S-3236.4

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**SENATE BILL 6034**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** Senators Rolfes, Sheldon, Angel, Hunt, Chase, Kuderer, and Hasegawa

AN ACT Relating to authorizing limited retail telecommunications services for public utility districts that provide only sewer, water, and telecommunications on the effective date of this act; and adding a new section to chapter 54.16 RCW.

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

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

(1) Any public utility district that, as of the effective date of this section, provides only water, sewer, and telecommunications services in a county with an area less than five-hundred square miles may provide end user telecommunications services in the manner prescribed by this section.

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

(a) Verify the signature or signatures on the petition and certify the petition;

(b) Determine and submit findings that the retail service available to the individual or the petitioners in their geographical area is either nonexistent or inadequate; and

(c) By resolution, authorize the public utility district to provide either retail service, connectivity, or both in the area defined in the petition.

(3) A petition meets the requirements of subsection (2) of this section if it is delivered to a public utility district board of commissioners, declares that the signatories have no or inadequate retail service providers, requests the public utility district to provide the retail service, and is signed by one of the following:

(a) A majority of the residents or businesses in any telecommunications local utility district;

(b) A majority of a group, including homeowner associations, of any geographical area who have developed a partnership payment structure to finance broadband deployment with the public utility district; or

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

(4) For purposes of this section, the adequacy of retail service is determined by measuring retail service in the area and comparing it with service standards in the public utility district service level agreement used for other public utility district network providers. Measurement of the existing retail service provider's service must be quantified by measuring the service with speed and capacity devices and software. Additionally, a retail service provider may submit its own assessment of its service level for consideration by the commission within thirty days of the first meeting or hearing conducted under subsection (2) of this section.

(5) If, after reviewing the measurements and evaluating the retail service provider's submission, if any, under subsection (4) of this section, a public utility district board of commissioners determines that no or inadequate service exists for the individual or petitioners identified in subsection (3) of this section, the commission, may by resolution authorize the public utility district to provide or contract for provision of internet connectivity to end users in such area.

(6) All rates for retail services offered by a public utility district under this section must be fair and nondiscriminatory, except the public utility district may set tiers of service charges based on service demands of the user, including commercial and residential rates.

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