

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1287

Chapter 267, Laws of 2001

57th Legislature
2001 Regular Legislative Session

MANDATORY LOCAL MEASURED TELECOMMUNICATIONS SERVICE--PROHIBITION

EFFECTIVE DATE: 5/11/01

Passed by the House April 17, 2001
Yeas 93 Nays 0

FRANK CHOPP
Speaker of the House of Representatives

CLYDE BALLARD
Speaker of the House of Representatives

Passed by the Senate April 9, 2001
Yeas 49 Nays 0

BRAD OWEN
President of the Senate

Approved May 11, 2001

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

We, Timothy A. Martin and Cynthia Zehnder, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1287** as passed by the House of Representatives and the Senate on the dates hereon set forth.

CYNTHIA ZEHNDER
Chief Clerk

TIMOTHY A. MARTIN
Chief Clerk

FILED

May 11, 2001 - 9:59 a.m.

**Secretary of State
State of Washington**

HOUSE BILL 1287

AS AMENDED BY THE SENATE

Passed Legislature - 2001 Regular Session

State of Washington

57th Legislature

2001 Regular Session

By Representatives Reardon, Delvin, Hunt, Ruderman, Campbell, Simpson, McIntire, Crouse, Casada, Hankins, Doumit, Mielke, Bush, Quall, Cooper, Haigh, Skinner, Ballasiotes, Morris, Woods, DeBolt, Lambert, O'Brien, Tokuda, Pennington, Hatfield, Fisher, Eickmeyer, Ericksen, Ahern, Anderson, Pflug, Schindler, Dunshee, Ogden, Veloria, Grant, Morell, Romero, Kenney, Schoesler, Barlean, Keiser, Cody, Roach, Miloscia, Dickerson, Esser, Conway, Murray, Edmonds, Edwards, Kessler, Linville, D. Schmidt, Jackley, Hurst, Kagi and Van Luven

Read first time 01/23/2001. Referred to Committee on Technology, Telecommunications & Energy.

1 AN ACT Relating to extending the prohibition on mandatory local
2 measured telecommunications service; amending RCW 80.04.130; and
3 declaring an emergency.

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

5 **Sec. 1.** RCW 80.04.130 and 1998 c 110 s 1 are each amended to read
6 as follows:

7 (1) Whenever any public service company shall file with the
8 commission any schedule, classification, rule or regulation, the effect
9 of which is to change any rate, charge, rental or toll theretofore
10 charged, the commission shall have power, either upon its own motion or
11 upon complaint, upon notice, to enter upon a hearing concerning such
12 proposed change and the reasonableness and justness thereof, and
13 pending such hearing and the decision thereon the commission may
14 suspend the operation of such rate, charge, rental or toll for a period
15 not exceeding ten months from the time the same would otherwise go into
16 effect, and after a full hearing the commission may make such order in
17 reference thereto as would be provided in a hearing initiated after the
18 same had become effective. The commission shall not suspend a tariff
19 that makes a decrease in a rate, charge, rental, or toll filed by a

1 telecommunications company pending investigation of the fairness,
2 justness, and reasonableness of the decrease when the filing does not
3 contain any offsetting increase to another rate, charge, rental, or
4 toll and the filing company agrees to not file for an increase to any
5 rate, charge, rental, or toll to recover the revenue deficit that
6 results from the decrease for a period of one year. The filing company
7 shall file with any decrease sufficient information as the commission
8 by rule may require to demonstrate the decreased rate, charge, rental,
9 or toll is above the long run incremental cost of the service. A
10 tariff decrease that results in a rate that is below long run
11 incremental cost, or is contrary to commission rule or order, or the
12 requirements of this chapter, shall be rejected for filing and returned
13 to the company. The commission may prescribe a different rate to be
14 effective on the prospective date stated in its final order after its
15 investigation, if it concludes based on the record that the originally
16 filed and effective rate is unjust, unfair, or unreasonable.

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

- 22 (a) Custom calling service;
- 23 (b) Second access lines; or
- 24 (c) Other services the commission specifies by rule.

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

27 The commission may suspend the initial tariff filing of any water
28 company removed from and later subject to commission jurisdiction
29 because of the number of customers or the average annual gross revenue
30 per customer provisions of RCW 80.04.010. The commission may allow
31 temporary rates during the suspension period. These rates shall not
32 exceed the rates charged when the company was last regulated. Upon a
33 showing of good cause by the company, the commission may establish a
34 different level of temporary rates.

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

1 (3) The implementation of mandatory local measured
2 telecommunications service is a major policy change in available
3 telecommunications service. The commission shall not accept for filing
4 a price list, nor shall it accept for filing or approve, prior to June
5 1, (~~2001~~) 2004, a tariff filed by a telecommunications company which
6 imposes mandatory local measured service on any customer or class of
7 customers, except that, upon finding that it is in the public interest,
8 the commission may accept for filing a price list or it may accept for
9 filing and approve a tariff that imposes mandatory measured service for
10 a telecommunications company's extended area service or foreign
11 exchange service. This subsection does not apply to land, air, or
12 marine mobile service, or to pay telephone service, or to any service
13 which has been traditionally offered on a measured service basis.

14 (4) The implementation of Washington telephone assistance program
15 service is a major policy change in available telecommunications
16 service. The implementation of Washington telephone assistance program
17 service will aid in achieving the stated goal of universal telephone
18 service.

19 (5) If a utility claims a sales or use tax exemption on the
20 pollution control equipment for an electrical generation facility and
21 abandons the generation facility before the pollution control equipment
22 is fully depreciated, any tariff filing for a rate increase to recover
23 abandonment costs for the pollution control equipment shall be
24 considered unjust and unreasonable for the purposes of this section.

25 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
26 preservation of the public peace, health, or safety, or support of the
27 state government and its existing public institutions, and takes effect
28 immediately.

 Passed the House April 17, 2001.

 Passed the Senate April 9, 2001.

 Approved by the Governor May 11, 2001.

 Filed in Office of Secretary of State May 11, 2001.