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**SENATE BILL 6035**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By** Senators Finkbeiner, Johnson and Hochstatter

Read first time 02/27/95. Referred to Committee on Energy,  
Telecommunications & Utilities.

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

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

5 NEW SECTION. **Sec. 1.** The legislature has declared under chapter  
6 80.36 RCW that the policy of the state of Washington is to promote  
7 diversity and competition among telecommunication service and product  
8 providers. The legislature finds that certain units of local  
9 government that own transmission facilities and are exempt from the  
10 attachment provisions under chapter 80.54 RCW have sought to limit  
11 telecommunications attachments to one attachment per pole, have invited  
12 bids for the right to have exclusive use of poles for telecommunication  
13 transmission cable, and have offered to delegate to the successful  
14 bidder the right to determine if other competing uses will be permitted  
15 over that cable. The legislature further finds that the attachment  
16 charges imposed by these agencies are not consistent with the  
17 provisions of RCW 80.54.040 and federal communications commission  
18 regulations for pole attachments. The legislature finds that these

1 actions are inconsistent with the policy of the state to encourage  
2 competition and are not in the public interest.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 54.04 RCW  
4 to read as follows:

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

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

19 Unless the context clearly requires otherwise, the definitions in  
20 this section apply throughout this chapter.

21 (1) "Attachment" means any wire or cable for the transmission of  
22 intelligence by telecommunications or television, including cable  
23 television, light waves, or other phenomena, or for the transmission of  
24 electricity for light, heat, or power, and any related device,  
25 apparatus, or auxiliary equipment, installed upon any pole or in any  
26 telecommunications, electrical, cable television, or communications  
27 right of way, duct, conduit, manhole or handhole, or other similar  
28 facilities owned or controlled, in whole or in part, by one or more  
29 utilities, where the installation has been made with the consent of the  
30 one or more utilities.

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

35 (3) "Utility" means any electrical company or telecommunications  
36 company as defined in RCW 80.04.010, and does not include any entity  
37 cooperatively organized, or owned by federal, state, or local

1 government, or a subdivision of state or local government, unless the  
2 entity owns any poles within its service area and that service area is  
3 served by one or more telecommunications companies as defined in RCW  
4 80.04.010.

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