

1 SSB 6554 - S AMD - 187
2 By Senator Sutherland

ADOPTED 2/13/96

6 On page 1, after line 4, strike everything and insert:

8 NEW SECTION. Sec. 1. A new section is added to chapter 23.86
9 RCW to read as follows:

10 (1) As used in this section:

11 (a) "Attachment" means the affixation or installation of any wire,
12 cable or other physical material capable of carrying electronic
13 impulses or light waves for the carrying of intelligence for
14 telecommunications or television, including, but not limited to cable,
15 and any related device, apparatus, or auxiliary equipment upon any pole
16 owned or controlled in whole or in part by one or more locally
17 regulated utilities where the installation has been made with the
18 necessary consent.

19 (b) "Locally regulated utility" means an electric service
20 cooperative organized under this chapter and not subject to rate or
21 service regulation by the utilities and transportation commission.

22 (c) "Non-discriminatory" means that pole owners may not arbitrarily
23 differentiate among or between similar classes of persons approved for
24 attachments.

25 (2) All rates, terms, and conditions made, demanded or received by
26 a locally regulated utility for attachments to its poles must be just,
27 reasonable, non-discriminatory and sufficient. A locally regulated
28 utility shall levy attachment space rental rates that are uniform for
29 the same class of service within the locally regulated utility service
30 area.

31 (3) Nothing in this section shall be construed or is intended to
32 confer upon the utilities and transportation commission any authority
33 to exercise jurisdiction over locally regulated utilities.

35 NEW SECTION. Sec. 2. A new section is added to chapter 24.06 RCW
36 to read as follows:

37 (1) As used in this section:

1 (a) "Attachment" means the affixation or installation of any wire,
2 cable or other physical material capable of carrying electronic
3 impulses or light waves for the carrying of intelligence for
4 telecommunications or television, including, but not limited to cable,
5 and any related device, apparatus, or auxiliary equipment upon any pole
6 owned or controlled in whole or in part by one or more locally
7 regulated utilities where the installation has been made with the
8 necessary consent.

9 (b) "Locally regulated utility" means an mutual corporation
10 organized under this chapter for the purpose of providing utility
11 service and not subject to rate or service regulation by the utilities
12 and transportation commission.

13 (c) "Non-discriminatory" means that pole owners may not arbitrarily
14 differentiate among or between similar classes of persons approved for
15 attachments.

16 (2) All rates, terms, and conditions made, demanded or received by
17 a locally regulated utility for attachments to its poles must be just,
18 reasonable, non-discriminatory and sufficient. A locally regulated
19 utility shall levy attachment space rental rates that are uniform for
20 the same class of service within the locally regulated utility service
21 area.

22 (3) Nothing in this section shall be construed or is intended to
23 confer upon the utilities and transportation commission any authority
24 to exercise jurisdiction over locally regulated utilities.

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26 NEW SECTION. **Sec. 3.** A new section is added to chapter 35.21 RCW
27 to read as follows:

28 (1) As used in this section:

29 (a) "Attachment" means the affixation or installation of any wire,
30 cable or other physical material capable of carrying electronic
31 impulses or light waves for the carrying of intelligence for
32 telecommunications or television, including, but not limited to cable,
33 and any related device, apparatus, or auxiliary equipment upon any pole
34 owned or controlled in whole or in part by one or more locally
35 regulated utilities where the installation has been made with the
36 necessary consent.

37 (b) "Locally regulated utility" means a city owning and operating
38 an electric utility not subject to rate or service regulation by the
39 utilities and transportation commission.

1 (c) "Non-discriminatory" means that pole owners may not arbitrarily
2 differentiate among or between similar classes of persons approved for
3 attachments.

4 (2) All rates, terms, and conditions made, demanded or received by
5 a locally regulated utility for attachments to its poles must be just,
6 reasonable, non-discriminatory and sufficient. A locally regulated
7 utility shall levy attachment space rental rates that are uniform for
8 the same class of service within the locally regulated utility service
9 area.

10 (3) Nothing in this section shall be construed or is intended to
11 confer upon the utilities and transportation commission any authority
12 to exercise jurisdiction over locally regulated utilities.

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14 NEW SECTION. **Sec. 4.** A new section is added to chapter 35A.21 RCW
15 to read as follows:

16 (1) As used in this section:

17 (a) "Attachment" means the affixation or installation of any wire,
18 cable or other physical material capable of carrying electronic
19 impulses or light waves for the carrying of intelligence for
20 telecommunications or television, including, but not limited to cable,
21 and any related device, apparatus, or auxiliary equipment upon any pole
22 owned or controlled in whole or in part by one or more locally
23 regulated utilities where the installation has been made with the
24 necessary consent.

25 (b) "Locally regulated utility" means a code city owning and
26 operating an electric utility not subject to rate or service regulation
27 by the utilities and transportation commission.

28 (c) "Non-discriminatory" means that pole owners may not arbitrarily
29 differentiate among or between similar classes of persons approved for
30 attachments.

31 (2) All rates, terms, and conditions made, demanded or received by
32 a locally regulated utility for attachments to its poles must be just,
33 reasonable, non-discriminatory and sufficient. A locally regulated
34 utility shall levy attachment space rental rates that are uniform for
35 the same class of service within the locally regulated utility service
36 area.

37 (3) Nothing in this section shall be construed or is intended to
38 confer upon the utilities and transportation commission any authority
39 to exercise jurisdiction over locally regulated utilities.

1 NEW SECTION. **Sec. 5.** A new section is added to chapter 54.04 RCW
2 to read as follows:

3 (1) As used in this section:

4 (a) "Attachment" means the affixation or installation of any wire,
5 cable or other physical material capable of carrying electronic
6 impulses or light waves for the carrying of intelligence for
7 telecommunications or television, including, but not limited to cable,
8 and any related device, apparatus, or auxiliary equipment upon any pole
9 owned or controlled in whole or in part by one or more locally
10 regulated utilities where the installation has been made with the
11 necessary consent.

12 (b) "Locally regulated utility" means a public utility district not
13 subject to rate or service regulation by the utilities and
14 transportation commission.

15 (c) "Non-discriminatory" means that pole owners may not arbitrarily
16 differentiate among or between similar classes of persons approved for
17 attachments.

18 (2) All rates, terms, and conditions made, demanded or received by
19 a locally regulated utility for attachments to its poles must be just,
20 reasonable, non-discriminatory and sufficient. A locally regulated
21 utility shall levy attachment space rental rates that are uniform for
22 the same class of service within the locally regulated utility service
23 area.

24 (3) Nothing in this section shall be construed or is intended to
25 confer upon the utilities and transportation commission any authority
26 to exercise jurisdiction over locally regulated utilities."
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29 **SSB 6554** - S AMD - 187

30 By Senators Sutherland and Finkbeiner

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32
33 On page 1, line 1, after "facilities;" strike the remainder of the
34 title and insert "adding a new section to chapter 23.86 RCW; adding a
35 new section to chapter 24.06 RCW; adding a new section to chapter 35.21
36 RCW; adding a new section to chapter 35A.21 RCW; and adding a new
37 section to chapter 54.04 RCW."