

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2465

Chapter 68, Laws of 1992

52nd Legislature
1992 Regular Session

TELECOMMUNICATIONS SERVICES--TEMPORARY TARIFF REDUCTION
OR WAIVER TO PROMOTE SERVICE

EFFECTIVE DATE: 6/11/92

Passed by the House February 12, 1992
Yeas 91 Nays 3

JOE KING
**Speaker of the
House of Representatives**

Passed by the Senate March 2, 1992
Yeas 44 Nays 1

JOEL PRITCHARD
President of the Senate

Approved March 26, 1992

BOOTH GARDNER
Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is SUBSTITUTE HOUSE BILL 2465 as passed by the House of Representatives and the Senate on the dates hereon set forth.

ALAN THOMPSON
Chief Clerk

FILED

March 26, 1992 - 12:23 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2465

Passed Legislature - 1992 Regular Session

State of Washington 52nd Legislature 1992 Regular Session

By House Committee on Energy & Utilities (originally sponsored by Representatives Grant, May, H. Myers, Miller, Paris, Forner and Casada)

Read first time 01/31/92.

1 AN ACT Relating to authorizing a temporary reduction or waiver of
2 existing tariff charges for the purpose of promoting a
3 telecommunications service; and amending RCW 80.04.130 and 80.36.130.

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

5 **Sec. 1.** RCW 80.04.130 and 1990 c 170 s 1 are each amended to read
6 as follows:

7 (1) Whenever any public service company shall file with the
8 commission any schedule, classification, rule or regulation, the effect
9 of which is to change any rate, charge, rental or toll theretofore
10 charged, the commission shall have power, either upon its own motion or
11 upon complaint, upon notice, to enter upon a hearing concerning such
12 proposed change and the reasonableness and justness thereof, and
13 pending such hearing and the decision thereon the commission may
14 suspend the operation of such rate, charge, rental or toll for a period

1 not exceeding ten months from the time the same would otherwise go into
2 effect, and after a full hearing the commission may make such order in
3 reference thereto as would be provided in a hearing initiated after the
4 same had become effective. The commission shall not suspend a tariff
5 that makes a decrease in a rate, charge, rental, or toll filed by a
6 telecommunications company pending investigation of the fairness,
7 justness, and reasonableness of the decrease when the filing does not
8 contain any offsetting increase to another rate, charge, rental, or
9 toll and the filing company agrees to not file for an increase to any
10 rate, charge, rental, or toll to recover the revenue deficit that
11 results from the decrease for a period of one year. The filing company
12 shall file with any decrease sufficient information as the commission
13 by rule may require to demonstrate the decreased rate, charge, rental,
14 or toll is above the long run incremental cost of the service. A
15 tariff decrease that results in a rate that is below long run
16 incremental cost, or is contrary to commission rule or order, or the
17 requirements of this chapter, shall be rejected for filing and returned
18 to the company. The commission may prescribe a different rate to be
19 effective on the prospective date stated in its final order after its
20 investigation, if it concludes based on the record that the originally
21 filed and effective rate is unjust, unfair, or unreasonable.

22 For the purposes of this section, tariffs for the following
23 telecommunications services, that temporarily waive or reduce charges
24 for existing or new subscribers for a period not to exceed sixty days
25 in order to promote the use of the services shall be considered tariffs
26 that decrease rates, charges, rentals, or tolls:

27 (a) Custom calling service;

28 (b) Second access lines; or

29 (c) Other services the commission specifies by rule.

1 The commission may suspend any promotional tariff other than those
2 listed in (a) through (c) of this subsection.

3 The commission may suspend the initial tariff filing of any water
4 company removed from and later subject to commission jurisdiction
5 because of the number of customers or the average annual gross revenue
6 per customer provisions of RCW 80.04.010. The commission may allow
7 temporary rates during the suspension period. These rates shall not
8 exceed the rates charged when the company was last regulated. Upon a
9 showing of good cause by the company, the commission may establish a
10 different level of temporary rates.

11 (2) At any hearing involving any change in any schedule,
12 classification, rule or regulation the effect of which is to increase
13 any rate, charge, rental or toll theretofore charged, the burden of
14 proof to show that such increase is just and reasonable shall be upon
15 the public service company.

16 (3) The implementation of mandatory local measured
17 telecommunications service is a major policy change in available
18 telecommunications service. The commission shall not accept for filing
19 or approve, prior to June 1, 1993, a tariff filed by a
20 telecommunications company which imposes mandatory local measured
21 service on any customer or class of customers, except that, upon
22 finding that it is in the public interest, the commission may accept
23 for filing and approve a tariff that imposes mandatory measured service
24 for a telecommunications company's extended area service or foreign
25 exchange service. This subsection does not apply to land, air, or
26 marine mobile service, or to pay telephone service, or to any service
27 which has been traditionally offered on a measured service basis.

28 (4) The implementation of Washington telephone assistance program
29 service is a major policy change in available telecommunications
30 service. The implementation of Washington telephone assistance program

1 service will aid in achieving the stated goal of universal telephone
2 service.

3 **Sec. 2.** RCW 80.36.130 and 1989 c 101 s 11 are each amended to read
4 as follows:

5 (1) Except as provided in RCW 80.04.130 and 80.36.150, no
6 telecommunications company shall charge, demand, collect or receive
7 different compensation for any service rendered or to be rendered than
8 the charge applicable to such service as specified in its schedule on
9 file and in effect at that time, nor shall any telecommunications
10 company refund or remit, directly or indirectly, any portion of the
11 rate or charge so specified, nor extend to any person or corporation
12 any form of contract or agreement or any rule or regulation or any
13 privilege or facility except such as are specified in its schedule
14 filed and in effect at the time, and regularly and uniformly extended
15 to all persons and corporations under like circumstances for like or
16 substantially similar service.

17 (2) No telecommunications company subject to the provisions of this
18 title shall, directly or indirectly, give any free or reduced service
19 or any free pass or frank for the transmission of messages by
20 telecommunications between points within this state, except to its
21 officers, employees, agents, pensioners, surgeons, physicians,
22 attorneys at law, and their families, and persons and corporations
23 exclusively engaged in charitable and eleemosynary work, and ministers
24 of religion, Young Men's Christian Associations, Young Women's
25 Christian Associations; to indigent and destitute persons, and to
26 officers and employees of other telecommunications companies, railroad
27 companies, and street railroad companies.

1 (3) The commission may accept a tariff that gives free or reduced
2 rate services for a temporary period of time in order to promote the
3 use of the services.

Passed the House February 12, 1992.

Passed the Senate March 2, 1992.

Approved by the Governor March 26, 1992.

Filed in Office of Secretary of State March 26, 1992.