

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 6554

Chapter 32, Laws of 1996

54th Legislature
1996 Regular Session

TRANSMISSION FACILITIES--ATTACHMENTS

EFFECTIVE DATE: 6/6/96

Passed by the Senate February 13, 1996
YEAS 48 NAYS 0

JOEL PRITCHARD

President of the Senate

Passed by the House February 27, 1996
YEAS 97 NAYS 0

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved March 7, 1996

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6554** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

Secretary

FILED

March 7, 1996 - 10:22 a.m.

MIKE LOWRY

Governor of the State of Washington

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 6554

Passed Legislature - 1996 Regular Session

State of Washington 54th Legislature 1996 Regular Session

By Senate Committee on Energy, Telecommunications & Utilities
(originally sponsored by Senator Sutherland)

Read first time 02/02/96.

1 AN ACT Relating to attachments to transmission facilities; adding
2 a new section to chapter 23.86 RCW; adding a new section to chapter
3 24.06 RCW; adding a new section to chapter 35.21 RCW; adding a new
4 section to chapter 35A.21 RCW; and adding a new section to chapter
5 54.04 RCW.

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

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

9 (1) As used in this section:

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

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

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

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

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

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 24.06 RCW
17 to read as follows:

18 (1) As used in this section:

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

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

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

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

1 the same class of service within the locally regulated utility service
2 area.

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

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

8 (1) As used in this section:

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

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

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

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

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

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

34 (1) As used in this section:

35 (a) "Attachment" means the affixation or installation of any wire,
36 cable or other physical material capable of carrying electronic
37 impulses or light waves for the carrying of intelligence for

1 telecommunications or television, including, but not limited to cable,
2 and any related device, apparatus, or auxiliary equipment upon any pole
3 owned or controlled in whole or in part by one or more locally
4 regulated utilities where the installation has been made with the
5 necessary consent.

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

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

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

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

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

23 (1) As used in this section:

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

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

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

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

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

Passed the Senate February 13, 1996.

Passed the House February 27, 1996.

Approved by the Governor March 7, 1996.

Filed in Office of Secretary of State March 7, 1996.