

2 **SSB 5089** - H COMM AMD **ADOPTED 4/5/95**
3 By Committee on Energy & Utilities

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5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** The legislature finds that citizens of the
8 state increasingly rely on the dependability of enhanced 911, a system
9 that allows the person answering an emergency call to immediately
10 determine the location of the emergency without the need of the caller
11 to speak. The legislature further finds that in some cases, calls made
12 from telephones connected to private telephone systems may not be
13 precisely located by the answerer, eliminating some of the benefit of
14 enhanced 911, and that this condition could additionally imperil
15 citizens calling from these locations in an emergency. The legislature
16 also finds that until national standards have been developed to address
17 this condition, information-forwarding requirements should be mandated
18 for only those settings with the most risk, including schools,
19 residences, and some business settings.

20 **Sec. 2.** RCW 80.04.010 and 1991 c 100 s 1 are each amended to read
21 as follows:

22 As used in this title, unless specifically defined otherwise or
23 unless the context indicates otherwise:

24 "Automatic location identification" means a system by which
25 information about a caller's location, including the seven-digit number
26 or ten-digit number used to place a 911 call or a different seven-digit
27 number or ten-digit number to which a return call can be made from the
28 public switched network, is forwarded to a public safety answering
29 point for display.

30 "Automatic number identification" means a system that allows for
31 the automatic display of the seven-digit or ten-digit number used to
32 place a 911 call.

33 "Commission" means the utilities and transportation commission.

34 "Commissioner" means one of the members of such commission.

35 "Competitive telecommunications company" means a telecommunications

1 company which has been classified as such by the commission pursuant to
2 RCW 80.36.320.

3 "Competitive telecommunications service" means a service which has
4 been classified as such by the commission pursuant to RCW 80.36.330.

5 "Corporation" includes a corporation, company, association or joint
6 stock association.

7 "Person" includes an individual, a firm or partnership.

8 "Gas plant" includes all real estate, fixtures and personal
9 property, owned, leased, controlled, used or to be used for or in
10 connection with the transmission, distribution, sale or furnishing of
11 natural gas, or the manufacture, transmission, distribution, sale or
12 furnishing of other type gas, for light, heat or power.

13 "Gas company" includes every corporation, company, association,
14 joint stock association, partnership and person, their lessees,
15 trustees or receiver appointed by any court whatsoever, and every city
16 or town, owning, controlling, operating or managing any gas plant
17 within this state.

18 "Electric plant" includes all real estate, fixtures and personal
19 property operated, owned, used or to be used for or in connection with
20 or to facilitate the generation, transmission, distribution, sale or
21 furnishing of electricity for light, heat, or power for hire; and any
22 conduits, ducts or other devices, materials, apparatus or property for
23 containing, holding or carrying conductors used or to be used for the
24 transmission of electricity for light, heat or power.

25 "Electrical company" includes any corporation, company,
26 association, joint stock association, partnership and person, their
27 lessees, trustees or receivers appointed by any court whatsoever (other
28 than a railroad or street railroad company generating electricity
29 solely for railroad or street railroad purposes or for the use of its
30 tenants and not for sale to others), and every city or town owning,
31 operating or managing any electric plant for hire within this state.

32 "Electrical company" does not include a company or person employing a
33 cogeneration facility solely for the generation of electricity for its
34 own use or the use of its tenants or for sale to an electrical company,
35 state or local public agency, municipal corporation, or quasi municipal
36 corporation engaged in the sale or distribution of electrical energy,
37 but not for sale to others, unless such company or person is otherwise
38 an electrical company.

39 "LATA" means a local access transport area as defined by the

1 commission in conformance with applicable federal law.

2 "Private telecommunications system" means a telecommunications
3 system controlled by a person or entity for the sole and exclusive use
4 of such person, entity, or affiliate thereof, including the provision
5 of private shared telecommunications services by such person or entity.

6 "Private telecommunications system" does not include a system offered
7 for hire, sale, or resale to the general public.

8 "Private shared telecommunications services" includes the provision
9 of telecommunications and information management services and equipment
10 within a user group located in discrete private premises in building
11 complexes, campuses, or high-rise buildings, by a commercial shared
12 services provider or by a user association, through privately owned
13 customer premises equipment and associated data processing and
14 information management services and includes the provision of
15 connections to the facilities of a local exchange and to interexchange
16 telecommunications companies.

17 "Private switch automatic location identification service" means a
18 service that enables automatic location identification to be provided
19 to a public safety answering point for 911 calls originating from
20 station lines served by a private switch system.

21 "Radio communications service company" includes every corporation,
22 company, association, joint stock association, partnership, and person,
23 their lessees, trustees, or receivers appointed by any court, and every
24 city or town making available facilities to provide radio
25 communications service, radio paging, or cellular communications
26 service for hire, sale, or resale.

27 "Telecommunications company" includes every corporation, company,
28 association, joint stock association, partnership and person, their
29 lessees, trustees or receivers appointed by any court whatsoever, and
30 every city or town owning, operating or managing any facilities used to
31 provide telecommunications for hire, sale, or resale to the general
32 public within this state.

33 "Noncompetitive telecommunications service" means any service which
34 has not been classified as competitive by the commission.

35 "Facilities" means lines, conduits, ducts, poles, wires, cables,
36 cross-arms, receivers, transmitters, instruments, machines, appliances,
37 instrumentalities and all devices, real estate, easements, apparatus,
38 property and routes used, operated, owned or controlled by any
39 telecommunications company to facilitate the provision of

1 telecommunications service.

2 "Telecommunications" is the transmission of information by wire,
3 radio, optical cable, electromagnetic, or other similar means. As used
4 in this definition, "information" means knowledge or intelligence
5 represented by any form of writing, signs, signals, pictures, sounds,
6 or any other symbols.

7 "Water system" includes all real estate, easements, fixtures,
8 personal property, dams, dikes, head gates, weirs, canals, reservoirs,
9 flumes or other structures or appliances operated, owned, used or to be
10 used for or in connection with or to facilitate the supply, storage,
11 distribution, sale, furnishing, diversion, carriage, apportionment or
12 measurement of water for power, irrigation, reclamation, manufacturing,
13 municipal, domestic or other beneficial uses for hire.

14 "Water company" includes every corporation, company, association,
15 joint stock association, partnership and person, their lessees,
16 trustees or receivers appointed by any court whatsoever, and every city
17 or town owning, controlling, operating, or managing any water system
18 for hire within this state: PROVIDED, That for purposes of commission
19 jurisdiction it shall not include any water system serving less than
20 one hundred customers where the average annual gross revenue per
21 customer does not exceed three hundred dollars per year, which revenue
22 figure may be increased annually by the commission by rule adopted
23 pursuant to chapter 34.05 RCW to reflect the rate of inflation as
24 determined by the implicit price deflator of the United States
25 department of commerce: AND PROVIDED FURTHER, That such measurement of
26 customers or revenues shall include all portions of water companies
27 having common ownership or control, regardless of location or corporate
28 designation. "Control" as used herein shall be defined by the
29 commission by rule and shall not include management by a satellite
30 agency as defined in chapter 70.116 RCW if the satellite agency is not
31 an owner of the water company. "Water company" also includes, for
32 auditing purposes only, nonmunicipal water systems which are referred
33 to the commission pursuant to an administrative order from the
34 department, or the city or county as provided in RCW 80.04.110.
35 However, water companies exempt from commission regulation shall be
36 subject to the provisions of chapter 19.86 RCW. A water company cannot
37 be removed from regulation except with the approval of the commission.
38 Water companies subject to regulation may petition the commission for
39 removal from regulation if the number of customers falls below one

1 hundred or the average annual revenue per customer falls below three
2 hundred dollars. The commission is authorized to maintain continued
3 regulation if it finds that the public interest so requires.

4 "Cogeneration facility" means any machinery, equipment, structure,
5 process, or property, or any part thereof, installed or acquired for
6 the primary purpose of the sequential generation of electrical or
7 mechanical power and useful heat from the same primary energy source or
8 fuel.

9 "Public service company" includes every gas company, electrical
10 company, telecommunications company, and water company. Ownership or
11 operation of a cogeneration facility does not, by itself, make a
12 company or person a public service company.

13 "Local exchange company" means a telecommunications company
14 providing local exchange telecommunications service.

15 "Department" means the department of health.

16 The term "service" is used in this title in its broadest and most
17 inclusive sense.

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

20 By January 1, 1997, or one year after enhanced 911 service becomes
21 available or a private switch automatic location identification service
22 approved by the Washington utilities and transportation commission is
23 available from the serving local exchange telecommunications company,
24 whichever is later, any private shared telecommunications services
25 provider that provides service to residential customers shall assure
26 that the telecommunications system is connected to the public switched
27 network such that calls to 911 result in automatic location
28 identification for each residential unit in a format that is compatible
29 with the existing or planned county enhanced 911 system.

30 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.150
31 RCW to read as follows:

32 By January 1, 1997, or one year after enhanced 911 service becomes
33 available or a private switch automatic location identification service
34 approved by the Washington utilities and transportation commission is
35 available from the serving local exchange telecommunications company,
36 whichever is later, all common and public schools located in counties
37 that provide enhanced 911 service shall provide persons using school

1 facilities direct access to telephones that are connected to the public
2 switched network such that calls to 911 result in automatic location
3 identification for each telephone in a format that is compatible with
4 the existing and planned county enhanced 911 system during all times
5 that the facility is in use. Any school district acquiring a private
6 telecommunications system that allows connection to the public switched
7 network after January 1, 1997, shall assure that the telecommunications
8 system is connected to the public switched network such that calls to
9 911 result in automatic location identification for each telephone in
10 a format that is compatible with the existing or planned county
11 enhanced 911 system.

12 NEW SECTION. **Sec. 5.** A new section is added to chapter 80.36 RCW
13 to read as follows:

14 By January 1, 1997, or one year after enhanced 911 service becomes
15 available or a private switch automatic location identification service
16 approved by the Washington utilities and transportation commission is
17 available from the serving local exchange telecommunications company,
18 whichever is later, any commercial shared services provider of private
19 shared telecommunications services for hire or resale to the general
20 public to multiple unaffiliated business users from a single system
21 shall assure that such a system is connected to the public switched
22 network such that calls to 911 result in automatic location
23 identification for each telephone in a format that is compatible with
24 the existing or planned county enhanced 911 system. This section shall
25 apply only to providers of service to businesses containing a physical
26 area exceeding twenty-five thousand square feet, or businesses on more
27 than one floor of a building, or businesses in multiple buildings.

28 NEW SECTION. **Sec. 6.** A new section is added to chapter 35.21 RCW
29 to read as follows:

30 No city or town may enact or enforce an ordinance or regulation
31 mandating automatic number identification or automatic location
32 identification for a private telecommunications system or for a
33 provider of private shared telecommunications services.

34 NEW SECTION. **Sec. 7.** A new section is added to chapter 35A.21 RCW
35 to read as follows:

36 No code city may enact or enforce an ordinance or regulation

1 mandating automatic number identification or automatic location
2 identification for a private telecommunications system or for a
3 provider of private shared telecommunications services.

4 NEW SECTION. **Sec. 8.** A new section is added to chapter 36.32 RCW
5 to read as follows:

6 No county may enact or enforce an ordinance or regulation mandating
7 automatic number identification or automatic location identification
8 for a private telecommunications system or for a provider of private
9 shared telecommunications services.

10 NEW SECTION. **Sec. 9.** A new section is added to chapter 38.52 RCW
11 to read as follows:

12 The state enhanced 911 coordination office may develop and
13 implement public education materials regarding the capability of
14 specific equipment used as part of a private telecommunications system
15 or in the provision of private shared telecommunications services to
16 forward automatic location identification and automatic number
17 identification.

18 NEW SECTION. **Sec. 10.** A new section is added to chapter 38.52 RCW
19 to read as follows:

20 The state enhanced 911 coordination office and the enhanced 911
21 advisory committee may participate in efforts to set uniform national
22 standards for automatic number identification and automatic location
23 identification data transmission for private telecommunications systems
24 and private shared telecommunications services. The enhanced 911
25 advisory committee shall report to the legislature by January 1, 1997,
26 the progress of such standards development and shall make
27 recommendations on steps to be taken if such standards have not been
28 adopted.

29 **Sec. 11.** RCW 43.63A.320 and 1993 c 280 s 69 are each amended to
30 read as follows:

31 Except for matters relating to the statutory duties of the director
32 of community, trade, and economic development which are to be carried
33 out through the director of fire protection, the board shall have the
34 responsibility of developing a comprehensive state policy regarding
35 fire protection services. In carrying out its duties, the board shall:

1 (1) Adopt a state fire protection master plan;

2 (2) Monitor fire protection in the state and develop objectives and
3 priorities to improve fire protection for the state's citizens;

4 (3) Establish and promote state arson control programs and ensure
5 development of local arson control programs;

6 (4) Provide representation for local fire protection services to
7 the governor in state-level fire protection planning matters such as,
8 but not limited to, hazardous materials;

9 (5) Recommend to the director of community, trade, and economic
10 development rules on minimum information requirements of automatic
11 location identification for the purposes of enhanced 911 emergency
12 service;

13 (6) Seek and solicit grants, gifts, bequests, devices, and matching
14 funds for use in furthering the objectives and duties of the board, and
15 establish procedures for administering them;

16 ~~((+6))~~ (7) Promote mutual aid and disaster planning for fire
17 services in this state;

18 ~~((+7))~~ (8) Assure the dissemination of information concerning the
19 amount of fire damage including that damage caused by arson, and its
20 causes and prevention;

21 ~~((+8))~~ (9) Submit annually a report to the governor containing a
22 statement of its official acts pursuant to this chapter, and make such
23 studies, reports, and recommendations to the governor and the
24 legislature as are requested;

25 ~~((+9))~~ (10) Adopt a state fire training and education master plan;

26 ~~((+10))~~ (11) Develop and adopt a master plan for the construction,
27 equipping, maintaining, and operation of necessary fire service
28 training and education facilities, but the authority to construct,
29 equip, and maintain such facilities is subject to chapter 43.19 RCW;

30 ~~((+11))~~ (12) Develop and adopt a master plan for the purchase,
31 lease, or other acquisition of real estate necessary to establish and
32 operate fire service training and education facilities in a manner
33 provided by law;

34 ~~((+12))~~ (13) Adopt standards for state-wide fire service training
35 and education courses including courses in arson detection and
36 investigation for personnel of fire, police, and prosecutor's
37 departments;

38 ~~((+13))~~ (14) Assure the administration of any legislation enacted
39 by the legislature in pursuance of the aims and purposes of any acts of

1 Congress insofar as the provisions thereof may apply;
2 ((~~14~~)) (15) Cooperate with the common schools, community
3 colleges, institutions of higher education, and any department or
4 division of the state, or of any county or municipal corporation in
5 establishing and maintaining instruction in fire service training and
6 education in accordance with any act of Congress and legislation
7 enacted by the legislature in pursuance thereof and in establishing,
8 building, and operating training and education facilities.

9 This section does not apply to forest fire service personnel and
10 programs. Industrial fire departments and private fire investigators
11 may participate in training and education programs under this chapter
12 for a reasonable fee established by rule.

13 NEW SECTION. **Sec. 12.** If any provision of this act or its
14 application to any person or circumstance is held invalid, the
15 remainder of the act or the application of the provision to other
16 persons or circumstances is not affected.

17 NEW SECTION. **Sec. 13.** Section 11 of this act is necessary for the
18 immediate preservation of the public peace, health, or safety, or
19 support of the state government and its existing public institutions,
20 and shall take effect July 1, 1995."

21 **SSB 5089** - H COMM AMD
22 By Committee on Energy & Utilities

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24 On page 1, line 3 of the title, after "services;" strike the
25 remainder of the title and insert "amending RCW 80.04.010 and
26 43.63A.320; adding new sections to chapter 80.36 RCW; adding a new
27 section to chapter 28A.150 RCW; adding a new section to chapter 35.21
28 RCW; adding a new section to chapter 35A.21 RCW; adding a new section
29 to chapter 36.32 RCW; adding new sections to chapter 38.52 RCW;
30 creating a new section; providing an effective date; and declaring an
31 emergency."

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