
SENATE BILL 6425

State of Washington

53rd Legislature

1994 Regular Session

By Senators Sutherland and Ludwig

Read first time 01/21/94. Referred to Committee on Energy & Utilities.

1 AN ACT Relating to information and telecommunications policy;
2 amending RCW 80.04.010, 80.36.430, 28A.530.010, 43.105.052, 19.27.078,
3 and 43.63A.320; adding new sections to chapter 80.36 RCW; adding new
4 sections to chapter 35.21 RCW; adding new sections to chapter 35A.21
5 RCW; adding new sections to chapter 36.32 RCW; adding a new section to
6 chapter 54.04 RCW; adding new sections to chapter 23.86 RCW; adding a
7 new section to chapter 36.70A RCW; adding a new section to chapter
8 79.08 RCW; adding new sections to chapter 43.17 RCW; adding new
9 sections to chapter 28A.300 RCW; adding new sections to chapter 28B.80
10 RCW; adding new sections to chapter 28B.50 RCW; adding a new section to
11 chapter 28A.150 RCW; adding new sections to chapter 38.52 RCW; adding
12 a new section to chapter 43.22 RCW; adding a new section to chapter
13 80.28 RCW; adding a new section to chapter 54.16 RCW; creating new
14 sections; prescribing penalties; providing an effective date; and
15 providing an expiration date.

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

17 NEW SECTION. **Sec. 1.** The legislature finds that advanced
18 telecommunications systems will bring significant benefits to the
19 people of the state of Washington, including economic development,

1 improved health care, public safety, and expanded educational and
2 governmental services, and that state policy should encourage
3 deployment of advanced services by providing appropriate regulation
4 which fosters full and fair competition, removes undue regulatory
5 barriers to market entry by communications service providers,
6 encourages development of advanced telecommunications infrastructure in
7 all areas, including rural areas, avoids duplications of state-owned
8 communications facilities, and extends consumer protection standards to
9 users of various advanced systems.

10 **CREATING PARITY AMONG COMMUNICATIONS SERVICE PROVIDERS**

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 80.36 RCW
12 to read as follows:

13 The commission shall adopt policies that promote open and
14 standardized access to telecommunications networks and systems.

15 NEW SECTION. **Sec. 3.** A new section is added to chapter 35.21 RCW
16 to read as follows:

17 No city or town, or public corporation of which it has an ownership
18 interest, may impose terms and conditions for use of utility poles or
19 rights of way by any telecommunications company, as defined by RCW
20 80.04.010, that are less favorable or more burdensome than terms and
21 conditions imposed upon any other telecommunications company. Nothing
22 in this section affects the authority of a city or town to set terms
23 and conditions for use of poles or rights of way by cable television
24 systems or other companies that are not telecommunications companies
25 under RCW 80.04.010.

26 NEW SECTION. **Sec. 4.** A new section is added to chapter 35A.21 RCW
27 to read as follows:

28 No code city, or public corporation of which it has an ownership
29 interest, may impose terms and conditions for use of utility poles or
30 rights of way by any telecommunications company, as defined by RCW
31 80.04.010, that are less favorable or more burdensome than terms and
32 conditions imposed upon any other telecommunications company. Nothing
33 in this section affects the authority of a code city to set terms and
34 conditions for use of poles or rights of way by cable television

1 systems or other companies that are not telecommunications companies
2 under RCW 80.04.010.

3 NEW SECTION. **Sec. 5.** A new section is added to chapter 36.32 RCW
4 to read as follows:

5 No county, or public corporation of which it has an ownership
6 interest, may impose terms and conditions for use of utility poles or
7 rights of way by any telecommunications company, as defined by RCW
8 80.04.010, that are less favorable or more burdensome than terms and
9 conditions imposed upon any other telecommunications company. Nothing
10 in this section affects the authority of a county to set terms and
11 conditions for use of poles or rights of way by cable television
12 systems or other companies that are not telecommunications companies
13 under RCW 80.04.010.

14 NEW SECTION. **Sec. 6.** A new section is added to chapter 54.04 RCW
15 to read as follows:

16 No public utility district may impose terms and conditions for use
17 of utility poles or rights-of-way by any telecommunications company, as
18 defined by RCW 80.04.010, that are less favorable or more burdensome
19 than terms and conditions imposed upon any other telecommunications
20 company. Nothing in this section affects the authority of a public
21 utility district to set terms and conditions for use of poles or rights
22 of way by cable television systems or other companies that are not
23 telecommunications companies under RCW 80.04.010.

24 NEW SECTION. **Sec. 7.** A new section is added to chapter 23.86 RCW
25 to read as follows:

26 No rural electric cooperative or mutual electric association may
27 impose terms and conditions for use of utility poles or rights of way
28 by any telecommunications company, as defined by RCW 80.04.010, that
29 are less favorable or more burdensome than terms and conditions imposed
30 upon any other telecommunications company. Nothing in this section
31 affects the authority of a rural electric cooperative or a mutual
32 electric association to set terms and conditions for use of poles or
33 rights of way by cable television systems or other companies that are
34 not telecommunications companies under RCW 80.04.010.

1 **Sec. 8.** RCW 80.04.010 and 1991 c 100 s 1 are each amended to read
2 as follows:

3 As used in this title, unless specifically defined otherwise or
4 unless the context indicates otherwise:

5 "Automatic location identification" means a system by which the
6 name and address, or other location information associated with the
7 calling party's telephone number, is forwarded to a public safety
8 answering point for display, and may include additional requirements
9 pursuant to rules adopted under RCW 43.63A.320(5).

10 "Automatic number identification" means a system that allows for
11 the automatic display of the seven-digit number used to place a 911
12 call, or a different seven-digit number associated with the location of
13 the caller to which a return call can be made from the public switched
14 network.

15 "Cable television company" includes every corporation, company,
16 association, joint stock association, partnership and person, their
17 lessees, trustees, or receivers appointed by any court, and every city
18 or town, owning, controlling, operating or managing a cable television
19 system within this state.

20 "Commission" means the utilities and transportation commission.

21 "Commissioner" means one of the members of such commission.

22 "Competitive telecommunications company" means a telecommunications
23 company which has been classified as such by the commission pursuant to
24 RCW 80.36.320.

25 "Competitive telecommunications service" means a service which has
26 been classified as such by the commission pursuant to RCW 80.36.330.

27 "Corporation" includes a corporation, company, association or joint
28 stock association.

29 "Person" includes an individual, a firm or partnership.

30 "Gas plant" includes all real estate, fixtures and personal
31 property, owned, leased, controlled, used or to be used for or in
32 connection with the transmission, distribution, sale or furnishing of
33 natural gas, or the manufacture, transmission, distribution, sale or
34 furnishing of other type gas, for light, heat or power.

35 "Gas company" includes every corporation, company, association,
36 joint stock association, partnership and person, their lessees,
37 trustees or receiver appointed by any court whatsoever, and every city
38 or town, owning, controlling, operating or managing any gas plant
39 within this state.

1 "Electric plant" includes all real estate, fixtures and personal
2 property operated, owned, used or to be used for or in connection with
3 or to facilitate the generation, transmission, distribution, sale or
4 furnishing of electricity for light, heat, or power for hire; and any
5 conduits, ducts or other devices, materials, apparatus or property for
6 containing, holding or carrying conductors used or to be used for the
7 transmission of electricity for light, heat or power.

8 "Electrical company" includes any corporation, company,
9 association, joint stock association, partnership and person, their
10 lessees, trustees or receivers appointed by any court whatsoever (other
11 than a railroad or street railroad company generating electricity
12 solely for railroad or street railroad purposes or for the use of its
13 tenants and not for sale to others), and every city or town owning,
14 operating or managing any electric plant for hire within this state.
15 "Electrical company" does not include a company or person employing a
16 cogeneration facility solely for the generation of electricity for its
17 own use or the use of its tenants or for sale to an electrical company,
18 state or local public agency, municipal corporation, or quasi municipal
19 corporation engaged in the sale or distribution of electrical energy,
20 but not for sale to others, unless such company or person is otherwise
21 an electrical company.

22 "LATA" means a local access transport area as defined by the
23 commission in conformance with applicable federal law.

24 "Private telecommunications system" means a telecommunications
25 system controlled by a person or entity for the sole and exclusive use
26 of such person, entity, or affiliate thereof, including the provision
27 of private shared telecommunications services by such person or entity.
28 "Private telecommunications system" does not include a system offered
29 for hire, sale, or resale to the general public.

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

1 "Radio communications service company" includes every corporation,
2 company, association, joint stock association, partnership, and person,
3 their lessees, trustees, or receivers appointed by any court, and every
4 city or town making available facilities to provide radio
5 communications service, radio paging, or cellular communications
6 service for hire, sale, or resale.

7 "Telecommunications company" includes every corporation, company,
8 association, joint stock association, partnership and person, their
9 lessees, trustees or receivers appointed by any court whatsoever, and
10 every city or town owning, operating or managing any facilities used to
11 provide telecommunications for hire, sale, or resale to the general
12 public within this state.

13 "Noncompetitive telecommunications service" means any service which
14 has not been classified as competitive by the commission.

15 "Facilities" means lines, conduits, ducts, poles, wires, cables,
16 cross-arms, receivers, transmitters, instruments, machines, appliances,
17 instrumentalities and all devices, real estate, easements, apparatus,
18 property and routes used, operated, owned or controlled by any
19 telecommunications company to facilitate the provision of
20 telecommunications service.

21 "Telecommunications" is the transmission of information by wire,
22 radio, optical cable, electromagnetic, or other similar means. As used
23 in this definition, "information" means knowledge or intelligence
24 represented by any form of writing, signs, signals, pictures, sounds,
25 or any other symbols.

26 "Water system" includes all real estate, easements, fixtures,
27 personal property, dams, dikes, head gates, weirs, canals, reservoirs,
28 flumes or other structures or appliances operated, owned, used or to be
29 used for or in connection with or to facilitate the supply, storage,
30 distribution, sale, furnishing, diversion, carriage, apportionment or
31 measurement of water for power, irrigation, reclamation, manufacturing,
32 municipal, domestic or other beneficial uses for hire.

33 "Water company" includes every corporation, company, association,
34 joint stock association, partnership and person, their lessees,
35 trustees or receivers appointed by any court whatsoever, and every city
36 or town owning, controlling, operating, or managing any water system
37 for hire within this state: PROVIDED, That for purposes of commission
38 jurisdiction it shall not include any water system serving less than
39 one hundred customers where the average annual gross revenue per

1 customer does not exceed three hundred dollars per year, which revenue
2 figure may be increased annually by the commission by rule adopted
3 pursuant to chapter 34.05 RCW to reflect the rate of inflation as
4 determined by the implicit price deflator of the United States
5 department of commerce: AND PROVIDED FURTHER, That such measurement of
6 customers or revenues shall include all portions of water companies
7 having common ownership or control, regardless of location or corporate
8 designation. "Control" as used herein shall be defined by the
9 commission by rule and shall not include management by a satellite
10 agency as defined in chapter 70.116 RCW if the satellite agency is not
11 an owner of the water company. "Water company" also includes, for
12 auditing purposes only, nonmunicipal water systems which are referred
13 to the commission pursuant to an administrative order from the
14 department, or the city or county as provided in RCW 80.04.110.
15 However, water companies exempt from commission regulation shall be
16 subject to the provisions of chapter 19.86 RCW. A water company cannot
17 be removed from regulation except with the approval of the commission.
18 Water companies subject to regulation may petition the commission for
19 removal from regulation if the number of customers falls below one
20 hundred or the average annual revenue per customer falls below three
21 hundred dollars. The commission is authorized to maintain continued
22 regulation if it finds that the public interest so requires.

23 "Cogeneration facility" means any machinery, equipment, structure,
24 process, or property, or any part thereof, installed or acquired for
25 the primary purpose of the sequential generation of electrical or
26 mechanical power and useful heat from the same primary energy source or
27 fuel.

28 "Public service company" includes every gas company, electrical
29 company, telecommunications company, and water company. Ownership or
30 operation of a cogeneration facility does not, by itself, make a
31 company or person a public service company.

32 "Local exchange company" means a telecommunications company
33 providing local exchange telecommunications service.

34 "Department" means the department of health.

35 The term "service" is used in this title in its broadest and most
36 inclusive sense.

37 NEW SECTION. **Sec. 9.** A new section is added to chapter 80.36 RCW
38 to read as follows:

1 If a cable television company provides services that allow a
2 customer to electronically interact with the cable system to access
3 programming or services unavailable in standard one-way broadcast
4 packages, it shall inform the commission of the extent of programming
5 and service options available to customers and the terms and conditions
6 of such options.

7 NEW SECTION. **Sec. 10.** A new section is added to chapter 36.70A
8 RCW to read as follows:

9 As used in RCW 36.70A.070, "existing and proposed utilities"
10 includes cellular and wireless communications towers and antennas.

11 NEW SECTION. **Sec. 11.** A new section is added to chapter 79.08 RCW
12 to read as follows:

13 By October 1, 1994, the department of natural resources shall adopt
14 rules that provide for an expedited transfer of permits when facilities
15 of wireless or cellular telecommunications transmission located on
16 lands administered by the department are transferred under the same
17 conditions to a new owner.

18 NEW SECTION. **Sec. 12.** A new section is added to chapter 80.36 RCW
19 to read as follows:

20 (1) The legislature declares that telecommunications companies need
21 to be given the equivalent incentives given in other states to invest
22 in new technology and equipment and replace obsolete equipment and
23 plants.

24 (2) By December 1, 1994, the commission shall adopt the capital
25 recovery schedule used by the federal communications commission for any
26 local exchange telephone company within this state that is also subject
27 to the jurisdiction of the federal communications commission. The
28 commission shall not approve a rate increase that is directly
29 attributable to the capital recovery schedule adopted in this section.

30 (3) The commission may adopt tariffs for a local exchange company
31 that allows special rates for educational institutions, medical
32 facilities, and libraries based on a cost of service plus a set rate of
33 return.

34 (4) The commission shall review the effects of this section and
35 report to the energy and utilities committees of the senate and the
36 house of representatives by December 1, 1996.

1 NEW SECTION. **Sec. 13.** A new section is added to chapter 80.36 RCW
2 to read as follows:

3 The universal telecommunications service task force is created,
4 consisting of the chair or a designee of the utilities and
5 transportation commission, the director or a designee of department of
6 community, trade, and economic development, the director or a designee
7 of the department of information services, and a representative of the
8 public counsel section from the office of attorney general. The
9 utilities and transportation commission shall serve as lead agency of
10 the task force. The universal telecommunications service task force
11 shall annually review and determine the definition of universal
12 telecommunications service. Beginning December 1, 1994, the task force
13 shall annually report its findings to the energy and utilities
14 committees of the house of representatives and the senate. In
15 reviewing universal telecommunications service, the task force shall
16 hold at least one annual public forum on the subject. When reviewing
17 and reporting on universal service issues, the task force may include
18 specific services, quality of service standards, percentages of service
19 availability, universal service funds, and other factors relating to
20 telecommunications.

21 NEW SECTION. **Sec. 14.** A new section is added to chapter 80.36 RCW
22 to read as follows:

23 The universal service advisory committee is created to advise and
24 assist the universal service task force in defining and reviewing the
25 parameters of universal telecommunications service. The chair of the
26 commission shall appoint members of the committee who are
27 representatives of large local exchange companies, small local exchange
28 companies, cable television companies, wireless communications
29 providers, direct broadcast satellite information providers, enhanced
30 911 service providers, the department of social and health services,
31 energy utilities, providers of telecommunications equipment, libraries,
32 and the general public.

33 NEW SECTION. **Sec. 15.** A new section is added to chapter 80.36 RCW
34 to read as follows:

35 The commission may establish competitive geographic zones with
36 distinct boundaries in which all telecommunications companies providing
37 services may be declared competitive and subject to minimal regulation

1 as to operations within the competitive geographic zone. "Minimal
2 regulation" is defined in RCW 80.36.320(2). The commission may set
3 terms and conditions of a competitive geographic zone.

4 NEW SECTION. **Sec. 16.** A new section is added to chapter 80.36 RCW
5 to read as follows:

6 (1) The legislature declares that it is the policy of the state to
7 ensure reasonable and affordable local calling areas that provide
8 citizens with the ability to reach basic business, government, and
9 human services. The legislature further finds that it is in the public
10 interest to extend the telephone assistance plan to effect the
11 transition to expanded calling areas.

12 (2) In ordering the expansion of local calling area routes, the
13 commission may provide for the recovery of the associated costs,
14 including but not limited to lost toll or access revenue, engineering
15 costs, and construction costs, in a manner that produces fair, just,
16 and reasonable rates. In providing for the recovery of costs under
17 this section, the commission may use funds in the telephone assistance
18 fund.

19 (3) The commission shall review this program and report to the
20 energy and utilities committees of the senate and the house of
21 representatives by January 1, 1998.

22 **Sec. 17.** RCW 80.36.430 and 1990 c 170 s 3 are each amended to read
23 as follows:

24 The Washington telephone assistance program shall be funded by a
25 telephone assistance excise tax on all switched access lines and by
26 funds from any federal government or other programs for this purpose.
27 Switched access lines are defined in RCW 82.14B.020. The telephone
28 assistance excise tax shall be applied equally to all residential and
29 business access lines not to exceed fourteen cents per month. The
30 telephone assistance excise tax shall be separately identified on each
31 ratepayer's bill as the "Washington telephone assistance program." All
32 money collected from the telephone assistance excise tax shall be
33 transferred to a telephone assistance fund administered by the
34 ((department)) commission. Local exchange companies shall bill the
35 fund for their expenses incurred in offering the telephone assistance
36 program, including administrative and program expenses. The department
37 shall disburse the money to the local exchange companies. The

1 department is exempted from having to conclude a contract with local
2 exchange companies in order to effect this reimbursement. The
3 department shall recover its administrative costs from the fund. The
4 ((department)) commission may specify by rule the manner, range, and
5 extent of administrative and program expenses that will be reimbursed
6 to local exchange companies.

7 NEW SECTION. Sec. 18. (1) The legislature finds that as
8 traditional roles for telecommunications are blurred by increased
9 competition due to regulatory changes and market forces, the taxation
10 policies of telecommunications providers need to be analyzed to
11 determine if changes should be made to the levels and methods of
12 taxation so that the existing tax structure does not provide distinct
13 advantages or disadvantages to various telecommunications providers.

14 (2) The Washington utilities and transportation commission, with
15 the assistance of the department of revenue, shall conduct a study of
16 the taxation and assessment of telecommunications companies property,
17 equipment, and services, including cable television companies. The
18 study shall focus on methods to create uniformity in the taxation of
19 telecommunications providers. The study shall include an inventory of
20 all types of state and local taxes paid including, but not limited to,
21 utility taxes, property taxes, sales and use taxes, and per-line
22 charges paid to the state and local governments.

23 (3) The Washington utilities and transportation commission shall
24 form an advisory committee to provide guidance and advice for the
25 study. The advisory committee shall include, but need not be limited
26 to, persons representing local exchange companies, interexchange
27 companies, competitive access providers, cable television companies,
28 cellular communications companies, tax specialists, city and county
29 governments, emergency response agencies, large and small businesses,
30 and the public.

31 (4) The department of revenue shall present an interim report of
32 the findings of the study to the committees of the legislature that
33 deal with revenue matters, and the energy and utilities committees, no
34 later than December 1, 1994, and shall present a final report to the
35 same committees no later than December 1, 1995.

36 **FACILITATING DEPLOYMENT OF GOVERNMENT SERVICES**

1 **Sec. 19.** RCW 28A.530.010 and 1991 c 114 s 3 are each amended to
2 read as follows:

3 The board of directors of any school district may borrow money and
4 issue negotiable bonds therefor for the purpose of:

5 (1) Funding outstanding indebtedness or bonds theretofore issued;
6 or

7 (2) For the purchase of sites for all buildings, playgrounds,
8 physical education and athletic facilities and structures authorized by
9 law or necessary or proper to carry out the functions of a school
10 district; or

11 (3) For erecting all buildings authorized by law, including but not
12 limited to those mentioned in subsection (2) of this section
13 immediately above or necessary or proper to carry out the functions of
14 a school district, and providing the necessary furniture, apparatus, or
15 equipment therefor; or

16 (4) For improving the energy efficiency of school district
17 buildings and/or installing systems and components to utilize renewable
18 and/or inexhaustible energy resources; or

19 (5) For major and minor structural changes and structural additions
20 to buildings, structures, facilities and sites necessary or proper to
21 carrying out the functions of the school district; or

22 (6) For upgrading or replacing the computer software for personal
23 computers or software for computer networks within a school district;
24 or

25 (7) For any or all of these and other capital purposes.

26 Neither the amount of money borrowed nor bonds issued therefor
27 shall exceed the limitation of indebtedness prescribed by chapter 39.36
28 RCW, as now or hereafter amended.

29 Except for bonds issued under RCW 28A.530.080, bonds may be issued
30 only when authorized by the vote of the qualified electors of the
31 district as provided by law.

32 The bonds shall be issued and sold in accordance with chapter 39.46
33 RCW.

34 **Sec. 20.** RCW 43.105.052 and 1993 c 281 s 53 are each amended to
35 read as follows:

36 The department shall:

37 (1) Perform all duties and responsibilities the board delegates to
38 the department, including but not limited to:

- 1 (a) The review of agency acquisition plans and requests; and
2 (b) Implementation of state-wide and interagency policies,
3 standards, and guidelines;
- 4 (2) Make available information services to state agencies and local
5 governments on a full cost-recovery basis. These services may include,
6 but are not limited to:
- 7 (a) Telecommunications services for voice, data, and video;
8 (b) Mainframe computing services;
9 (c) Support for departmental and microcomputer evaluation,
10 installation, and use;
11 (d) Equipment acquisition assistance, including leasing, brokering,
12 and establishing master contracts;
13 (e) Facilities management services for information technology
14 equipment, equipment repair, and maintenance service;
15 (f) Negotiation with local cable companies and local governments to
16 provide for connection to local cable services to allow for access to
17 these public and educational channels in the state;
18 (g) Office automation services;
19 (h) System development services; and
20 (i) Training.

21 These services are for discretionary use by customers and customers
22 may elect other alternatives for service if those alternatives are more
23 cost-effective or provide better service. Agencies may be required to
24 use the backbone network portions of the telecommunications services
25 during an initial start-up period not to exceed three years;

26 (3) Establish rates and fees for services provided by the
27 department to assure that the services component of the department is
28 self-supporting. A billing rate plan shall be developed for a two-year
29 period to coincide with the budgeting process. The rate plan shall be
30 subject to review at least annually by the customer oversight
31 committees. The rate plan shall show the proposed rates by each cost
32 center and will show the components of the rate structure as mutually
33 determined by the department and the customer oversight committees.
34 The same rate structure will apply to all user agencies of each cost
35 center. The rate plan and any adjustments to rates shall be approved
36 by the office of financial management. The services component shall
37 not subsidize the operations of the planning component;

1 (4) With the advice of the information services board and agencies,
2 develop a state strategic information technology plan and performance
3 reports as required under RCW 43.105.160;

4 (5) Develop plans for the department's achievement of state-wide
5 goals and objectives set forth in the state strategic information
6 technology plan required under RCW 43.105.160. These plans shall
7 address such services as telecommunications, central and distributed
8 computing, local area networks, office automation, and end user
9 computing. The department shall seek the advice of customer oversight
10 committees and the board in the development of these plans;

11 (6) Under direction of the information services board and in
12 collaboration with the department of personnel, and other agencies as
13 may be appropriate, develop training plans and coordinate training
14 programs that are responsive to the needs of agencies;

15 (7) Identify opportunities for the effective use of information
16 services and coordinate appropriate responses to those opportunities;

17 (8) Assess agencies' projects, acquisitions, plans, or overall
18 information processing performance as requested by the board, agencies,
19 the director of financial management, or the legislature. Agencies may
20 be required to reimburse the department for agency-requested reviews;

21 (9) Develop planning, budgeting, and expenditure reporting
22 requirements, in conjunction with the office of financial management,
23 for agencies to follow;

24 (10) Assist the office of financial management with budgetary and
25 policy review of agency plans for information services;

26 (11) Provide staff support from the planning component to the board
27 for:

28 (a) Meeting preparation, notices, and minutes;

29 (b) Promulgation of policies, standards, and guidelines adopted by
30 the board;

31 (c) Supervision of studies and reports requested by the board;

32 (d) Conducting reviews and assessments as directed by the board;

33 (12) Be the lead agency in coordinating video telecommunications
34 services for all state agencies and develop, pursuant to board
35 policies, standards and common specifications for leased and purchased
36 telecommunications equipment. The department shall not evaluate the
37 merits of school curriculum, higher education course offerings, or
38 other education and training programs proposed for transmission and/or
39 reception using video telecommunications resources. Nothing in this

1 section shall abrogate or abridge the legal responsibilities of
2 licensees of telecommunications facilities as licensed by the federal
3 communication commission on March 27, 1990; and

4 (13) Inventory all state-owned and state-leased high capacity
5 telecommunications backbone networks and systems and report on the
6 findings of such inventory to the energy and utilities committees of
7 the house of representatives and the senate by January 16, 1995. The
8 inventory shall include state agencies, state institutions of higher
9 education, school districts, and other political subdivisions of the
10 state as determined by the director. The report shall include
11 recommendations on methods to maximize efficient use of existing and
12 planned state-owned and state-leased telecommunications backbone
13 networks and systems.

14 (14) Perform all other matters and things necessary to carry out
15 the purposes and provisions of this chapter.

16 NEW SECTION. Sec. 21. A new section is added to chapter 43.17 RCW
17 to read as follows:

18 By December 1, 1994, the chief executive officer of each state
19 agency shall inform the director of the department of information
20 services of all existing or planned backbone communications systems
21 owned or leased by the agency. "Backbone communication system" means
22 specially conditioned high-speed communications carrier lines,
23 multiplexors, digital switches, headends, and any equipment and
24 software components necessary for management and control of a backbone
25 network.

26 NEW SECTION. Sec. 22. A new section is added to chapter 43.17 RCW
27 to read as follows:

28 Whenever a state agency installs or leases a significant amount of
29 backbone communications plant or equipment, the chief executive officer
30 of the state agency shall inform the director of the department of
31 information services of the amount and type of plant or equipment
32 installed, the planned uses of the equipment or plant, and any excess
33 capacity of equipment or plant.

34 NEW SECTION. Sec. 23. A new section is added to chapter 28A.300
35 RCW to read as follows:

1 By December 1, 1994, the superintendent of public instruction shall
2 inform the director of the department of information services of all
3 existing or planned backbone communications systems of school districts
4 in the state. "Backbone communication system" means specially
5 conditioned high-speed communications carrier lines, multiplexors,
6 digital switches, headends, and any equipment and software components
7 necessary for management and control of a backbone network.

8 NEW SECTION. **Sec. 24.** A new section is added to chapter 28A.300
9 RCW to read as follows:

10 Whenever a school district installs or leases a significant amount
11 of backbone communications plant or equipment, the superintendent of
12 public instruction shall inform the director of the department of
13 information services of the amount and type of plant or equipment
14 installed, the planned uses of the equipment or plant, and any excess
15 capacity of equipment or plant.

16 NEW SECTION. **Sec. 25.** A new section is added to chapter 28B.80
17 RCW to read as follows:

18 By December 1, 1994, the board shall inform the director of the
19 department of information services of all existing or planned backbone
20 communications systems of four-year institutions in the state.
21 "Backbone communication system" means specially conditioned high-speed
22 communications carrier lines, multiplexors, digital switches, headends,
23 and any equipment and software components necessary for management and
24 control of a backbone network.

25 NEW SECTION. **Sec. 26.** A new section is added to chapter 28B.80
26 RCW to read as follows:

27 Whenever a four-year institution installs or leases a significant
28 amount of backbone communications plant or equipment, the board shall
29 inform the director of the department of information services of the
30 amount and type of plant or equipment installed, the planned uses of
31 the equipment or plant, and any excess capacity of equipment or plant.

32 NEW SECTION. **Sec. 27.** A new section is added to chapter 28B.50
33 RCW to read as follows:

34 By December 1, 1994, the college board shall inform the director of
35 the department of information services on all existing or planned

1 backbone communications systems of community and technical colleges in
2 the state. "Backbone communication system" means specially conditioned
3 high-speed communications carrier lines, multiplexors, digital
4 switches, headends, and any equipment and software components necessary
5 for management and control of a backbone network.

6 NEW SECTION. **Sec. 28.** A new section is added to chapter 28B.50
7 RCW to read as follows:

8 Whenever a community or technical college installs or leases a
9 significant amount of backbone communications plant or equipment, the
10 college board shall inform the director of the department of
11 information services of the amount and type of plant or equipment
12 installed, the planned uses of the equipment or plant, and any excess
13 capacity of equipment or plant.

14 **Sec. 29.** RCW 19.27.078 and 1989 c 266 s 4 are each amended to read
15 as follows:

16 (1) The state building code council shall contract with a private
17 entity to conduct a study and analysis of the codes referred to in RCW
18 19.27.031 and related regulations of state and local agencies to
19 ascertain the amount and nature of any conflict and inconsistencies.
20 The findings and proposed solutions resulting from this study and
21 analysis shall be submitted to the state building code council no later
22 than September 1, 1987. The state building code council shall consider
23 these findings and proposed solutions when carrying out its
24 responsibilities under RCW 19.27.074.

25 (2) The state building code council shall conduct a study of county
26 and city enforcement of the requirements of the codes to which
27 reference is made in RCW 19.27.031. In conducting the study, the
28 council shall conduct public hearings at designated council meetings to
29 seek input from interested individuals and organizations. The findings
30 of the study shall be submitted in a report to the governor and the
31 legislature no later than September 1, 1987.

32 (3) The study required under subsection (2) of this section shall
33 include, but not be limited to, a review of the impact of discretionary
34 building permit requirements imposed by local code enforcement
35 personnel. This review shall be designed to determine the extent, if
36 any, to which such discretionary requirements are based upon (a) the

1 requirements of the state building code or (b) city or county
2 amendments to the state building code.

3 (4) The state building code council shall conduct a study to
4 identify and define stand-alone ordinances adopted by counties and
5 cities that add or alter construction requirements to buildings and
6 structures built under the codes enumerated in RCW 19.27.031, as
7 adopted and amended by the state building code council. In conducting
8 the study, the council shall consult with representatives from
9 counties, cities, home builders, architects, building officials, and
10 fire officials. To aid in data collection, local governments shall
11 submit fire suppression ordinances, as defined by the state building
12 code council, in effect on March 31, 1989, to the state building code
13 council. The findings of the study shall be submitted in a written
14 report to the house of representatives committee on housing and the
15 senate governmental operations committee no later than November 1,
16 1989.

17 (5) The study required under subsection (4) of this section shall
18 include, but not be limited to, a review of ordinances or regulations
19 adopted by counties and cities that add or alter construction
20 requirements to buildings and structures built under the codes
21 enumerated in RCW 19.27.031.

22 (6) The state building code council shall conduct a study on the
23 feasibility of adopting standards for equipment and procedures relating
24 to the wiring of new residential and new commercial structures for
25 internal telecommunications networks that include copper wires, coaxial
26 cable, fiber optic cable, or other transmission media. The council
27 shall report the findings of the study to the energy and utilities
28 committees of the house of representatives and the senate by January
29 16, 1995, and shall include recommendations for legislative action.

30 NEW SECTION. Sec. 30. The legislature finds that citizens of the
31 state increasingly rely on the dependability of enhanced 911, a system
32 that allows the person answering an emergency call to immediately
33 determine the location of the emergency without the need of the caller
34 to speak. The legislature further finds that in some cases, calls made
35 from telephones connected to private telephone systems may not be
36 precisely located by the answerer, eliminating some of the benefit of
37 enhanced 911, and that this condition could additionally imperil
38 citizens calling from these locations in an emergency. The legislature

1 also finds that until national standards have been developed to address
2 this condition, information-forwarding requirements should be mandated
3 for only those settings with the most risk, including schools,
4 residences, and some business settings.

5 NEW SECTION. **Sec. 31.** A new section is added to chapter 80.36 RCW
6 to read as follows:

7 By January 1, 1996, an owner of a private telecommunications system
8 that provides service to residential customers shall ensure that the
9 telecommunications system is connected to the public switched network
10 such that calls to 911 result in automatic location identification for
11 each residential unit in a format that is compatible with the existing
12 or planned county enhanced 911 system.

13 NEW SECTION. **Sec. 32.** A new section is added to chapter 28A.150
14 RCW to read as follows:

15 By January 1, 1996, a school district with a private
16 telecommunications system shall ensure that the telecommunications
17 system is connected to the public switched network such that calls to
18 911 result in automatic location identification for each telephone in
19 a format that is compatible with the existing or planned county
20 enhanced 911 system.

21 NEW SECTION. **Sec. 33.** A new section is added to chapter 80.36 RCW
22 to read as follows:

23 By January 1, 1996, a provider of private shared telecommunications
24 services to multiple business users from a single system shall ensure
25 that the system is connected to the public switched network such that
26 calls to 911 result in automatic location identification for each
27 telephone in a format that is compatible with the existing or planned
28 county enhanced 911 system. This section applies only to providers of
29 service to businesses containing a physical area exceeding twenty-five
30 thousand square feet, or businesses on more than one floor of a
31 building, or businesses in multiple buildings.

32 NEW SECTION. **Sec. 34.** A new section is added to chapter 35.21 RCW
33 to read as follows:

34 No city or town may enact or enforce an ordinance or regulation
35 mandating automatic number identification or automatic location

1 identification for a private telecommunications system or for a
2 provider of private shared telecommunications services.

3 NEW SECTION. **Sec. 35.** A new section is added to chapter 35A.21
4 RCW to read as follows:

5 No code city may enact or enforce an ordinance or regulation
6 mandating automatic number identification or automatic location
7 identification for a private telecommunications system or for a
8 provider of private shared telecommunications services.

9 NEW SECTION. **Sec. 36.** A new section is added to chapter 36.32 RCW
10 to read as follows:

11 No county may enact or enforce an ordinance or regulation mandating
12 automatic number identification or automatic location identification
13 for a private telecommunications system or for a provider of private
14 shared telecommunications services.

15 NEW SECTION. **Sec. 37.** A new section is added to chapter 38.52 RCW
16 to read as follows:

17 The state enhanced 911 coordination office may develop and
18 implement public education materials regarding the capability of
19 specific equipment used as part of a private telecommunications system
20 or in the provision of private shared telecommunications services to
21 forward automatic location identification and automatic number
22 identification.

23 NEW SECTION. **Sec. 38.** A new section is added to chapter 38.52 RCW
24 to read as follows:

25 The state enhanced 911 coordination office and the enhanced 911
26 advisory committee may participate in efforts to set uniform national
27 standards for automatic number identification and automatic location
28 identification data transmission for private telecommunications systems
29 and private shared telecommunications services. If the enhanced 911
30 advisory committee determines that such uniform national standards have
31 not been developed by January 1, 1996, the enhanced 911 advisory
32 committee may begin efforts to develop and recommend data transmission
33 standards to the legislature.

1 NEW SECTION. **Sec. 39.** A new section is added to chapter 43.22 RCW
2 to read as follows:

3 The department of labor and industries shall adopt rules that
4 require owners of private telecommunications systems and providers of
5 private shared telecommunications services to advise users of the
6 dialing procedures necessary to access 911 emergency service and advise
7 users of the extent to which automatic location information is
8 transmitted when using 911 emergency service. Such rules shall provide
9 for advising users on at least an annual basis, and may include the use
10 of designated adhesive labels for telephone sets.

11 **Sec. 40.** RCW 43.63A.320 and 1993 c 280 s 69 are each amended to
12 read as follows:

13 Except for matters relating to the statutory duties of the director
14 of community, trade, and economic development which are to be carried
15 out through the director of fire protection, the board shall have the
16 responsibility of developing a comprehensive state policy regarding
17 fire protection services. In carrying out its duties, the board shall:

- 18 (1) Adopt a state fire protection master plan;
- 19 (2) Monitor fire protection in the state and develop objectives and
20 priorities to improve fire protection for the state's citizens;
- 21 (3) Establish and promote state arson control programs and ensure
22 development of local arson control programs;
- 23 (4) Provide representation for local fire protection services to
24 the governor in state-level fire protection planning matters such as,
25 but not limited to, hazardous materials;
- 26 (5) Recommend to the director of community, trade, and economic
27 development rules on minimum data requirements of automatic location
28 identification for the purposes of enhanced 911 emergency service;
- 29 (6) Seek and solicit grants, gifts, bequests, devices, and matching
30 funds for use in furthering the objectives and duties of the board, and
31 establish procedures for administering them;
- 32 (~~(6)~~) (7) Promote mutual aid and disaster planning for fire
33 services in this state;
- 34 (~~(7)~~) (8) Assure the dissemination of information concerning the
35 amount of fire damage including that damage caused by arson, and its
36 causes and prevention;
- 37 (~~(8)~~) (9) Submit annually a report to the governor containing a
38 statement of its official acts pursuant to this chapter, and make such

1 studies, reports, and recommendations to the governor and the
2 legislature as are requested;

3 ~~((+9))~~ (10) Adopt a state fire training and education master plan;

4 ~~((+10))~~ (11) Develop and adopt a master plan for the construction,
5 equipping, maintaining, and operation of necessary fire service
6 training and education facilities, but the authority to construct,
7 equip, and maintain such facilities is subject to chapter 43.19 RCW;

8 ~~((+11))~~ (12) Develop and adopt a master plan for the purchase,
9 lease, or other acquisition of real estate necessary to establish and
10 operate fire service training and education facilities in a manner
11 provided by law;

12 ~~((+12))~~ (13) Adopt standards for state-wide fire service training
13 and education courses including courses in arson detection and
14 investigation for personnel of fire, police, and prosecutor's
15 departments;

16 ~~((+13))~~ (14) Assure the administration of any legislation enacted
17 by the legislature in pursuance of the aims and purposes of any acts of
18 Congress insofar as the provisions thereof may apply;

19 ~~((+14))~~ (15) Cooperate with the common schools, community
20 colleges, institutions of higher education, and any department or
21 division of the state, or of any county or municipal corporation in
22 establishing and maintaining instruction in fire service training and
23 education in accordance with any act of Congress and legislation
24 enacted by the legislature in pursuance thereof and in establishing,
25 building, and operating training and education facilities.

26 This section does not apply to forest fire service personnel and
27 programs. Industrial fire departments and private fire investigators
28 may participate in training and education programs under this chapter
29 for a reasonable fee established by rule.

30 NEW SECTION. **Sec. 41.** The legislature finds that cable services
31 play an important role in providing residents of Washington's rural
32 areas with valuable information from diverse sources, including news,
33 weather, entertainment, and educational programming from local and
34 national programming services. The legislature further finds that
35 technology exists to make cable capable of offering enhanced services,
36 such as interactive video and high-speed data transmissions, that will
37 further benefit citizens of rural areas.

1 NEW SECTION. **Sec. 42.** Franchising authorities are authorized to
2 adopt ordinances and rules, or establish franchise terms, that create
3 incentives for deployment of cable systems in areas unserved by any
4 cable operator. Such incentives may include periodic rebates to cable
5 operators of an amount up to twice the amount of that portion of a
6 customer's cable bill which is allocated to franchise fees, if the
7 customer resides in an area in which cable service is unavailable prior
8 to the effective date of this section.

9 NEW SECTION. **Sec. 43.** Franchising authorities may establish any
10 other terms and conditions for cable operators that are more favorable
11 than those imposed on other cable operators within the same
12 jurisdiction if the franchising authority determines that such
13 favorable treatment will promote development of cable systems in
14 unserved areas. However, in no instance may a franchising authority
15 establish terms and conditions that fail to conform to the minimal
16 standards set forth in sections 49 through 62 of this act.

17 NEW SECTION. **Sec. 44.** An incentive program adopted pursuant to
18 this section must contain an expiration date of no later than five
19 years from the date of the ordinance, rule, or franchise agreement,
20 although nothing in this section prohibits a franchise authority from
21 renewing an incentive program at its discretion after a review of the
22 existing program's effectiveness.

23 NEW SECTION. **Sec. 45.** A new section is added to chapter 80.28 RCW
24 to read as follows:

25 The commission shall adopt policies that encourage electric and gas
26 companies to deploy high-capacity telecommunications equipment and
27 plant in projects that allow customer end-use metering or demand-side
28 management or modifications to energy consumption. The commission
29 shall require that an electric or gas utility allow open access to any
30 excess high-capacity telecommunications capacity to information
31 providers on a standard and nondiscriminatory basis subject to
32 commission guidelines.

33 NEW SECTION. **Sec. 46.** A new section is added to chapter 54.16 RCW
34 to read as follows:

1 A district may construct, acquire, add to, maintain, and operate
2 high-capacity telecommunications equipment and plant for the primary
3 purpose of customer end-use metering or demand-side management or
4 modifications to energy consumption. A district shall allow open
5 access to any excess telecommunications capacity to information
6 providers on a standard and nondiscriminatory basis subject to
7 guidelines adopted by the district commission. Prices or rates charged
8 to information providers for services shall, at a minimum, cover their
9 costs.

10 NEW SECTION. **Sec. 47.** A new section is added to chapter 23.86 RCW
11 to read as follows:

12 A rural electric cooperative or mutual electric association doing
13 business in this state for the primary purpose of providing electricity
14 to its members may deploy high-capacity telecommunications equipment
15 and plant for the primary purpose of customer end-use metering or
16 demand-side management or modifications to energy consumption. A rural
17 electric cooperative or mutual electric association shall allow any
18 excess capacity on such a system to be used by other providers of
19 information, subject to standard rates and limitations set by the board
20 of the rural electric cooperative or mutual electric association.
21 Prices or rates charged to information providers for services shall, at
22 a minimum, cover their costs.

23 **CONSUMER PROTECTION STANDARDS**

24 NEW SECTION. **Sec. 48.** The legislature finds that local
25 governments are in the best position to address health, safety, and
26 aesthetic concerns related to installation and construction of cable
27 systems, to assess the demands of local consumers, and to monitor local
28 cable operations. The legislature declares that it is the policy in
29 Washington that local city, town, code city, and county governments
30 have the primary role in franchising cable systems, establishing
31 franchise fees, establishing terms and conditions for cable operators'
32 use of public rights of way, and enforcing laws and ordinances
33 applicable to cable operators. It is also the policy in Washington to
34 ensure that cities, towns, code cities, and counties have sufficient
35 resources, information, and expertise available to set policy, adopt
36 rules, regulate rates, and negotiate franchise terms with regard to

1 cable systems. The legislature finds that cooperative efforts among
2 cities, towns, and counties in regulating cable television have
3 provided economic efficiencies, greater expertise, and greater
4 availability of resources to negotiate franchise terms and conditions,
5 establish appropriate ordinances, regulate cable rates, and enforce
6 franchise terms and applicable local, state, and federal laws. Local
7 governments are encouraged to share resources and establish cooperative
8 efforts where appropriate.

9 NEW SECTION. **Sec. 49.** Sections 49 through 62 of this act are
10 intended to further the states' interest in ensuring that cable
11 operators provide adequate cable television services to subscribers,
12 and to set minimal standards that a cable operator must meet for a
13 cable system located in the state of Washington. If the cable operator
14 acts pursuant to a local ordinance, these standards are mandatory. If
15 the cable operator acts pursuant to a franchise agreement, the
16 standards are mandatory if the local franchising authority has reserved
17 the right to amend the agreement, or if terms are conditioned upon
18 changes in state or local law. These terms are the minimal terms and
19 conditions for any franchise granted by any franchise authority after
20 the effective date of this section. In all other cases, these are
21 minimal suggested guidelines for cable service.

22 NEW SECTION. **Sec. 50.** The definitions in this section apply
23 throughout sections 49 through 62 of this act unless the context
24 clearly requires otherwise.

25 (1) "Cable operator" means any person or group of persons:

26 (a) Who provides cable service over a cable system and directly or
27 through one or more affiliates owns a significant interest in such a
28 cable system; or

29 (b) Who otherwise controls or is responsible for, through any
30 arrangement, the management or operation of such a cable system.

31 (2) "Cable service" means all video programming provided by a cable
32 operator.

33 (3) "Cable system" or "cable television system" means a facility,
34 consisting of a set of transmission paths and associated signal
35 generation, reception, and control equipment that is designed to
36 provide cable service which includes video programming and which is
37 provided to multiple subscribers within a community, but does not

1 include any company that is classified as a "telecommunications
2 company" by chapter 80.36 RCW or any facility that serves only
3 subscribers in one or more multiple unit dwellings under common
4 ownership, control, or management, unless such facility uses a public
5 right of way.

6 (4) "Channel" means a unit of cable service identified and selected
7 by a channel number or similar designation.

8 (5) "Local franchising authority" means a city or town, code city,
9 or county, or delegated authority thereof, that regulates cable
10 television services within its jurisdiction.

11 (6) "Franchise area" means the area in which a cable operator is
12 authorized by a franchise authority to construct and operate a cable
13 system.

14 (7) "Subscriber" means a recipient of cable service.

15 NEW SECTION. **Sec. 51.** (1) Each cable operator shall maintain for
16 the term of the franchise at least one office within the franchise area
17 where customers may conduct business. Representatives of the cable
18 operator must be available upon request in at least the following ways
19 during hours of operation:

20 (a) To accept payments;

21 (b) To exchange or accept returned converters and other company
22 equipment;

23 (c) To respond to inquiries; and

24 (d) To schedule and conduct service or repair calls.

25 (2) A customer service center shall be staffed in such a manner
26 that customers conducting single transactions as set forth in
27 subsection (1) of this section wait in line no longer than fifteen
28 minutes before receiving service.

29 NEW SECTION. **Sec. 52.** (1) Each cable operator shall be reachable
30 by a local or toll-free telephone number to receive inquiries about
31 service, equipment, or similar matters.

32 (2) Each cable operator shall provide the means to accept customer
33 phone calls twenty-four hours a day, seven days a week, including
34 holidays.

35 (3) The company shall provide a system that is responsive to
36 customer calls with a minimum of delays, including receiving busy
37 signals, being placed "on hold," or receiving a voice-mail system that

1 during normal working hours does not include access to a human
2 operator.

3 NEW SECTION. **Sec. 53.** (1) Each cable operator shall acknowledge
4 requests for repairs and maintenance within twenty-four hours. Repair
5 and maintenance for service interruptions or other repairs not
6 requiring on-premises work shall be completed within twenty-four hours
7 under normal operating procedures. All other repairs shall be
8 completed within seventy-two hours under normal circumstances. No
9 charge may be made for repair and maintenance service unless the need
10 for maintenance or repair is due to documentable negligence or abuse of
11 equipment by the customer.

12 (2) Standard installations shall be completed within seven business
13 days after an order is placed, unless the subscriber's schedule
14 requires alternative arrangements.

15 (3) Each cable operator shall provide the customer with a specific
16 appointment time, or block of time not to exceed four hours, for
17 customer service appointments. A cable operator shall not cancel an
18 appointment after the close of business the day before an appointment
19 is scheduled. If the cable operator's representative is unable to keep
20 a scheduled appointment for any reason, he or she shall contact the
21 customer and offer another time at the customer's convenience.

22 NEW SECTION. **Sec. 54.** (1) A cable operator may disconnect a
23 customer for cause if (a) at least thirty days have elapsed after the
24 due date for payment of the customer's bill, and (b) the cable operator
25 has provided at least seven days' written notice to the affected
26 customer prior to disconnection, specifying the effective date cable
27 services are subject to termination. Such notice shall be separate
28 from the regular monthly billing statement.

29 (2) The provisions of subsection (1) of this section
30 notwithstanding, a cable operator may disconnect a customer for cause
31 at any time if the company, in good faith, determines that the customer
32 has tampered with or abused equipment of the cable operator, or is
33 engaged in the unlawful theft of cable services.

34 (3) Fee schedules for disconnection for nonpayment or improper use
35 of equipment and for reconnection to the cable system shall be
36 available to customers upon request.

1 (4) The cable operator shall promptly disconnect from the cable
2 system any customer who so requests. No period of notice prior to
3 voluntary termination of service may be required of customers by the
4 cable operator. No charge may be imposed by the cable operator for
5 such voluntary disconnection, or for any cable services delivered after
6 the date of the disconnection request.

7 (5) The cable operator shall refund to the customer any amount
8 collected by the cable operator, less undisputed amounts owed to the
9 cable operator, for cable services paid for before disconnection. Such
10 refunds shall be made no later than the customer's next billing cycle
11 following disconnection and return of equipment, or thirty days,
12 whichever is earlier.

13 NEW SECTION. **Sec. 55.** Except for planned service interruptions
14 when customers are provided reasonable notice in advance, upon request
15 of the customer the company shall provide a twenty-four hour credit to
16 the customer's account for a service interruption of four hours or more
17 in any one day during which the customer experienced a disruption or
18 impairment of cable service, unless the interruption or impairment was
19 due to customer negligence or abuse of equipment. Credits shall be
20 issued no later than the customer's next billing cycle following
21 determination that a credit is in fact warranted.

22 NEW SECTION. **Sec. 56.** (1) Each cable operator shall itemize all
23 bills to customers, indicating each category of service, equipment,
24 downgrade charges, transaction fees, late charges, and other applicable
25 fees, and the charge for each.

26 (2) A cable operator is prohibited from offering any service by a
27 negative option.

28 (3) Each cable operator shall respond to written complaints from
29 subscribers regarding billing disputes within thirty days.

30 NEW SECTION. **Sec. 57.** (1) Upon installation of cable service,
31 each cable operator shall provide the customer with information
32 regarding:

33 (a) Equipment and services currently available, and the rates and
34 charges applicable to each;

35 (b) The cable operator's policy and procedures for addressing
36 customer complaints;

1 (c) A toll-free telephone number and address of the cable
2 operator's office to which complaints and inquiries may be reported;
3 and

4 (d) The cable operator's practices and procedures for protecting
5 subscriber privacy.

6 (2) The cable operator shall provide customers with at least thirty
7 days' advance written notice of any deletions in programming service or
8 any channel repositions that are within control of the cable operator.

9 (3) All promotional materials, announcements, and advertising of
10 residential cable service to subscribers and the general public, if
11 price information is listed in any manner, shall clearly and accurately
12 disclose price terms. In the case of pay-per-view or pay-per-event
13 programming, all materials shall clearly and accurately disclose price
14 terms. In the case of telephone orders, the cable operator's
15 representative shall clearly and accurately disclose price terms before
16 taking an order.

17 NEW SECTION. **Sec. 58.** The cable operator shall provide customers
18 with at least thirty days' advance written notice of all increases in
19 rates of services, equipment, and other applicable charges.

20 NEW SECTION. **Sec. 59.** No cable operator may discriminate against
21 any person in providing cable television service on the basis of race,
22 color, religion, national origin, sex, age, disability, income, or the
23 area in which the person lives.

24 NEW SECTION. **Sec. 60.** Each cable system shall make available at
25 least one channel exclusively for local and state originated public,
26 educational, and governmental programming.

27 NEW SECTION. **Sec. 61.** A cable operator shall not refer, or cause
28 to be entered, a negative report to any consumer credit reporting
29 agency, association, or bureau unless thirty days have elapsed after
30 sending notice to the customer at the last service address or billing
31 address of record after disconnection has occurred.

32 NEW SECTION. **Sec. 62.** The franchising authority and its
33 representatives have the authority, upon reasonable notice, to inspect
34 a cable operator's books, records, reports, summaries, tests, lists,

1 and other items regarding the cable operator's operations within the
2 franchise area that the franchising authority deems necessary to
3 monitor the cable operator's compliance with sections 49 through 62 of
4 this act and other applicable laws and regulations, as well as terms
5 and conditions of a franchise agreement. Such authority includes, but
6 is not limited to, the right to audit a cable operator's books and
7 records and to inspect and test a cable operator's technical
8 facilities.

9 NEW SECTION. **Sec. 63.** (1) In addition to the provisions contained
10 in RCW 19.56.020 and 19.56.030, and chapter 19.86 RCW, it is a
11 violation for a cable television system to willfully charge a
12 subscriber for service or equipment that the subscriber has not
13 affirmatively requested by name. For purposes of this section, a
14 subscriber's failure to refuse a service or a telecommunications
15 company's proposal to provide such service or equipment shall not be
16 deemed to be an affirmative request for such service or equipment.

17 (2) The attorney general is authorized to bring an action against
18 a cable television system that violates subsection (1) of this section.
19 An entity that violates this section shall forfeit and pay a civil
20 penalty of not more than five hundred dollars per violation per
21 affected subscriber.

22 NEW SECTION. **Sec. 64.** A new section is added to chapter 80.36 RCW
23 to read as follows:

24 The commission shall provide assistance to city, town, code city,
25 and county governments in negotiating franchise terms, regulating cable
26 rates, drafting ordinances, and providing other assistance it deems
27 appropriate, when requested by the government. Such assistance shall
28 be provided at cost according to a rate schedule to be determined by
29 the commission and paid by the government requesting assistance.
30 Commission assistance shall be in the form of recommendations; in no
31 event shall a recommendation be deemed binding upon a local government.

32 NEW SECTION. **Sec. 65.** A new section is added to chapter 80.36 RCW
33 to read as follows:

34 (1) In addition to the provisions contained in RCW 19.56.020 and
35 19.56.030, and chapter 19.86 RCW, it is a violation for a
36 telecommunications company to willfully charge a subscriber for service

1 or equipment that the subscriber has not affirmatively requested by
2 name. For purposes of this section, a subscriber's failure to refuse
3 a service or a telecommunications company's proposal to provide such
4 service or equipment shall not be deemed to be an affirmative request
5 for such service or equipment.

6 (2) The commission has authority to enforce subsection (1) of this
7 section with appropriate sanctions not to exceed five hundred dollars
8 per violation per affected subscriber.

9 NEW SECTION. **Sec. 66.** A new section is added to chapter 80.36 RCW
10 to read as follows:

11 No person or company may operate a pay telephone service linked to
12 the public switched network through an alternate operator service that
13 fails to post a consumer protection notice or provide call routing in
14 conformance to commission rules. The commission has authority to
15 enforce this provision with appropriate sanctions, including
16 injunctions and fines not to exceed five hundred dollars per violation
17 per telephone.

18 NEW SECTION. **Sec. 67.** A new section is added to chapter 80.36 RCW
19 to read as follows:

20 No alternate operator service may provide service to a customer-
21 owned pay telephone service or call aggregator that has been denied
22 service by any other alternate service operator during the previous
23 sixty days because of alleged violations of commission rules, unless
24 the commission specifically authorizes such service. The commission
25 has authority to enforce this section with appropriate sanctions.

26 NEW SECTION. **Sec. 68.** If any provision of this act or its
27 application to any person or circumstance is held invalid, the
28 remainder of the act or the application of the provision to other
29 persons or circumstances is not affected.

30 NEW SECTION. **Sec. 69.** Section 40 of this act shall take effect
31 July 1, 1994.

32 NEW SECTION. **Sec. 70.** Section 17 of this act shall expire June
33 30, 1998.

1 NEW SECTION. **Sec. 71.** Captions used in this act do not constitute
2 part of the law.

3 NEW SECTION. **Sec. 72.** If specific funding for section 18 of this
4 act, referencing this act by bill and section number, is not provided
5 by June 30, 1994, in the supplemental biennial operating appropriations
6 act, section 18 of this act shall be null and void.

--- END ---