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ENGROSSED SUBSTITUTE HOUSE BILL 1461

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State of Washington

53rd Legislature

1993 Regular Session

By House Committee on Energy & Utilities (originally sponsored by Representatives Kremen, Miller, Jacobsen and Long)

Read first time 02/22/93.

1 AN ACT Relating to extending the prohibition on mandatory local  
2 measured service; amending RCW 80.04.130; and declaring an emergency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 80.04.130 and 1992 c 68 s 1 are each amended to read  
5 as follows:

6 (1) Whenever any public service company shall file with the  
7 commission any schedule, classification, rule or regulation, the effect  
8 of which is to change any rate, charge, rental or toll theretofore  
9 charged, the commission shall have power, either upon its own motion or  
10 upon complaint, upon notice, to enter upon a hearing concerning such  
11 proposed change and the reasonableness and justness thereof, and  
12 pending such hearing and the decision thereon the commission may  
13 suspend the operation of such rate, charge, rental or toll for a period  
14 not exceeding ten months from the time the same would otherwise go into  
15 effect, and after a full hearing the commission may make such order in  
16 reference thereto as would be provided in a hearing initiated after the  
17 same had become effective. The commission shall not suspend a tariff  
18 that makes a decrease in a rate, charge, rental, or toll filed by a  
19 telecommunications company pending investigation of the fairness,

1 justness, and reasonableness of the decrease when the filing does not  
2 contain any offsetting increase to another rate, charge, rental, or  
3 toll and the filing company agrees to not file for an increase to any  
4 rate, charge, rental, or toll to recover the revenue deficit that  
5 results from the decrease for a period of one year. The filing company  
6 shall file with any decrease sufficient information as the commission  
7 by rule may require to demonstrate the decreased rate, charge, rental,  
8 or toll is above the long run incremental cost of the service. A  
9 tariff decrease that results in a rate that is below long run  
10 incremental cost, or is contrary to commission rule or order, or the  
11 requirements of this chapter, shall be rejected for filing and returned  
12 to the company. The commission may prescribe a different rate to be  
13 effective on the prospective date stated in its final order after its  
14 investigation, if it concludes based on the record that the originally  
15 filed and effective rate is unjust, unfair, or unreasonable.

16 For the purposes of this section, tariffs for the following  
17 telecommunications services, that temporarily waive or reduce charges  
18 for existing or new subscribers for a period not to exceed sixty days  
19 in order to promote the use of the services shall be considered tariffs  
20 that decrease rates, charges, rentals, or tolls:

- 21 (a) Custom calling service;
- 22 (b) Second access lines; or
- 23 (c) Other services the commission specifies by rule.

24 The commission may suspend any promotional tariff other than those  
25 listed in (a) through (c) of this subsection.

26 The commission may suspend the initial tariff filing of any water  
27 company removed from and later subject to commission jurisdiction  
28 because of the number of customers or the average annual gross revenue  
29 per customer provisions of RCW 80.04.010. The commission may allow  
30 temporary rates during the suspension period. These rates shall not  
31 exceed the rates charged when the company was last regulated. Upon a  
32 showing of good cause by the company, the commission may establish a  
33 different level of temporary rates.

34 (2) At any hearing involving any change in any schedule,  
35 classification, rule or regulation the effect of which is to increase  
36 any rate, charge, rental or toll theretofore charged, the burden of  
37 proof to show that such increase is just and reasonable shall be upon  
38 the public service company.

1       (3)     The     implementation     of     mandatory     local     measured  
2     telecommunications     service     is     a     major     policy     change     in     available  
3     telecommunications     service.     The     commission     shall     not     accept     for     filing  
4     or     approve,     prior     to     June     1,     (~~1993~~)     1998,     a     tariff     filed     by     a  
5     telecommunications     company     which     imposes     mandatory     local     measured  
6     service     on     any     customer     or     class     of     customers,     except     that,     upon  
7     finding     that     it     is     in     the     public     interest,     the     commission     may     accept  
8     for     filing     and     approve     a     tariff     that     imposes     mandatory     measured     service  
9     for     a     telecommunications     company's     extended     area     service     or     foreign  
10    exchange     service.     This     subsection     does     not     apply     to     land,     air,     or  
11    marine     mobile     service,     or     to     pay     telephone     service,     or     to     any     service  
12    which     has     been     traditionally     offered     on     a     measured     service     basis.

13       (4)     The     implementation     of     Washington     telephone     assistance     program  
14    service     is     a     major     policy     change     in     available     telecommunications  
15    service.     The     implementation     of     Washington     telephone     assistance     program  
16    service     will     aid     in     achieving     the     stated     goal     of     universal     telephone  
17    service.

18       NEW SECTION.     **Sec. 2.**     This     act     is     necessary     for     the     immediate  
19    preservation     of     the     public     peace,     health,     or     safety,     or     support     of     the  
20    state     government     and     its     existing     public     institutions,     and     shall     take  
21    effect     immediately.

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