

1 1581 AAS 4/18/91

2 HB 1581 - S COMM AMD

3 By Committee on Energy & Utilities

4 Adopted as Amended 4/18/91 - Voice Vote

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 80.04.015 and 1986 c 11 s 1 are each amended to read
8 as follows:

9 Whether or not any person or corporation is conducting business
10 subject to regulation under this title, or has performed or is
11 performing any act requiring registration or approval of the commission
12 without securing such registration or approval, shall be a question of
13 fact to be determined by the commission. Whenever the commission
14 believes that any person or corporation is engaged in any activity
15 without first complying with the requirements of this title, it may
16 institute a special proceeding requiring such person or corporation to
17 appear before the commission at a location convenient for witnesses and
18 the production of evidence and produce information, books, records,
19 accounts, and other memoranda, and give testimony under oath as to the
20 activities being conducted. The commission may consider any and all
21 facts that may indicate the true nature and extent of the operations or
22 acts and may subpoena such witnesses and documents as it deems
23 necessary.

24 After investigation, the commission is authorized and directed to
25 issue the necessary order or orders declaring the activities to be
26 subject to, or not subject to, the provisions of this title. In the
27 event the activities are found to be subject to the provisions of this
28 title, the commission shall issue such orders as may be necessary to
29 require all parties involved in the activities to comply with this

1 title, and with respect to services found to be reasonably available
2 from alternative sources, to issue orders to cease and desist from
3 providing jurisdictional services pending full compliance.

4 In proceedings under this section, no person or corporation may be
5 excused from testifying or from producing any information, book,
6 document, paper, or account before the commission when ordered to do
7 so, on the ground that the testimony or evidence, information, book,
8 document, or account required may tend to incriminate him or her or
9 subject him or her to penalty or forfeiture specified in this title;
10 but no person or corporation may be prosecuted, punished, or subjected
11 to any penalty or forfeiture specified in this title for or on account
12 of any account, transaction, matter, or thing concerning which he or
13 she shall under oath have testified or produced documentary evidence in
14 proceedings under this section: PROVIDED, That no person so testifying
15 may be exempt from prosecution or punishment for any perjury committed
16 by him or her in such testimony: PROVIDED FURTHER, That the exemption
17 from prosecution in this section extends only to violations of this
18 title.

19 Until July 1, 1994, in any proceeding instituted under this section
20 to determine whether a person or corporation owning, controlling,
21 operating, or managing a water system is subject to commission
22 regulation, and where the person or corporation has failed or refused
23 to provide sufficient information or documentation to enable the
24 commission to make such a determination, the burden shall be on such
25 person or corporation to prove that the person's or corporation's
26 operations or acts are not subject to commission regulation."

27 "NEW SECTION. Sec. 2. A new section is added to chapter 80.28 RCW
28 to read as follows:

29 The commission's jurisdiction over the rates, charges, practices,
30 acts or services of any water company shall include any aspect of line

1 extension, service installation, or service connection. If the charges
2 for such services are not set forth by specific amount in the company's
3 tariff filed with the commission pursuant to RCW 80.28.050, the
4 commission shall determine the fair, just, reasonable, and sufficient
5 charge for such extension, installation, or connection. In any such
6 proceeding in which there is no specified tariffed rate, the burden
7 shall be on the company to prove that its proposed charges are fair,
8 just, reasonable, and sufficient."

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12 On page 1, line 2 of the title, after "regulation;" strike the
13 remainder of the title and insert "amending RCW 80.04.015; and adding
14 a new section to chapter 80.12 RCW."