

AMENDATORY SECTION (Amending WSR 09-05-067, filed 2/13/09, effective 3/16/09)

**WAC 463-58-010 Purpose.** This chapter sets rules relating to costs or charges for independent consultant studies, regular and expedited application processing, electrical transmission facility preapplication, determining compliance, and potential site studies. (~~The department of community, trade, and economic development will provide all fiscal services for the council. For the purposes of this chapter "department" shall mean the department of community, trade, and economic development.~~)

AMENDATORY SECTION (Amending WSR 09-05-067, filed 2/13/09, effective 3/16/09)

**WAC 463-58-020 Costs for the independent consultant studies.** Pursuant to RCW 80.50.071, a deposit of (~~twenty-five thousand dollars~~) \$50,000 for each proposed site shall accompany the application for (~~an energy facility~~) site certification. This charge shall be applied toward the total cost of the independent consultant study authorized by RCW 80.50.071. The determination of the total costs required for the study shall generally be as follows:

(1) The council may determine that the initial charge of (~~twenty-five thousand dollars~~) \$50,000 is insufficient to adequately fund the study. If so, the council shall so advise the applicant and shall furnish an estimate of the supplemental costs needed to complete the study and shall direct the applicant to increase the funds on deposit to cover the anticipated costs. In no event shall the study be allowed to continue if the applicant has not agreed to pay the cost thereof and has not deposited the agreed upon funds;

(2) Should the applicant file amendments or supplements to the application or should the council find that additional study of the application is required, additional cost estimates will be prepared by the consultant and provided to the council. Upon approval of the estimate by the council, the applicant shall be advised of the additional study costs;

(3) The council shall authorize the independent consultant to initiate evaluation of the application materials or subsequently filed amendatory or supplementary materials when the applicant has paid the required costs.

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**WAC 463-58-030 Costs for regular application processing.** Pursuant to RCW 80.50.071, each applicant for (~~energy facility~~) site certification shall at the time of application submission deposit (~~twenty thousand dollars~~) \$50,000 for costs related to processing of the application. Such processing costs shall consist of those determined by the council to be reasonable and necessary including:

(1) (~~(A hearing examiner(s))~~) An administrative law judge(s) who may be retained by the council for the duration of the application processing period or for such portion of the processing period as the council may consider necessary;

(2) A court reporter(s) for the recording and preparation of transcripts of an adjudicative proceeding, council meetings, or public sessions which the council shall consider necessary;

(3) Additional staff salaries for those persons employed on the council staff for the duration of the application processing period; and

(4) Such overhead and support costs including wages and employee benefits, goods and services, travel expenses within the state, and miscellaneous expenses (~~(as)~~) that arise directly from application processing;

(5) The council may determine that the initial charge of (~~(twenty thousand dollars)~~) \$50,000 is insufficient to fund the council costs. If so, the council shall so advise the applicant and shall request the applicant to increase the funds on deposit to cover the anticipated costs. In no event shall the processing of the application continue if the applicant has not agreed to pay the cost thereof and has not deposited the agreed upon funds.

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**WAC 463-58-050 Costs for determining compliance.** Pursuant to RCW 80.50.071 (~~((1)(e))~~) (2), each certificate holder shall pay (~~(such reasonable)~~) the actual costs (~~(as are actually and necessarily)~~) incurred by the council for inspection and determination of compliance by the certificate holder with the terms (~~(and conditions of the certificate)~~) of the certification relative to monitoring the effects of construction, operation, and site restoration of the facility.

(1) The (amount of funds required to be placed on deposit by the) certificate holder (shall be determined by the council and deposited by the applicant), within ((thirty)) 30 days of ((the governor's signing)) execution of the site certification agreement, shall deposit an amount up to \$50,000, or such greater amount as specified by the council after consultation with the certificate holder.

(2) In addition to the deposit required under subsection (1) of this section, certificate holder must reimburse the council for actual expenditures that arise in administering chapter 80.50 RCW and determining compliance.

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**WAC 463-58-060 Costs for ((potential site)) preliminary studies.** (~~(Ten thousand dollars shall accompany the study request)~~) The council, upon agreement with any potential applicant, may conduct a preliminary study of any potential project prior to receipt of an application for site certification, pursuant to RCW 80.50.175. A fee of

\$10,000 for each potential project must accompany the agreement and ~~((be))~~ is a condition precedent to any action on the agreement by the council. In the event that the council determines that the initial fee of ~~((ten thousand dollars))~~ \$10,000 is insufficient to adequately fund the ~~((potential site))~~ preliminary study, the council shall so advise the potential applicant and shall furnish an estimate of the supplemental funds needed to complete the study. In no event shall the study be allowed to continue if the potential applicant has not agreed to pay the cost.

AMENDATORY SECTION (Amending WSR 09-05-067, filed 2/13/09, effective 3/16/09)

**WAC 463-58-065 Costs for preapplication process for electrical transmission facilities.** Pursuant to RCW 80.50.340, ~~((ten thousand dollars))~~ \$10,000 shall accompany any preapplication request. If the council determines that the initial ~~((ten thousand dollars))~~ \$10,000 is insufficient to adequately fund the preapplication process, the council shall so advise the potential applicant and shall provide an estimate of the supplemental cost needed to complete the study. In no event shall the study be allowed to continue if the potential applicant has not agreed to pay the cost of the study. Any unexpended funds shall be returned to the preapplicant.

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**WAC 463-58-070 Failure to provide necessary costs.** Failure to comply with WAC 463-58-020 through 463-58-060 shall result, in the case of an applicant, in suspension of all application processing activities or, in the case of a certificate holder, in ~~((the council's initiation of enforcement action pursuant to WAC 463-70-070))~~ suspension of the certificate. The council will require any delinquent applicant or certificate holder to show cause why the council should not suspend application processing. Following deposit of all required funds, the council shall, in the case of application processing, consider reinstatement of application processing, or in the case of a certificate holder, ~~((reconsider enforcement action))~~ reinstatement of the certificate.

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**WAC 463-58-080 Payment, reporting, and auditing procedures.** (1) The ~~((department provides all financial services for the))~~ council ~~((and will))~~ shall provide each applicant or certificate holder a statement of actual expenditures ~~((actually))~~ made during the preceding calendar quarter ~~((; the statement will be))~~ in sufficient detail

to explain expenditures (~~made against the deposited funds~~). Within ~~(thirty)~~ 30 days of the receipt of the ~~(department's statement)~~ council's invoice, the applicant or certificate holder will pay an amount necessary to restore the total amount on deposit to the level established pursuant to WAC 463-58-020 through 463-58-060.

(2) Any funds remaining unexpended shall be refunded to the certificate holder, or in the case of an applicant to the applicant or, at the applicant's option, credited against required deposits of a certificate holder.

(3) All required payments shall be ~~(payable to the state treasurer)~~ deposited into the energy facility site evaluation council account created in RCW 80.50.390. The method of payment shall be prearranged with the ~~(department)~~ council prior to submission. The ~~(department)~~ council will establish and maintain separate accounts for each application and certificate. All funds will be subject to state auditing procedures. The ~~(department)~~ council will provide copies of such audits to the affected applicants and certificate holders as they are completed by the state auditor.