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**SUBSTITUTE HOUSE BILL 1932**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By** House Committee on Energy & Utilities (originally sponsored by Representatives Mielke, Patterson, Casada and Appelwick)

Read first time 03/01/95.

1 AN ACT Relating to the delivery of telecommunications services;  
2 amending RCW 54.16.040 and 80.54.010; and adding a new section to  
3 chapter 54.04 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 54.04 RCW  
6 to read as follows:

7 No public utility district serving a county with a population of at  
8 least five hundred thousand may impose terms and conditions for use of  
9 a utility pole or right of way on a telecommunications company, as  
10 defined by RCW 80.04.010, that are more burdensome or less favorable  
11 than those imposed on other telecommunications companies, cable  
12 systems, or other providers of telecommunications services for similar  
13 uses at the same location, regardless of differences between companies  
14 regarding overall service areas, kinds of services provided at the same  
15 location, ownership or co-ownership of utility poles. No public  
16 utility district serving a county with a population of at least five  
17 hundred thousand may limit or otherwise restrict use of utility poles  
18 or rights of way for the purpose of limiting or inhibiting competition

1 from telecommunications companies, cable systems, or other providers of  
2 telecommunication services.

3       **Sec. 2.** RCW 54.16.040 and 1955 c 390 s 5 are each amended to read  
4 as follows:

5       Except as provided in chapter 80.54 RCW and section 1 of this act,  
6 a district may purchase, within or without its limits, electric current  
7 for sale and distribution within or without its limits, and construct,  
8 condemn and purchase, purchase, acquire, add to, maintain, conduct, and  
9 operate works, plants, transmission and distribution lines and  
10 facilities for generating electric current, operated either by water  
11 power, steam, or other methods, within or without its limits, for the  
12 purpose of furnishing the district, and the inhabitants thereof and any  
13 other persons, including public and private corporations, within or  
14 without its limits, with electric current for all uses, with full and  
15 exclusive authority to sell and regulate and control the use,  
16 distribution, rates, service, charges, and price thereof, free from the  
17 jurisdiction and control of the utilities and transportation  
18 commission, in all things, together with the right to purchase, handle,  
19 sell, or lease motors, lamps, transformers and all other kinds of  
20 equipment and accessories necessary and convenient for the use,  
21 distribution, and sale thereof: PROVIDED, That the commission shall  
22 not supply water to a privately owned utility for the production of  
23 electric energy, but may supply, directly or indirectly, to an  
24 instrumentality of the United States government or any publicly or  
25 privately owned public utilities which sell electric energy or water to  
26 the public, any amount of electric energy or water under its control,  
27 and contracts therefor shall extend over such period of years and  
28 contain such terms and conditions for the sale thereof as the  
29 commission of the district shall elect; such contract shall only be  
30 made pursuant to a resolution of the commission authorizing such  
31 contract, which resolution shall be introduced at a meeting of the  
32 commission at least ten days prior to the date of the adoption of the  
33 resolution: PROVIDED FURTHER, That it shall first make adequate  
34 provision for the needs of the district, both actual and prospective.

35       **Sec. 3.** RCW 80.54.010 and 1985 c 450 s 40 are each amended to read  
36 as follows:

1 Unless the context clearly requires otherwise, the definitions in  
2 this section apply throughout this chapter.

3 (1) "Attachment" means any wire or cable for the transmission of  
4 intelligence by telecommunications or television, including cable  
5 television, light waves, or other phenomena, or for the transmission of  
6 electricity for light, heat, or power, and any related device,  
7 apparatus, or auxiliary equipment, installed upon any pole or in any  
8 telecommunications, electrical, cable television, or communications  
9 right of way, duct, conduit, manhole or handhole, or other similar  
10 facilities owned or controlled, in whole or in part, by one or more  
11 utilities, where the installation has been made with the consent of the  
12 one or more utilities.

13 (2) "Licensee" means any person, firm, corporation, partnership,  
14 company, association, joint stock association, or cooperatively  
15 organized association, other than a utility, which is authorized to  
16 construct attachments upon, along, under, or across the public ways.

17 (3) "Utility" means any electrical company or telecommunications  
18 company as defined in RCW 80.04.010, and does not include any entity  
19 cooperatively organized, or owned by federal, state, or local  
20 government, or a subdivision of state or local government, unless the  
21 entity is a public utility district serving a county with a population  
22 of at least five hundred thousand and the public utility district owns  
23 or controls, in whole or in part, any poles within its service area and  
24 that service area is served by one or more telecommunications companies  
25 as defined in RCW 80.04.010.

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