

**WAC 468-34-030 Determination of need for franchise hearing. (1)**

Upon the filing of an application for franchise, the department shall determine whether the work involved with the franchise may:

(a) During construction, significantly disrupt the flow of traffic or use of driveways or other facilities within the right of way; or

(b) During or following construction, cause a significant and adverse effect upon the surrounding environment, in order to determine whether a hearing or hearing opportunity is required.

(2) If the department deems it to be in the public interest a hearing or hearing opportunity may be required for any franchise application. A hearing or hearing opportunity will normally be required for a franchise which involves any of the following:

(a) Overhead transmission lines in excess of 35 kV;

(b) Facilities involving the installation of pipe larger than eighteen inches nominal diameter;

(c) Conduits requiring an excavation wider than three feet;

(d) Pipelines carrying transmittants which are flammable, corrosive, expansive, energized or unstable and are larger than four inches nominal diameter;

(e) Pressurized carrier pipes larger than twelve inches nominal diameter;

(f) Underground installations of any size that require excavation through landscaped areas which are authorized by permit and which are maintained by owners of abutting property.

(3) The department may dispense with holding a hearing where the planned facility has already been or is the subject of environmental land use or other hearings or where the applicant presents evidence of a direct contact with owners of abutting property.

(4) Those franchise applications which the department determines warrant a hearing or hearing opportunity shall be processed in accordance with WAC 468-34-040 through 468-34-090. All other franchise applications may be approved by the department without being processed in accordance with WAC 468-34-040 through 468-34-090, including franchises previously filed but not advertised.

[Statutory Authority: Chapter 47.44 RCW and 1980 c 28. WSR 80-13-042 (Order 58), § 468-34-030, filed 9/15/80.]