

SSB 6034 - S AMD 496
By Senator Rolfes

ADOPTED 02/12/2018

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 54.16
4 RCW to read as follows:

5 (1) The definitions in this subsection apply throughout this
6 section unless the context clearly requires otherwise.

7 (a) "Broadband" means networks of deployed telecommunications
8 equipment and technologies necessary to provide high-speed internet
9 access and other advanced telecommunications services.

10 (b) "Inadequate" means internet retail service that does not meet
11 one hundred percent of the standards detailed in the service level
12 agreement.

13 (c) "Partnership payment structure" means a group of or
14 individual property owners who agree to pay a term payment structure
15 for infrastructure improvements to their property.

16 (d) "Petition" means a formal written request for retail internet
17 service by property owners on the public utility district broadband
18 network.

19 (e) "Service level agreement" means a standard agreement, adopted
20 during an open public meeting, between the retail internet service
21 provider and the public utility that describes the required
22 percentage of broadband download and upload speed and system
23 availability, customer service, and transmission time.

24 (2) Any public utility district that, as of the effective date of
25 this section, provides only water, sewer, and wholesale
26 telecommunications services in a county with an area less than five
27 hundred square miles and is located west of the Puget Sound may
28 provide end-user internet services to end users on the public utility
29 district's broadband network located within the public utility
30 district boundaries only when all of the existing providers of end-
31 user internet service on the public utility district's broadband

1 network cease to provide end-user service or provide inadequate end-
2 user service as determined in the manner prescribed by this section.

3 (3) Upon receiving a petition meeting the requirements of
4 subsection (4) of this section, a public utility district board of
5 commissioners may hold up to three meetings to:

6 (a) Verify the signature or signatures of the property owners on
7 the petition and certify the petition;

8 (b) Determine and submit findings that the retail internet
9 service available to the petitioners served by the public utility
10 district's broadband network is either nonexistent or inadequate as
11 defined in the service level agreement adopted by the commissioners
12 for all existing internet service providers on the public utility
13 district's broadband network; and

14 (c) By resolution, authorize the public utility district to
15 provide retail internet service to end users on the public utility
16 district's broadband network.

17 (4) A petition meets the requirements of subsection (3) of this
18 section if it is delivered to a public utility district board of
19 commissioners, declares that the signatories on the public utility
20 district's broadband network have no or inadequate retail internet
21 service providers, requests the public utility district to provide
22 the retail internet service, and is signed by one of the following:

23 (a) A majority of a group, including homeowners' associations, of
24 any geographical area within the public utility district, who have
25 developed a partnership payment structure to finance broadband
26 deployment with the public utility district; or

27 (b) Any individual who has developed a partnership payment
28 structure to finance broadband deployment with the public utility
29 district.

30 (5) For the purposes of this section, the adequacy of retail
31 internet service is determined by measuring retail internet service
32 to end users on the public utility district's broadband network and
33 comparing it with service standards in the public utility district
34 service level agreement used for all public utility district network
35 providers. Measurement of the existing retail internet service
36 provider's service must be quantified by measuring the service with
37 speed and capacity devices and software. Additionally, a retail
38 internet service provider may submit its own assessment of its
39 service level for consideration by the commission within thirty days
40 of the first meeting conducted under subsection (3) of this section.

1 (6) The commissioners of a public utility district may by
2 resolution authorize the public utility district to provide or
3 contract for provision of internet services to end users on the
4 public utility district's broadband network when it is determined
5 that no service or inadequate service exists for the individual or
6 petitioners identified in subsection (4) of this section.

7 (7)(a) Except as provided in subsection (8) of this section, in
8 case of failure to reach an agreement on the adequacy of retail
9 internet service, the commissioners must request an appointment of an
10 administrative law judge under Title 34 RCW to hear the dispute.

11 (b) The commissioners must provide a written notice, together
12 with a copy of the dispute, and may require the disputing parties to
13 attend a hearing before the administrative law judge, at a time and
14 place to be specified in the written notice.

15 (c) The place of any such hearing may be the office of the
16 commissioners or another place designated by the commissioners. The
17 disputed information must be presented at the hearing.

18 (d) Upon review and consideration of all of the evidence, the
19 administrative law judge must determine if the retail internet
20 service is inadequate or nonexistent as defined in this section. Upon
21 making a determination, the administrative law judge must state
22 findings of fact and must issue and file a determination with the
23 commissioners.

24 (8) If a provider of end-user service is a company regulated by
25 the utilities and transportation commission, the company may choose
26 to have the commission resolve disputes concerning the service level
27 agreement under the process established in RCW 54.16.340. For the
28 purposes of this subsection, "company" includes subsidiaries or
29 affiliates.

30 (9) Any public utility district providing cable television
31 service under this section must secure a cable television franchise,
32 pay franchise fees, and any applicable taxes to the local cable
33 franchise authority as required by federal law.

34 (10) Except as provided in subsection (8) of this section,
35 nothing in this section may be construed or is intended to confer
36 upon the utilities and transportation commission any authority to
37 exercise jurisdiction over locally regulated utilities.

38 (11) All rates for retail internet services offered by a public
39 utility district under this section must be fair and
40 nondiscriminatory, except the public utility district may set tiers

1 of service charges based on service demands of the end user,
2 including commercial and residential rates.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 34.12
4 RCW to read as follows:

5 When requested by the public utility district commissioners, the
6 chief administrative law judge shall assign an administrative law
7 judge to conduct proceedings under section 1 of this act."

SSB 6034 - S AMD 496
By Senator Rolfes

ADOPTED 02/12/2018

8 On page 1, line 3 of the title, after "act;" strike the remainder
9 of the title and insert "adding a new section to chapter 54.16 RCW;
10 and adding a new section to chapter 34.12 RCW."

EFFECT: A UTC regulated company may choose the UTC to resolve
disputes regarding adequacy of internet service.

--- END ---