
HOUSE BILL 2740

State of Washington

54th Legislature

1996 Regular Session

By Representatives Crouse, Patterson, Casada, Mastin, Kessler, Chandler and Poulsen

Read first time 01/17/96. Referred to Committee on Energy & Utilities.

1 AN ACT Relating to attachments to transmission facilities; adding
2 a new chapter to Title 54 RCW; and adding a new section to chapter
3 80.54 RCW.

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

5 NEW SECTION. **Sec. 1.** Unless the context clearly requires
6 otherwise, the definitions in this section apply throughout this
7 chapter.

8 (1) "Attachment" means any wire or cable for the transmission of
9 intelligence by telecommunications or television, including cable
10 television, light waves, or other phenomena, or for the transmission of
11 electricity for light, heat, or power, and any related device,
12 apparatus, or auxiliary equipment, installed upon any pole or in any
13 telecommunications, electrical, cable television, or communications
14 right of way, duct, conduit, manhole or handhole, or other similar
15 facilities owned or controlled, in whole or in part, by one or more
16 utilities not regulated by the utilities and transportation commission,
17 if the installation has been made with the consent of one or more such
18 utilities.

1 (2) "Utility" means any utility not regulated by the utilities and
2 transportation commission.

3 NEW SECTION. **Sec. 2.** (1) All rates, terms, and conditions made,
4 demanded, or received by a utility for attachments to its facilities
5 must be just, fair, reasonable, and sufficient.

6 (2) A just and reasonable rate must assure the utility the recovery
7 of not less than all the additional costs of procuring and maintaining
8 attachments, nor more than the actual capital and operating expenses,
9 including just compensation, of the utility attributable to that
10 portion of the pole, duct, or conduit used for the attachment,
11 including a share of the required support and clearance space, in
12 proportion to the space used for the attachment, as compared to all
13 other uses made of the subject facilities and uses that remain
14 available to the owner or owners of the subject facilities.

15 (3) A utility shall levy attachment rates that are uniform within
16 the utility service area.

17 NEW SECTION. **Sec. 3.** Except as otherwise provided in this
18 section, a utility shall provide entities seeking to attach to the
19 utility's facilities with access to those facilities. A utility shall
20 provide such access on a nondiscriminatory basis.

21 A utility may deny access to its facilities if, in the
22 determination of the utility, there is insufficient capacity or there
23 are structural or other safety reasons for the denial. The utility's
24 determination must be reasonable, and a denial for structural or safety
25 reasons must be based on standard engineering practices and applicable
26 safety codes and standards. The utility denying access shall document
27 the basis of the determination in writing and make the documentation
28 available for inspection by the entity denied access.

29 NEW SECTION. **Sec. 4.** A new section is added to chapter 80.54 RCW
30 to read as follows:

31 Except as otherwise provided in this section, a utility shall
32 provide entities seeking to attach to the utility's facilities with
33 access to those facilities. A utility shall provide such access on a
34 nondiscriminatory basis.

35 A utility may deny access to its facilities if, in the
36 determination of the utility, there is insufficient capacity or there

1 are structural or other safety reasons for the denial. The utility's
2 determination must be reasonable, and a denial for structural or safety
3 reasons must be based on standard engineering practices and applicable
4 safety codes and standards. The utility denying access shall document
5 the basis of the determination in writing and make the documentation
6 available for inspection by the entity denied access.

7 NEW SECTION. **Sec. 5.** Sections 1 through 3 of this act shall
8 constitute a new chapter in Title 54 RCW.

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