
SUBSTITUTE SENATE BILL 5045

State of Washington

52nd Legislature

1991 Regular Session

By Senate Committee on Energy & Utilities (originally sponsored by Senators Madsen, Barr and Conner).

Read first time February 11, 1991.

1 AN ACT Relating to investigation of customer complaints regarding
2 drinking water quality; and reenacting and amending RCW 80.04.110.

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

4 **Sec. 1.** RCW 80.04.110 and 1989 c 207 s 2 and 1989 c 101 s 17 are
5 each reenacted and amended to read as follows:

6 (1) Complaint may be made by the commission of its own motion or by
7 any person or corporation, chamber of commerce, board of trade, or any
8 commercial, mercantile, agricultural or manufacturing society, or any
9 body politic or municipal corporation, or by the public counsel section
10 of the office of the attorney general, or its successor, by petition or
11 complaint in writing, setting forth any act or thing done or omitted to
12 be done by any public service corporation in violation, or claimed to
13 be in violation, of any provision of law or of any order or rule of the
14 commission: PROVIDED, That no complaint shall be entertained by the
15 commission except upon its own motion, as to the reasonableness of the

1 schedule of the rates or charges of any gas company, electrical
2 company, water company, or telecommunications company, unless the same
3 be signed by the mayor, council or commission of the city or town in
4 which the company complained of is engaged in business, or not less
5 than twenty-five consumers or purchasers of such gas, electricity,
6 water or telecommunications service: PROVIDED, FURTHER, That when two
7 or more public service corporations, (meaning to exclude municipal and
8 other public corporations) are engaged in competition in any locality
9 or localities in the state, either may make complaint against the other
10 or others that the rates, charges, rules, regulations or practices of
11 such other or others with or in respect to which the complainant is in
12 competition, are unreasonable, unremunerative, discriminatory, illegal,
13 unfair or intending or tending to oppress the complainant, to stifle
14 competition, or to create or encourage the creation of monopoly, and
15 upon such complaint or upon complaint of the commission upon its own
16 motion, the commission shall have power, after notice and hearing as in
17 other cases, to, by its order, subject to appeal as in other cases,
18 correct the abuse complained of by establishing such uniform rates,
19 charges, rules, regulations or practices in lieu of those complained
20 of, to be observed by all of such competing public service corporations
21 in the locality or localities specified as shall be found reasonable,
22 remunerative, nondiscriminatory, legal, and fair or tending to prevent
23 oppression or monopoly or to encourage competition, and upon any such
24 hearing it shall be proper for the commission to take into
25 consideration the rates, charges, rules, regulations and practices of
26 the public service corporation or corporations complained of in any
27 other locality or localities in the state.

28 (2) All matters upon which complaint may be founded may be joined
29 in one hearing, and no motion shall be entertained against a complaint
30 for misjoinder of complaints or grievances or misjoinder of parties;

1 and in any review of the courts of orders of the commission the same
2 rule shall apply and pertain with regard to the joinder of complaints
3 and parties as herein provided: PROVIDED, All grievances to be inquired
4 into shall be plainly set forth in the complaint. No complaint shall
5 be dismissed because of the absence of direct damage to the
6 complainant.

7 (3) Upon the filing of a complaint, the commission shall cause a
8 copy thereof to be served upon the person or corporation complained of,
9 which shall be accompanied by a notice fixing the time when and place
10 where a hearing will be had upon such complaint. The time fixed for
11 such hearing shall not be less than ten days after the date of the
12 service of such notice and complaint, excepting as herein provided.
13 The commission shall enter its final order with respect to a complaint
14 filed by any entity or person other than the commission within ten
15 months from the date of filing of the complaint, unless the date is
16 extended for cause. Rules of practice and procedure not otherwise
17 provided for in this title may be prescribed by the commission. Such
18 rules may include the requirement that a complainant use informal
19 processes before filing a formal complaint.

20 (4) The commission shall, as appropriate, exercise auditing and
21 accounting supervision or initiate a complaint upon receipt of an
22 administrative order from the department, or the city or county in
23 which the water system is located, finding that the water delivered by
24 a system does not meet state board of health standards adopted under
25 RCW 43.20.050(2)(a) or standards adopted under chapter 70.116 RCW.

26 (5) Any customer or purchaser of service from a water system or
27 company that is subject to commission regulation may file a complaint
28 with the commission if he or she has reason to believe that the water
29 delivered by the system to the customer does not meet state drinking
30 water standards under chapter 43.20 or 70.116 RCW. The commission

1 shall investigate such a complaint, and shall request that the state
2 department of health or local health department of the county in which
3 the system is located test the water for compliance with state drinking
4 water standards, and provide the results of such testing to the
5 commission. The commission may decide not to investigate the complaint
6 if it determines that the complaint has been filed in bad faith, or for
7 the purpose of harassment of the water system or company, or for other
8 reasons has no substantial merit. The water system or company shall
9 bear the expense for the testing. After the commission has received
10 the complaint from the customer and during the pendency of the
11 commission investigation, the water system or company shall not take
12 any steps to terminate service to the customer or to collect any
13 amounts alleged to be owed to the company by the customer. The
14 commission may issue an order or take any other action to ensure that
15 no such steps are taken by the system or company. The customer may, at
16 the customer's option and expense, obtain a water quality test by a
17 licensed or otherwise qualified water testing laboratory, of the water
18 delivered to the customer by the water system or company, and provide
19 the results of such a test to the commission. If the commission
20 determines that the water does not meet state drinking water standards,
21 it shall exercise its authority over the system or company as provided
22 in this title, and may, where appropriate, order a refund to the
23 customer on a pro rata basis for the substandard water delivered to the
24 customer, and shall order reimbursement to the customer for the cost
25 incurred by the customer, if any, in obtaining a water quality test.