
SUBSTITUTE SENATE BILL 5537

State of Washington

53rd Legislature

1993 Regular Session

By Senate Committee on Energy & Utilities (originally sponsored by Senators Sutherland, Hochstatter and A. Smith; by request of Utilities & Transportation Commission)

Read first time 03/01/93.

1 AN ACT Relating to alternate operator service companies; amending
2 RCW 80.36.522; adding a new section to chapter 80.36 RCW; and creating
3 a new section.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that: (a) It is
6 in the public interest to ensure that alternate operator services
7 companies operating in the state offer services and charges that are
8 for the public convenience and advantage; (b) while the legislature has
9 required alternate operator services companies to meet this standard
10 since 1990, prior to that time some companies were registered with
11 little or no oversight as to their services or charges; and (c) there
12 are a large number of consumer complaints regarding the services and
13 charges of alternate operator services companies.

14 (2) Therefore, the legislature finds that: (a) It is in the public
15 interest to provide for review of the services and charges of companies
16 which have not been required to demonstrate that they are operating for
17 the public interest and convenience; (b) it is appropriate in complaint
18 cases against these companies, for these companies to carry the burden
19 of proving that their services and charges are for the public

1 convenience and advantage; and (c) requiring the company to bear this
2 burden of proof shall be only a temporary necessity in order to allow
3 the utilities and transportation commission to perform an efficient and
4 effective review of these companies.

5 **Sec. 2.** RCW 80.36.522 and 1990 c 247 s 2 are each amended to read
6 as follows:

7 (1) All alternate operator service companies providing services
8 within the state shall register with the commission as a
9 telecommunications company before providing alternate operator
10 services. The commission may deny an application for registration of
11 an alternate operator services company if, after a hearing, it finds
12 that the services ~~((and))~~ or charges to be offered by the company are
13 not for the public convenience and advantage.

14 (2) The commission may suspend the registration of an alternate
15 operator services company if, after ~~((a))~~ hearing, it finds (a) that
16 the company does not meet the service, accounting, or disclosure
17 requirements of the commission, or (b) that its charges are not for the
18 public convenience and advantage.

19 ~~((Any))~~ (3) An alternate operator services company that provides
20 service without being properly registered with the commission shall be
21 subject to a penalty of not less than five hundred dollars and not more
22 than one thousand dollars for each and every offense. In case of a
23 continuing offense, every day's continuance shall be a separate
24 offense. The penalty shall be recovered in an action as provided in
25 RCW 80.04.400.

26 NEW SECTION. **Sec. 3.** A new section is added to chapter 80.36 RCW
27 to read as follows:

28 (1) In a complaint filed by the commission alleging that an
29 alternate operator services company's charges are not for the public
30 convenience and advantage, the burden shall be on the alternate
31 operator services company to demonstrate that its charges are for the
32 public convenience and advantage.

33 (2) RCW 80.36.522(2) and subsection (1) of this section do not
34 apply to telecommunications companies providing operator services to
35 the public registered with the commission before January 1, 1987.
36 Alternate operator services companies registered as telecommunications

1 companies after January 1, 1987, are exempt from the requirement of RCW
2 80.36.090 that they provide alternate operator services to the public.
3 (3) This section shall expire July 1, 1996.

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