

# HOUSE BILL REPORT

## HB 1581

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*As Passed House  
March 12, 1991*

**Title:** An act relating to placing the burden of proof on utilities to show that certain operations are not subject to regulation.

**Brief Description:** Placing the burden of proof on utilities to show that certain operations are not subject to regulation.

**Sponsor(s):** Representatives Grant, Miller and Rasmussen; by request of Utilities & Transportation Commission.

**Brief History:**

Reported by House Committee on:  
Energy & Utilities, February 26, 1991, DP.  
Passed House, March 12, 1991, 95-1.

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**HOUSE COMMITTEE ON  
ENERGY & UTILITIES**

**Majority Report:** *Do pass.* Signed by 10 members: Representatives Grant, Chair; H. Myers, Vice Chair; May, Ranking Minority Member; Hochstatter, Assistant Ranking Minority Member; Bray; Casada; Cooper; R. Fisher; Miller; and Rayburn.

**Staff:** Harry Reinert (786-7110).

**Background:** The Utilities and Transportation Commission has state regulatory authority over a variety of utility activities, including public water systems over a certain size. The commission has authority to regulate all water systems with more than 100 customers and water systems with fewer than 100 customers if the gross revenue per customer is less than \$300 per year. The commission may increase this gross revenue limitation based on changes in inflation. The burden of establishing that a water system is within the commission's jurisdiction falls on the commission.

**Summary of Bill:** In cases before the Utilities and Transportation Commission, involving the question of whether a water system is subject to the commission's jurisdiction, the water system has the burden of establishing that it is exempt from regulation.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** The information to determine whether a small water system is exempt from regulation is in the hands of the water system. This modification will place the burden of establishing the exemption on the entity that has the information.

**Testimony Against:** None.

**Witnesses:** Carol Monohon, Utilities and Transportation Commission (pro).