
HOUSE BILL 1459

State of Washington

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By Representatives Poulsen, Crouse, Reardon, Ruderman, Cooper, Wolfe, Kastama, Constantine, Murray, Rockefeller, Dickerson, Lantz, Kenney, McIntire, Lovick, Wood and Edmonds

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1 AN ACT Relating to reduced rate utility services for low-income
2 citizens; amending RCW 80.28.010, 80.28.080, 80.28.090, and 80.28.100;
3 and adding a new section to chapter 80.28 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 80.28 RCW
6 to read as follows:

7 (1) Any gas company, electrical company, or water company providing
8 utility services may provide such services at reduced rates for low-
9 income senior citizens or other low-income citizens. Any reduction in
10 rates granted in whatever manner to low-income senior citizens or other
11 low-income citizens in one part of a service area shall be uniformly
12 extended to low-income senior citizens or other low-income citizens in
13 all other parts of the service area.

14 (2) For purposes of this section, (a) "low-income senior citizen"
15 means a person who is sixty-two years of age or older and whose total
16 income, including that of his or her spouse or cotenant, does not
17 exceed the amount specified in RCW 84.36.381(5)(b), and (b) "other low-
18 income citizen" means a person whose household income does not exceed
19 the amount specified in RCW 70.164.020(4).

1 **Sec. 2.** RCW 80.28.010 and 1995 c 399 s 211 are each amended to
2 read as follows:

3 (1) Except as provided in section 1 of this act, all charges made,
4 demanded or received by any gas company, electrical company or water
5 company for gas, electricity or water, or for any service rendered or
6 to be rendered in connection therewith, shall be just, fair, reasonable
7 and sufficient.

8 (2) Every gas company, electrical company and water company shall
9 furnish and supply such service, instrumentalities and facilities as
10 shall be safe, adequate and efficient, and in all respects just and
11 reasonable.

12 (3) All rules and regulations issued by any gas company, electrical
13 company or water company, affecting or pertaining to the sale or
14 distribution of its product, shall be just and reasonable.

15 (4) Utility service for residential space heating shall not be
16 terminated between November 15 through March 15 if the customer:

17 (a) Notifies the utility of the inability to pay the bill,
18 including a security deposit. This notice should be provided within
19 five business days of receiving a payment overdue notice unless there
20 are extenuating circumstances. If the customer fails to notify the
21 utility within five business days and service is terminated, the
22 customer can, by paying reconnection charges, if any, and fulfilling
23 the requirements of this section, receive the protections of this
24 chapter;

25 (b) Provides self-certification of household income for the prior
26 twelve months to a grantee of the department of community, trade, and
27 economic development which administers federally funded energy
28 assistance programs. The grantee shall determine that the household
29 income does not exceed the maximum allowed for eligibility under the
30 state's plan for low-income energy assistance under 42 U.S.C. 8624 and
31 shall provide a dollar figure that is seven percent of household
32 income. The grantee may verify information provided in the self-
33 certification;

34 (c) Has applied for home heating assistance from applicable
35 government and private sector organizations and certifies that any
36 assistance received will be applied to the current bill and future
37 utility bills;

1 (d) Has applied for low-income weatherization assistance to the
2 utility or other appropriate agency if such assistance is available for
3 the dwelling;

4 (e) Agrees to a payment plan and agrees to maintain the payment
5 plan. The plan will be designed both to pay the past due bill by the
6 following October 15 and to pay for continued utility service. If the
7 past due bill is not paid by the following October 15, the customer
8 shall not be eligible for protections under this chapter until the past
9 due bill is paid. The plan shall not require monthly payments in
10 excess of seven percent of the customer's monthly income plus one-
11 twelfth of any arrearage accrued from the date application is made and
12 thereafter during November 15 through March 15. A customer may agree
13 to pay a higher percentage during this period, but shall not be in
14 default unless payment during this period is less than seven percent of
15 monthly income plus one-twelfth of any arrearage accrued from the date
16 application is made and thereafter. If assistance payments are
17 received by the customer subsequent to implementation of the plan, the
18 customer shall contact the utility to reformulate the plan; and

19 (f) Agrees to pay the moneys owed even if he or she moves.

20 (5) The utility shall:

21 (a) Include in any notice that an account is delinquent and that
22 service may be subject to termination, a description of the customer's
23 duties in this section;

24 (b) Assist the customer in fulfilling the requirements under this
25 section;

26 (c) Be authorized to transfer an account to a new residence when a
27 customer who has established a plan under this section moves from one
28 residence to another within the same utility service area;

29 (d) Be permitted to disconnect service if the customer fails to
30 honor the payment program. Utilities may continue to disconnect
31 service for those practices authorized by law other than for nonpayment
32 as provided for in this subsection. Customers who qualify for payment
33 plans under this section who default on their payment plans and are
34 disconnected can be reconnected and maintain the protections afforded
35 under this chapter by paying reconnection charges, if any, and by
36 paying all amounts that would have been due and owing under the terms
37 of the applicable payment plan, absent default, on the date on which
38 service is reconnected; and

1 (e) Advise the customer in writing at the time it disconnects
2 service that it will restore service if the customer contacts the
3 utility and fulfills the other requirements of this section.

4 (6) A payment plan implemented under this section is consistent
5 with RCW 80.28.080.

6 (7) Every gas company and electrical company shall offer
7 residential customers the option of a budget billing or equal payment
8 plan. The budget billing or equal payment plan shall be offered low-
9 income customers eligible under the state's plan for low-income energy
10 assistance prepared in accordance with 42 U.S.C. 8624(C)(1) without
11 limiting availability to certain months of the year, without regard to
12 the length of time the customer has occupied the premises, and without
13 regard to whether the customer is the tenant or owner of the premises
14 occupied.

15 (8) Every gas company, electrical company and water company shall
16 construct and maintain such facilities in connection with the
17 manufacture and distribution of its product as will be efficient and
18 safe to its employees and the public.

19 (9) An agreement between the customer and the utility, whether oral
20 or written, shall not waive the protections afforded under this
21 chapter.

22 (10) In establishing rates or charges for water service, water
23 companies as defined in RCW 80.04.010 may consider the achievement of
24 water conservation goals and the discouragement of wasteful water use
25 practices.

26 **Sec. 3.** RCW 80.28.080 and 1985 c 427 s 2 are each amended to read
27 as follows:

28 Except as provided in section 1 of this act, no gas company,
29 electrical company or water company shall charge, demand, collect or
30 receive a greater or less or different compensation for any service
31 rendered or to be rendered than the rates and charges applicable to
32 such service as specified in its schedule filed and in effect at the
33 time, nor shall any such company directly or indirectly refund or remit
34 in any manner or by any device any portion of the rates or charges so
35 specified, or furnish its product at free or reduced rates except to
36 its employees and their families, and its officers, attorneys, and
37 agents; to hospitals, charitable and eleemosynary institutions and
38 persons engaged in charitable and eleemosynary work; to indigent and

1 destitute persons; to national homes or state homes for disabled
2 volunteer soldiers and soldiers' and sailors' homes: PROVIDED, That
3 the term "employees" as used in this paragraph shall include
4 furloughed, pensioned and superannuated employees, persons who have
5 become disabled or infirm in the service of any such company; and the
6 term "families," as used in this paragraph, shall include the families
7 of those persons named in this proviso, the families of persons killed
8 or dying in the service, also the families of persons killed, and the
9 surviving spouse prior to remarriage, and the minor children during
10 minority of persons who died while in the service of any of the
11 companies named in this paragraph: PROVIDED FURTHER, That water
12 companies may furnish free or at reduced rates water for the use of the
13 state, or for any project in which the state is interested: AND
14 PROVIDED FURTHER, That gas companies, electrical companies, and water
15 companies may charge the defendant for treble damages awarded in
16 lawsuits successfully litigated under RCW 80.28.240.

17 No gas company, electrical company or water company shall extend to
18 any person or corporation any form of contract or agreement or any rule
19 or regulation or any privilege or facility except such as are regularly
20 and uniformly extended to all persons and corporations under like
21 circumstances.

22 **Sec. 4.** RCW 80.28.090 and 1961 c 14 s 80.28.090 are each amended
23 to read as follows:

24 Except as provided in section 1 of this act, no gas company,
25 electrical company or water company shall make or grant any undue or
26 unreasonable preference or advantage to any person, corporation, or
27 locality, or to any particular description of service in any respect
28 whatsoever, or subject any particular person, corporation or locality
29 or any particular description of service to any undue or unreasonable
30 prejudice or disadvantage in any respect whatsoever.

31 **Sec. 5.** RCW 80.28.100 and 1961 c 14 s 80.28.100 are each amended
32 to read as follows:

33 Except as provided in section 1 of this act, no gas company,
34 electrical company or water company shall, directly or indirectly, or
35 by any special rate, rebate, drawback or other device or method,
36 charge, demand, collect or receive from any person or corporation a
37 greater or less compensation for gas, electricity or water, or for any

1 service rendered or to be rendered, or in connection therewith, except
2 as authorized in this chapter, than it charges, demands, collects or
3 receives from any other person or corporation for doing a like or
4 contemporaneous service with respect thereto under the same or
5 substantially similar circumstances or conditions.

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