

2 HB 1287 - S COMM AMD

3 By Committee on Economic Development & Telecommunications

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

7 "Sec. 1. RCW 80.04.130 and 1998 c 110 s 1 are each amended to read  
8 as follows:

9 (1) Whenever any public service company shall file with the  
10 commission any schedule, classification, rule or regulation, the effect  
11 of which is to change any rate, charge, rental or toll theretofore  
12 charged, the commission shall have power, either upon its own motion or  
13 upon complaint, upon notice, to enter upon a hearing concerning such  
14 proposed change and the reasonableness and justness thereof, and  
15 pending such hearing and the decision thereon the commission may  
16 suspend the operation of such rate, charge, rental or toll for a period  
17 not exceeding ten months from the time the same would otherwise go into  
18 effect, and after a full hearing the commission may make such order in  
19 reference thereto as would be provided in a hearing initiated after the  
20 same had become effective. The commission shall not suspend a tariff  
21 that makes a decrease in a rate, charge, rental, or toll filed by a  
22 telecommunications company pending investigation of the fairness,  
23 justness, and reasonableness of the decrease when the filing does not  
24 contain any offsetting increase to another rate, charge, rental, or  
25 toll and the filing company agrees to not file for an increase to any  
26 rate, charge, rental, or toll to recover the revenue deficit that  
27 results from the decrease for a period of one year. The filing company  
28 shall file with any decrease sufficient information as the commission  
29 by rule may require to demonstrate the decreased rate, charge, rental,  
30 or toll is above the long run incremental cost of the service. A  
31 tariff decrease that results in a rate that is below long run  
32 incremental cost, or is contrary to commission rule or order, or the  
33 requirements of this chapter, shall be rejected for filing and returned  
34 to the company. The commission may prescribe a different rate to be  
35 effective on the prospective date stated in its final order after its

1 investigation, if it concludes based on the record that the originally  
2 filed and effective rate is unjust, unfair, or unreasonable.

3 For the purposes of this section, tariffs for the following  
4 telecommunications services, that temporarily waive or reduce charges  
5 for existing or new subscribers for a period not to exceed sixty days  
6 in order to promote the use of the services shall be considered tariffs  
7 that decrease rates, charges, rentals, or tolls:

8 (a) Custom calling service;

9 (b) Second access lines; or

10 (c) Other services the commission specifies by rule.

11 The commission may suspend any promotional tariff other than those  
12 listed in (a) through (c) of this subsection.

13 The commission may suspend the initial tariff filing of any water  
14 company removed from and later subject to commission jurisdiction  
15 because of the number of customers or the average annual gross revenue  
16 per customer provisions of RCW 80.04.010. The commission may allow  
17 temporary rates during the suspension period. These rates shall not  
18 exceed the rates charged when the company was last regulated. Upon a  
19 showing of good cause by the company, the commission may establish a  
20 different level of temporary rates.

21 (2) At any hearing involving any change in any schedule,  
22 classification, rule or regulation the effect of which is to increase  
23 any rate, charge, rental or toll theretofore charged, the burden of  
24 proof to show that such increase is just and reasonable shall be upon  
25 the public service company.

26 (3) The implementation of mandatory local measured  
27 telecommunications service is a major policy change in available  
28 telecommunications service. The commission shall not accept for filing  
29 a price list, nor shall it accept for filing or approve, prior to June  
30 1, (~~2001~~) 2004, a tariff filed by a telecommunications company which  
31 imposes mandatory local measured service on any customer or class of  
32 customers, except that, upon finding that it is in the public interest,  
33 the commission may accept for filing a price list or it may accept for  
34 filing and approve a tariff that imposes mandatory measured service for  
35 a telecommunications company's extended area service or foreign  
36 exchange service. This subsection does not apply to land, air, or  
37 marine mobile service, or to pay telephone service, or to any service  
38 which has been traditionally offered on a measured service basis.

1 (4) The implementation of Washington telephone assistance program  
2 service is a major policy change in available telecommunications  
3 service. The implementation of Washington telephone assistance program  
4 service will aid in achieving the stated goal of universal telephone  
5 service.

6 (5) If a utility claims a sales or use tax exemption on the  
7 pollution control equipment for an electrical generation facility and  
8 abandons the generation facility before the pollution control equipment  
9 is fully depreciated, any tariff filing for a rate increase to recover  
10 abandonment costs for the pollution control equipment shall be  
11 considered unjust and unreasonable for the purposes of this section."

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15 On page 1, line 2 of the title, after "service;" strike the  
16 remainder of the title and insert "and amending RCW 80.04.130."

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