93 WAC, Gas companies—Safety, rules governing natural gas pipeline operators, specifically rules that need to reflect changes in chapter 19.122 RCW during the 2011 legislative session. The rule making has been assigned Docket PG-120345.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040(4), 81.01.010, 81.04.160, 81.88-040, 81.88.065, and sections 1, 2 and 3, chapter 142, Laws of 2007.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 2011 legislature amended the underground utilities law, chapter 19.122 RCW.<sup>1</sup> These changes take effect on January 1, 2013. This new law assigned to the Washington utilities and transportation commission (commission) affects the authority to enforce violations of the underground utilities law as these related to pipelines. The commission initiates this rule making to determine whether pipeline companies need to report additional information about damage to their facilities caused

by excavators that have violated the underground utilities law.

<sup>1</sup>The bill, the Underground Utility Damage Prevention Act (E2SHB 1634), was passed unanimously by the legislature and signed by the governor on May 5, 2011.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: The commission will ask for initial comments, and will provide the opportunity to provide additional comments. The commission will conduct a stakeholder workshop on Thursday, May 10, 2012.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested persons may file comments with the Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, phone (360) 664-1174, fax (360) 586-1150, e-mail records@utc.wa.gov, or through the commission's web portal <http://www.utc.wa.gov> by **Monday, April 23, 2012**.

**WRITTEN COMMENTS AND STAKEHOLDER WORKSHOP:** Written comments on the proposal to consider damage reporting rules for intrastate pipeline operators may be submitted to the commission at the address given above and should be filed with the commission no later than 5:00 p.m., **Monday, April 23, 2012**, for consideration at the May 10, 2012, stakeholder workshop.

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. You may submit comments via the commission's web portal at [www.utc.wa.gov/e-filing](http://www.utc.wa.gov/e-filing) or by electronic mail to the commission's records center at records@utc.wa.gov. Please include:

- The docket numbers of this proceeding (Docket PG-120345).
- 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 1/2 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 its web site all comments that are provided in electronic format. The web site is located at <http://www.utc.wa.gov/120345>. If you are unable to file your comments electronically the commission will accept a paper document. In addition to filing written comments, interested persons are invited to attend a stakeholder workshop on **Thursday, May 10, 2012, beginning at 1:30 p.m., in Room 206, Richard Hemstad Building, 1300 South Evergreen Park Drive S.W., Olympia, WA**. At the workshop, commission staff will review and discuss comments with the stakeholders.

Opportunity for further comment is anticipated. Information about the schedule and other aspects of the rule making, including comments, will be posted on the commission's web site as it becomes available. If you wish to receive fur-

ther information on this rule making you may (1) call the commission's records center at (360) 664-1234, (2) e-mail the commission at records@utc.wa.gov, or (3) mail written comments to the address above to the attention of David W. Danner, executive director and secretary. When contacting the commission, please refer to Docket PG-120345 to ensure that you are placed on the appropriate service list. Questions may be addressed to David Lykken at (360) 664-1219 or e-mail at dlykken@utc.wa.gov.

#### NOTICE

**TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULE MAKING**—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 rule making, 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 PG-120345, and the words "Please keep me on the mailing list"; or (2) e-mail your name, address, telephone and fax numbers, referencing Docket PG-120345, and the words "Please keep me on the mailing list" to <records@utc.wa.gov>. Please note that all information in the mailings will be accessible through the commission's internet web site at <http://www.utc.wa.gov/120345>. **THOSE INTERESTED PERSONS WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.**

March 21, 2012

David W. Danner

Executive Director and Secretary

#### WSR 12-07-087

#### PREPROPOSAL STATEMENT OF INQUIRY UTILITIES AND TRANSPORTATION COMMISSION

[Docket PL-120350—Filed March 21, 2012, 9:11 a.m.]

Subject of Possible Rule Making: This rule making would consider possible corrections and clarifications to selected sections of chapter 480-75 WAC, Petroleum pipeline companies—Safety, rules governing hazardous liquid pipeline operators, specifically rules that need to reflect changes in chapter 19.122 RCW during the 2011 legislative session. The rule making has been assigned Docket PL-120350.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040(4), 81.01.010, 81.04.160, 81.88.040, 81.88.060, and sections 1, 2, and 4, chapter 142, Laws of 2007.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 2011 legislature amended the underground utilities law, chapter 19.122 RCW.<sup>1</sup> These changes take effect on January 1, 2013. This new law assigned to the Washington utilities and transportation commission (commission) affects the authority to

enforce violations of the underground utilities law as these related to pipelines. The commission has initiated this rule making to determine whether pipeline companies need to report additional information about damage to their facilities caused by excavators that have violated the underground utilities law.

<sup>1</sup>The bill, the Underground Utility Damage Prevention Act (E2SHB 1634), was passed unanimously by the legislature and signed by the governor on May 5, 2011.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: The commission will ask for initial comments, and will provide the opportunity to provide additional comments. The commission will conduct a stakeholder workshop on Thursday, May 10, 2012.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested persons may file comments with the Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, phone (360) 664-1174, fax (360) 586-1150, e-mail [records@utc.wa.gov](mailto:records@utc.wa.gov), or through the UTC web portal <http://www.utc.wa.gov> by **Monday April 23, 2012**.

**WRITTEN COMMENTS AND STAKEHOLDER WORKSHOP:** Written comments on the proposal to consider damage reporting rules for intrastate pipeline operators may be submitted to the commission at the address given above and should be filed with the commission no later than **5:00 p.m., Monday, April 23, 2012**, for consideration at the May 10, 2012, stakeholder workshop.

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. You may submit comments via the commission's web portal at [www.utc.wa.gov/e-filing](http://www.utc.wa.gov/e-filing) or by electronic mail to the commission's records center at [records@utc.wa.gov](mailto:records@utc.wa.gov). Please include:

- The docket number of this proceeding (Docket PL-120350).
- 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 1/2 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 its web site all comments that are provided in electronic format. The web site is located at <http://www.utc.wa.gov/120350>. If you are unable to file your comments electronically the commission will accept a paper document. In addition to filing written comments, interested persons are invited to attend a stakeholder workshop on **Thursday, May 10, 2012, beginning at 1:30 p.m., in Room 206, Richard Hemstad Building, 1300 South Evergreen Park Drive S.W., Olympia, WA**. At the workshop, commission staff will review and discuss comments with the stakeholders.

Opportunity for further comment is anticipated. Information about the schedule and other aspects of the rule making, including comments, will be posted on the commission's web site as it becomes available. If you wish to receive further information on this rule making you may (1) call the commission's records center at (360) 664-1234, (2) e-mail the commission at [records@utc.wa.gov](mailto:records@utc.wa.gov), or (3) mail written comments to the address above to the attention of David W. Danner, executive director and secretary. When contacting the commission, please refer to Docket PL-120350 to ensure that you are placed on the appropriate service list. Questions may be addressed to David Lykken at (360) 664-1219 or e-mail [dlykken@utc.wa.gov](mailto:dlykken@utc.wa.gov).

#### NOTICE

**TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULE MAKING**—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 rule making, 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 PL-120350, and the words "Please keep me on the mailing list"; or (2) e-mail your name, address, telephone and fax numbers, referencing Docket PL-120350, and the words "Please keep me on the mailing list" to [records@utc.wa.gov](mailto:records@utc.wa.gov). Please note that all information in the mailings will be accessible through the commission's internet web site at <http://www.utc.wa.gov/120350>. **THOSE INTERESTED PERSONS WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.**

March 21, 2012

David W. Danner

Executive Director and Secretary

#### WSR 12-07-091

#### PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2012-05—Filed March 21, 2012, 10:37 a.m.]

Subject of Possible Rule Making: Short title: Conversion plan rules, amending chapter 284-52 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.21.270, 48.44.380, and 48.46-460.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Patient Protection and Affordable Care Act (ACA), P.L. 111-148 (2010), and the Genetic Information Nondiscrimination Act (GINA) of 2008, P.L. No. 110-233 (2008), include provisions that conflict with current requirements in the rule for conversion plans. The proposed rule making will align the WAC sections governing conversion plans with the federal requirements.

The commissioner received a petition for rule making, which was granted, asking that the conversion rule standards address coverage for medical care necessitated by a failed suicide attempt. This issue will also be considered.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Health and Human Services (HHS) oversees market reform at the federal level that affects conversion plans. Other than ensuring the rules are aligned with the federal standards, coordination with HHS is not a requisite part of the proposed rule making.

Process for Developing New Rule: Submit written comments by May 9, 2012.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Meg L. Jones, Policy and Rules Manager, P.O. Box 40258, Olympia, WA 98504, (360) 725-7170, fax (360) 586-3109, e-mail [megj@oic.wa.gov](mailto:megj@oic.wa.gov).

March 21, 2012

Mike Kreidler

Insurance Commissioner