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SENATE BILL 6554

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State of Washington

54th Legislature

1996 Regular Session

By Senator Sutherland

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