SALE, MERGER, OR TRANSFER OF UTILITY--APPROVAL--NET BENEFIT TEST

EFFECTIVE DATE: 07/26/09

Passed by the Senate February 25, 2009
YEAS 48   NAYS 0

BRAD OWEN
President of the Senate

Passed by the House March 30, 2009
YEAS 97   NAYS 0

FRANK CHOPP
Speaker of the House of Representatives

Approved April 8, 2009, 3:27 p.m.

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is SUBSTITUTE SENATE BILL 5055 as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN
Secretary

FILED
April 9, 2009

CHRISTINE GREGOIRE
Governor of the State of Washington

Secretary of State
State of Washington
AN ACT Relating to protecting the interests of customers of public service companies in proceedings before the Washington utilities and transportation commission; amending RCW 80.12.010, 80.12.020, and 80.12.030; and creating a new section.

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

NEW SECTION. Sec. 1. The legislature finds and declares that the Washington utilities and transportation commission should require that a net benefit to customers be shown in order to approve the acquisition of the franchises, properties, or facilities owned by a gas or electrical company in the state and which are necessary or useful in the performance of the duties of a gas or electrical company, and that its decision to approve or deny such an acquisition should be made within a prescribed period of time.

Sec. 2. RCW 80.12.010 and 1961 c 14 s 80.12.010 are each amended to read as follows:

((The term)) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.
"Person" means an individual, partnership, joint venture, corporation, association, firm, public service company, or any other entity, however organized.

"Public service company (as used in this chapter, shall)" means every company now or hereafter engaged in business in this state as a public utility and subject to regulation as to rates and service by the utilities and transportation commission under the provisions of this title.

Sec. 3. RCW 80.12.020 and 1981 c 117 s 1 are each amended to read as follows:

(1) No public service company shall sell, lease, assign or otherwise dispose of the whole or any part of its franchises, properties or facilities whatsoever, which are necessary or useful in the performance of its duties to the public, and no public service company shall, by any means whatsoever, directly or indirectly, merge or consolidate any of its franchises, properties or facilities with any other public service company, without having secured from the commission an order authorizing it to do: PROVIDED, That the commission shall not approve any transaction under this section that would result in a person, directly or indirectly, acquiring a controlling interest in a gas or electrical company without a finding that the transaction would provide a net benefit to the customers of the company.

(2) This section shall not apply to any sale, lease, assignment or other disposal of such franchises, properties or facilities to a special purpose district as defined in RCW 36.96.010, city, county, or town.

Sec. 4. RCW 80.12.030 and 1961 c 14 s 80.12.030 are each amended to read as follows:

(1) Any such sale, lease, assignment, or other disposition, merger or consolidation made without authority of the commission shall be void.

(2) The commission shall enter an order approving or denying a transaction under RCW 80.12.020 or 80.12.040 within eleven months of
the date of filing, which the commission may extend up to four months for cause.

Passed by the Senate February 25, 2009.
Passed by the House March 30, 2009.
Approved by the Governor April 8, 2009.
Filed in Office of Secretary of State April 9, 2009.