
HOUSE BILL 1429

State of Washington

67th Legislature

2021 Regular Session

By Representatives Ryu, Lovick, Fey, Robertson, and Hansen

Read first time 01/29/21. Referred to Committee on Community & Economic Development.

1 AN ACT Relating to classification as a competitive
2 telecommunications company for an incumbent local exchange carrier
3 currently operating under an alternative form of regulation
4 authorized by RCW 80.36.135; and amending RCW 80.36.320.

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

6 **Sec. 1.** RCW 80.36.320 and 2008 c 181 s 408 are each amended to
7 read as follows:

8 (1) The commission shall classify a telecommunications company as
9 a competitive telecommunications company if the services it offers
10 are subject to effective competition. Effective competition means
11 that the company's customers have reasonably available alternatives,
12 including alternatives that utilize technologies other than
13 traditional landline telephone service, and that the company does not
14 have a significant captive customer base. In determining whether a
15 company is competitive, factors the commission shall consider include
16 but are not limited to:

17 (a) The number and sizes of alternative providers of service;

18 (b) The extent to which services are available from alternative
19 providers in the relevant market;

1 (c) The ability of alternative providers to make functionally
2 equivalent or substitute services readily available at competitive
3 rates, terms, and conditions; and

4 (d) Other indicators of market power which may include market
5 share, growth in market share, ease of entry, and the affiliation of
6 providers of services.

7 The commission shall conduct the initial classification and any
8 subsequent review of the classification in accordance with such
9 procedures as the commission may establish by rule.

10 (2) Competitive telecommunications companies shall be subject to
11 minimal regulation. The commission may waive any regulatory
12 requirement under this title for competitive telecommunications
13 companies when it determines that competition will serve the same
14 purposes as public interest regulation. The commission may waive
15 different regulatory requirements for different companies if such
16 different treatment is in the public interest. A competitive
17 telecommunications company shall at a minimum:

18 (a) Keep its accounts according to regulations as determined by
19 the commission;

20 (b) File financial reports with the commission as required by the
21 commission and in a form and at times prescribed by the commission;
22 and

23 (c) Cooperate with commission investigations of customer
24 complaints.

25 (3) The commission may revoke any waivers it grants and may
26 reclassify any competitive telecommunications company if it finds
27 that the company is no longer subject to effective competition and it
28 determines that the revocation or reclassification would protect the
29 public interest.

30 (4) The commission may waive the requirements of RCW 80.36.170
31 and 80.36.180 in whole or in part for a competitive
32 telecommunications company if it finds that competition will serve
33 the same purpose and protect the public interest.

34 (5) During a state of emergency declared under RCW 43.06.010(12),
35 the governor may waive or suspend the operation or enforcement of
36 this section or any portion of this section or under any
37 administrative rule, and issue any orders to facilitate the operation
38 of state or local government or to promote and secure the safety and
39 protection of the civilian population.

1 (6) In addition to the process in subsection (1) of this section,
2 an incumbent local exchange carrier may elect to be classified as a
3 competitive telecommunications company by providing written notice to
4 the commission if the carrier is operating under an alternative form
5 of regulation authorized by RCW 80.36.135 and the carrier does not
6 receive universal communications services program distributions under
7 RCW 80.36.650. Once competitive classification has been elected under
8 this subsection, the company's alternative form of regulation
9 automatically terminates.

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