

CERTIFICATION OF ENROLLMENT
SUBSTITUTE SENATE BILL 5045

Chapter 134, Laws of 1991

52nd Legislature
1991 Regular Session

DRINKING WATER QUALITY--INVESTIGATION OF CONSUMER COMPLAINTS

EFFECTIVE DATE: 7/28/91

Passed by the Senate February 22, 1991
Yeas 45 Nays 0

JOEL PRITCHARD
President of the Senate

Passed by the House April 19, 1991
Yeas 96 Nays 1

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

Approved May 10, 1991

BOOTH GARDNER
Governor of the State of Washington

CERTIFICATE

I, Gordon Golob, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5045** as passed by the Senate and the House of Representatives on the dates hereon set forth.

GORDON A. GOLOB
Secretary

FILED

May 10, 1991 - 2:31 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5045

Passed Legislature - 1991 Regular Session

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
7 by any person or corporation, chamber of commerce, board of trade,
8 or any commercial, mercantile, agricultural or manufacturing
9 society, or any body politic or municipal corporation, or by the
10 public counsel section of the office of the attorney general, or its
11 successor, by petition or complaint in writing, setting forth any
12 act or thing done or omitted to be done by any public service
13 corporation in violation, or claimed to be in violation, of any

1 provision of law or of any order or rule of the commission:
2 PROVIDED, That no complaint shall be entertained by the commission
3 except upon its own motion, as to the reasonableness of the schedule
4 of the rates or charges of any gas company, electrical company,
5 water company, or telecommunications company, unless the same be
6 signed by the mayor, council or commission of the city or town in
7 which the company complained of is engaged in business, or not less
8 than twenty-five consumers or purchasers of such gas, electricity,
9 water or telecommunications service: PROVIDED, FURTHER, That when
10 two or more public service corporations, (meaning to exclude
11 municipal and other public corporations) are engaged in competition
12 in any locality or localities in the state, either may make
13 complaint against the other or others that the rates, charges,
14 rules, regulations or practices of such other or others with or in
15 respect to which the complainant is in competition, are
16 unreasonable, unremunerative, discriminatory, illegal, unfair or
17 intending or tending to oppress the complainant, to stifle
18 competition, or to create or encourage the creation of monopoly, and
19 upon such complaint or upon complaint of the commission upon its own
20 motion, the commission shall have power, after notice and hearing as
21 in other cases, to, by its order, subject to appeal as in other
22 cases, correct the abuse complained of by establishing such uniform
23 rates, charges, rules, regulations or practices in lieu of those
24 complained of, to be observed by all of such competing public
25 service corporations in the locality or localities specified as
26 shall be found reasonable, remunerative, nondiscriminatory, legal,
27 and fair or tending to prevent oppression or monopoly or to

1 encourage competition, and upon any such hearing it shall be proper
2 for the commission to take into consideration the rates, charges,
3 rules, regulations and practices of the public service corporation
4 or corporations complained of in any other locality or localities in
5 the state.

6 (2) All matters upon which complaint may be founded may be joined
7 in one hearing, and no motion shall be entertained against a
8 complaint for misjoinder of complaints or grievances or misjoinder
9 of parties; and in any review of the courts of orders of the
10 commission the same rule shall apply and pertain with regard to the
11 joinder of complaints and parties as herein provided: PROVIDED, All
12 grievances to be inquired into shall be plainly set forth in the
13 complaint. No complaint shall be dismissed because of the absence
14 of direct damage to the complainant.

15 (3) Upon the filing of a complaint, the commission shall cause a
16 copy thereof to be served upon the person or corporation complained
17 of, which shall be accompanied by a notice fixing the time when and
18 place where a hearing will be had upon such complaint. The time
19 fixed for such hearing shall not be less than ten days after the
20 date of the service of such notice and complaint, excepting as
21 herein provided. The commission shall enter its final order with
22 respect to a complaint filed by any entity or person other than the
23 commission within ten months from the date of filing of the
24 complaint, unless the date is extended for cause. Rules of practice
25 and procedure not otherwise provided for in this title may be
26 prescribed by the commission. Such rules may include the

1 requirement that a complainant use informal processes before filing
2 a formal complaint.

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

10 (5) Any customer or purchaser of service from a water system or
11 company that is subject to commission regulation may file a
12 complaint with the commission if he or she has reason to believe
13 that the water delivered by the system to the customer does not meet
14 state drinking water standards under chapter 43.20 or 70.116 RCW.
15 The commission shall investigate such a complaint, and shall request
16 that the state department of health or local health department of
17 the county in which the system is located test the water for
18 compliance with state drinking water standards, and provide the
19 results of such testing to the commission. The commission may
20 decide not to investigate the complaint if it determines that the
21 complaint has been filed in bad faith, or for the purpose of
22 harassment of the water system or company, or for other reasons has
23 no substantial merit. The water system or company shall bear the
24 expense for the testing. After the commission has received the
25 complaint from the customer and during the pendency of the
26 commission investigation, the water system or company shall not take
27 any steps to terminate service to the customer or to collect any

1 amounts alleged to be owed to the company by the customer. The
2 commission may issue an order or take any other action to ensure
3 that no such steps are taken by the system or company. The customer
4 may, at the customer's option and expense, obtain a water quality
5 test by a licensed or otherwise qualified water testing laboratory,
6 of the water delivered to the customer by the water system or
7 company, and provide the results of such a test to the commission.
8 If the commission determines that the water does not meet state
9 drinking water standards, it shall exercise its authority over the
10 system or company as provided in this title, and may, where
11 appropriate, order a refund to the customer on a pro rata basis for
12 the substandard water delivered to the customer, and shall order
13 reimbursement to the customer for the cost incurred by the customer,
14 if any, in obtaining a water quality test.

Passed the Senate February 22, 1991.

Passed the House April 19, 1991.

Approved by the Governor May 10, 1991.

Filed in Office of Secretary of State May 10, 1991.