

---

HOUSE BILL 1882

---

State of Washington

65th Legislature

2017 Regular Session

By Representatives Young, Morris, and Smith

Read first time 02/01/17. Referred to Committee on Technology & Economic Development.

1 AN ACT Relating to excluding certain appliances from the  
2 definitions of electric plant and gas plant; and reenacting and  
3 amending RCW 80.04.010.

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

5 **Sec. 1.** RCW 80.04.010 and 2011 c 214 s 2 and 2011 c 28 s 1 are  
6 each reenacted and amended to read as follows:

7 As used in this title, unless specifically defined otherwise or  
8 unless the context indicates otherwise:

9 (1) "Automatic location identification" means a system by which  
10 information about a caller's location, including the seven-digit  
11 number or ten-digit number used to place a 911 call or a different  
12 seven-digit number or ten-digit number to which a return call can be  
13 made from the public switched network, is forwarded to a public  
14 safety answering point for display.

15 (2) "Automatic number identification" means a system that allows  
16 for the automatic display of the seven-digit or ten-digit number used  
17 to place a 911 call.

18 (3) "Battery charging facility" includes a "battery charging  
19 station" and a "rapid charging station" as defined in RCW 82.08.816.

20 (4) "Cogeneration facility" means any machinery, equipment,  
21 structure, process, or property, or any part thereof, installed or

1 acquired for the primary purpose of the sequential generation of  
2 electrical or mechanical power and useful heat from the same primary  
3 energy source or fuel.

4 (5) "Commission" means the utilities and transportation  
5 commission.

6 (6) "Commissioner" means one of the members of such commission.

7 (7) "Competitive telecommunications company" means a  
8 telecommunications company which has been classified as such by the  
9 commission pursuant to RCW 80.36.320.

10 (8) "Competitive telecommunications service" means a service  
11 which has been classified as such by the commission pursuant to RCW  
12 80.36.330.

13 (9) "Corporation" includes a corporation, company, association or  
14 joint stock association.

15 (10) "Department" means the department of health.

16 (11) "Electric plant" includes all real estate, fixtures and  
17 personal property operated, owned, used or to be used for or in  
18 connection with or to facilitate the generation, transmission,  
19 distribution, sale or furnishing of electricity for light, heat, or  
20 power for hire; and any conduits, ducts or other devices, materials,  
21 apparatus or property for containing, holding or carrying conductors  
22 used or to be used for the transmission of electricity for light,  
23 heat or power, but does not include any appliance operated, owned,  
24 leased, controlled, used or to be used by a business or residential  
25 customer, including but not limited to water heaters, heating,  
26 ventilation, and air conditioning (HVAC) appliances, or any other  
27 appliances such as clothes washers, clothes dryers, dishwashers,  
28 refrigerators, and freezers.

29 (12) "Electrical company" includes any corporation, company,  
30 association, joint stock association, partnership and person, their  
31 lessees, trustees or receivers appointed by any court whatsoever  
32 (other than a railroad or street railroad company generating  
33 electricity solely for railroad or street railroad purposes or for  
34 the use of its tenants and not for sale to others), and every city or  
35 town owning, operating or managing any electric plant for hire within  
36 this state. "Electrical company" does not include a company or person  
37 employing a cogeneration facility solely for the generation of  
38 electricity for its own use or the use of its tenants or for sale to  
39 an electrical company, state or local public agency, municipal  
40 corporation, or quasi municipal corporation engaged in the sale or

1 distribution of electrical energy, but not for sale to others, unless  
2 such company or person is otherwise an electrical company.

3 (13) "Facilities" means lines, conduits, ducts, poles, wires,  
4 cables, cross-arms, receivers, transmitters, instruments, machines,  
5 appliances, instrumentalities and all devices, real estate,  
6 easements, apparatus, property and routes used, operated, owned or  
7 controlled by any telecommunications company to facilitate the  
8 provision of telecommunications service.

9 (14) "Gas company" includes every corporation, company,  
10 association, joint stock association, partnership and person, their  
11 lessees, trustees or receiver appointed by any court whatsoever, and  
12 every city or town, owning, controlling, operating or managing any  
13 gas plant within this state.

14 (15) "Gas plant" includes all real estate, fixtures and personal  
15 property, owned, leased, controlled, used or to be used for or in  
16 connection with the transmission, distribution, sale or furnishing of  
17 natural gas, or the manufacture, transmission, distribution, sale or  
18 furnishing of other type gas, for light, heat or power, but does not  
19 include any appliance operated, owned, leased, controlled, used or to  
20 be used by a business or residential customer, including but not  
21 limited to water heaters, heating, ventilation, and air conditioning  
22 (HVAC) appliances, or any other appliances such as clothes washers,  
23 clothes dryers, dishwashers, refrigerators, and freezers.

24 (16) "LATA" means a local access transport area as defined by the  
25 commission in conformance with applicable federal law.

26 (17) "Local exchange company" means a telecommunications company  
27 providing local exchange telecommunications service.

28 (18) "Noncompetitive telecommunications service" means any  
29 service which has not been classified as competitive by the  
30 commission.

31 (19) "Person" includes an individual, a firm or partnership.

32 (20) "Private shared telecommunications services" includes the  
33 provision of telecommunications and information management services  
34 and equipment within a user group located in discrete private  
35 premises in building complexes, campuses, or high-rise buildings, by  
36 a commercial shared services provider or by a user association,  
37 through privately owned customer premises equipment and associated  
38 data processing and information management services and includes the  
39 provision of connections to the facilities of a local exchange and to  
40 interexchange telecommunications companies.

1 (21) "Private switch automatic location identification service"  
2 means a service that enables automatic location identification to be  
3 provided to a public safety answering point for 911 calls originating  
4 from station lines served by a private switch system.

5 (22) "Private telecommunications system" means a  
6 telecommunications system controlled by a person or entity for the  
7 sole and exclusive use of such person, entity, or affiliate thereof,  
8 including the provision of private shared telecommunications services  
9 by such person or entity. "Private telecommunications system" does  
10 not include a system offered for hire, sale, or resale to the general  
11 public.

12 (23) "Public service company" includes every gas company,  
13 electrical company, telecommunications company, wastewater company,  
14 and water company. Ownership or operation of a cogeneration facility  
15 does not, by itself, make a company or person a public service  
16 company.

17 (24) "Radio communications service company" includes every  
18 corporation, company, association, joint stock association,  
19 partnership, and person, their lessees, trustees, or receivers  
20 appointed by any court, and every city or town making available  
21 facilities to provide radio communications service, radio paging, or  
22 cellular communications service for hire, sale, or resale.

23 (25) "Service" is used in this title in its broadest and most  
24 inclusive sense.

25 (26) "System of sewerage" means collection, treatment, and  
26 disposal facilities and services for sewerage, or storm or surface  
27 water run-off.

28 (27) "Telecommunications" is the transmission of information by  
29 wire, radio, optical cable, electromagnetic, or other similar means.  
30 As used in this definition, "information" means knowledge or  
31 intelligence represented by any form of writing, signs, signals,  
32 pictures, sounds, or any other symbols.

33 (28) "Telecommunications company" includes every corporation,  
34 company, association, joint stock association, partnership and  
35 person, their lessees, trustees or receivers appointed by any court  
36 whatsoever, and every city or town owning, operating or managing any  
37 facilities used to provide telecommunications for hire, sale, or  
38 resale to the general public within this state.

39 (29)(a) "Wastewater company" means a corporation, company,  
40 association, joint stock association, partnership and person, their

1 lessees, trustees, or receivers that owns or proposes to develop and  
2 own a system of sewerage that is designed for a peak flow of twenty-  
3 seven thousand to one hundred thousand gallons per day if treatment  
4 is by a large on-site sewerage system, or to serve one hundred or  
5 more customers.

6 (b) For purposes of commission jurisdiction, wastewater company  
7 does not include: (i) Municipal, county, or other publicly owned  
8 systems of sewerage; or (ii) wastewater company service to customers  
9 outside of an urban growth area as defined in RCW 36.70A.030.

10 (30)(a) "Water company" includes every corporation, company,  
11 association, joint stock association, partnership and person, their  
12 lessees, trustees or receivers appointed by any court whatsoever, and  
13 every city or town owning, controlling, operating, or managing any  
14 water system for hire within this state.

15 (b) For purposes of commission jurisdiction, "water company" does  
16 not include any water system serving less than one hundred customers  
17 where the average annual gross revenue per customer does not exceed  
18 three hundred dollars per year, which revenue figure may be increased  
19 annually by the commission by rule adopted pursuant to chapter 34.05  
20 RCW to reflect the rate of inflation as determined by the implicit  
21 price deflator of the United States department of commerce. The  
22 measurement of customers or revenues must include all portions of  
23 water companies having common ownership or control, regardless of  
24 location or corporate designation.

25 (c) "Control" is defined by the commission by rule and does not  
26 include management by a satellite agency as defined in chapter 70.116  
27 RCW if the satellite agency is not an owner of the water company.

28 (d) "Water company" also includes, for auditing purposes only,  
29 nonmunicipal water systems which are referred to the commission  
30 pursuant to an administrative order from the department, or the city  
31 or county as provided in RCW 80.04.110.

32 (e) Water companies exempt from commission regulation are subject  
33 to the provisions of chapter 19.86 RCW. A water company cannot be  
34 removed from regulation except with the approval of the commission.  
35 Water companies subject to regulation may petition the commission for  
36 removal from regulation if the number of customers falls below one  
37 hundred or the average annual revenue per customer falls below three  
38 hundred dollars. The commission is authorized to maintain continued  
39 regulation if it finds that the public interest so requires.

1       (31) "Water system" includes all real estate, easements,  
2 fixtures, personal property, dams, dikes, head gates, weirs, canals,  
3 reservoirs, flumes or other structures or appliances operated, owned,  
4 used or to be used for or in connection with or to facilitate the  
5 supply, storage, distribution, sale, furnishing, diversion, carriage,  
6 apportionment or measurement of water for power, irrigation,  
7 reclamation, manufacturing, municipal, domestic or other beneficial  
8 uses for hire.

--- END ---