



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Energy Facility Site Evaluation Council

- Preproposal Statement of Inquiry was filed as WSR 07-19-033 ; or
- Expedited Rule Making--Proposed notice was filed as WSR _____; or
- Proposal is exempt under RCW 34.05.310(4).

- Original Notice
- Supplemental Notice to WSR _____
- Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject)

Chapter 463-61 WAC Electrical Transmission Facilities. This new chapter describes a mandatory preapplication process required prior to filing an application with the Energy Facility Site Evaluation Council to site electrical transmission lines that are 115 kilovolts or greater.

Hearing location(s):

Energy Facility Site Evaluation Office, 3rd Floor
905 Plum Street SE, Olympia, WA 98504-3172

Date: September 9, 2008 Time: 2:00 PM

Date of intended adoption: October 14, 2008
(Note: This is NOT the effective date)

Submit written comments to:

Name: Allen Fiksdal
Address: P.O. Box 43172
Olympia, WA 98504-3172
e-mail: allenf@cted.wa.gov
fax (360)956-2158 **received by (date)** 5:00 PM Sep. 9, 2008

Assistance for persons with disabilities: Contact

Tammy Talburt by September 2, 2008
TTY () _____ or (360) 956-2121

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The purpose of this proposal is to implement a preapplication process for the siting of electrical transmission lines as provided in RCW 80.50.330. The preapplication process requires a preapplicant to file with EFSEC information regarding a proposed electrical transmission line and transmission line corridor, a negotiation process with the cities, towns, and/or counties where the transmission corridor will be located if no corridor has been identified through local land use plans. The draft rule also requires notification of the proposal to governmental organizations and local residents. The draft rule requires EFSEC to hold at least one informational meeting in the area of the proposed corridor. Applications for siting electrical transmission lines under RCW 80.50.045 and 060 shall be the same as for other energy facilities.

Reasons supporting proposal: In 2007 the legislature authorized developers of electrical transmission lines that are 115 kilovolts or greater to op-in to the EFSEC siting process as well as required a preapplication process to ensure cities, towns and counties participated in the initial stages of electrical transmission line siting.

EFSEC was designated by the Federal Regulatory Commission as the state authority for the purposes of siting transmission facilities under Section 1221 of the National Energy Policy Act of 2005. This rule is applicable to those facilities

Statutory authority for adoption: RCW 80.50.040(1)

Statute being implemented: RCW 80.50

Is rule necessary because of a:

- Federal Law? Yes No
 - Federal Court Decision? Yes No
 - State Court Decision? Yes No
- If yes, CITATION: _____

DATE
August 5, 2008

NAME (type or print)
Allen J. Fiksdal

SIGNATURE

TITLE
EFSEC Manager

CODE REVISER USE ONLY

**OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED**

DATE: August 05, 2008
TIME: 8:45 AM

WSR 08-16-093

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:
NA

Name of proponent: (person or organization) Energy Facility Site Evaluation Council

- Private
 Public
 Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Allen Fiksdal	905 Plum Street, Olympia, WA 98504-3172	(360) 956-2152
Implementation.... Allen Fiksdal	905 Plum Street, Olympia, WA 98504-3172	(360) 956-2152
Enforcement..... Allen Fiksdal	905 Plum Street, Olympia, WA 98504-3172	(360) 956-2152

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared.

It is expected that only electrical utilities or large corporations like Puget Sound Energy, Avista, or PacifiCorp that operate in Washington state and have hundreds or thousands of employees will be proposing to build electrical transmission lines. These businesses are not "small business" as defined in Chapter 19.85, therefore a small business economic impact statement is not required.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No: Please explain: EFSEC is not listed as an agency required to prepare a cost-benefit analysis and this proposed rule does not meet the definition of a "significant legislative rule" under RCW 34.05.328.