



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: Department of Revenue

Permanent Rule Only

Effective date of rule:

Permanent Rules

31 days after filing.

Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain:

Purpose:

Under RCW 43.20A.725 and 80.36.430, the Department is required to annually determine the tax rates imposed on switched access lines to fund the telephone relay service program and the Washington telephone assistance program. The Telecommunications Relay Services (TRS) and Washington Telephone Assistance Program (WTAP) tax rates are determined by dividing the respective program budgets by the number of switched access lines reported to the Department in the prior calendar year. The Department retains no discretion in the determination of these tax rates, the amount of which is explicitly dictated by the statutory formulas and inputs provided to the Department.

The Department is amending WAC 458-20-270 to recognize the tax rates effective July 1, 2011. The TRS rate remains at 19 cents per switched access line for the upcoming fiscal year. The WTAP rate remains at 14 cents per switched access line for the upcoming fiscal year. These rates were previously announced by the Department in a special notice dated March 24, 2011 and can be found at http://dor.wa.gov/Docs/Pubs/SpecialNotices/2011/sn_TelephoneTax.pdf.

Citation of existing rules affected by this order:

Repealed:
Amended: WAC 458-20-270 Telephone program excise tax rates
Suspended:

Statutory authority for adoption: RCW 82.32.300 and 82.01.060(2)

Other authority : RCW 43.20A .725 and 80.36.430

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR **11-08-074** on **April 6, 2011.**

Describe any changes other than editing from proposed to adopted version: **None.**

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting: **An analysis was not prepared.**

Date adopted: June 21, 2011

NAME (TYPE OR PRINT)

Alan R. Lynn

SIGNATURE

TITLE

Rules Coordinator

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: June 21, 2011

TIME: 11:19 AM

WSR 11-13-110

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

| | | | | | | |
|---|-----|-------|---------|-------|----------|-------|
| Federal statute: | New | _____ | Amended | _____ | Repealed | _____ |
| Federal rules or standards: | New | _____ | Amended | _____ | Repealed | _____ |
| Recently enacted state statutes: | New | _____ | Amended | _____ | Repealed | _____ |

The number of sections adopted at the request of a nongovernmental entity:

New _____ Amended _____ Repealed _____

The number of sections adopted in the agency's own initiative:

New _____ Amended 1 Repealed _____

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New _____ Amended _____ Repealed _____

The number of sections adopted using:

| | | | | | | |
|---------------------------------------|-----|-------|---------|-------|----------|-------|
| Negotiated rule making: | New | _____ | Amended | _____ | Repealed | _____ |
| Pilot rule making: | New | _____ | Amended | _____ | Repealed | _____ |
| Other alternative rule making: | New | _____ | Amended | _____ | Repealed | _____ |

This rule was adopted on June 21, 2011 and becomes effective July 22, 2011. It may be used to determine tax liability on and after the effective date, until the codified version is available from the code reviser's office.

AMENDATORY SECTION (Amending WSR 10-14-032, filed 6/28/10, effective 7/29/10)

WAC 458-20-270 Telephone program excise tax rates. RCW 82.72.020 requires the department of revenue (department) to collect certain telephone program excise taxes. Those taxes include the tax on switched access lines imposed by RCW 43.20A.725 (telephone relay service--TRS) and 80.36.430 (Washington telephone assistance program--WTAP). Pursuant to those statutes, the department must annually determine the rate of each respective tax according to the statutory formulas.

The monthly telephone program excise tax rates per switched access line are as follows:

| Period | TRS Rate | WTAP Rate |
|-----------------------------------|--------------------|-----------------------|
| ((7/1/2006 - 6/30/2007 | 9 cents | 14 cents)) |
| 7/1/2007 - 6/30/2008 | 12 cents | 14 cents |
| 7/1/2008 - 6/30/2009 | 12 cents | 13 cents |
| 7/1/2009 - 6/30/2010 | 11 cents | 13 cents |
| 7/1/2010 - 6/30/2011 | 19 cents | 14 cents |
| <u>7/1/2011 - 6/30/2012</u> | <u>19 cents</u> | <u>14 cents</u> |