
SENATE BILL 5857

State of Washington 58th Legislature 2003 Regular Session

By Senators Reardon, Esser, Swecker, Rasmussen, Sheahan and T. Sheldon

Read first time 02/17/2003. Referred to Committee on Technology & Communications.

1 AN ACT Relating to tariffs of local exchange companies; amending
2 RCW 80.04.530; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The purpose of this act is to provide
5 pricing flexibility in the telecommunications industry.

6 **Sec. 2.** RCW 80.04.530 and 1995 c 110 s 1 are each amended to read
7 as follows:

8 (1)(a) (~~Except as provided in (b) of this subsection,~~) The
9 following do not apply to a local exchange company that serves less
10 than two percent of the access lines in the state of Washington: RCW
11 80.04.080, 80.04.300 through 80.04.330, and, except for RCW 80.08.140,
12 chapters 80.08, 80.12, and 80.16 RCW.

13 (b) (~~Nothing in this subsection (1) shall affect the commission's~~
14 ~~authority over the rates, service, accounts, valuations, estimates, or~~
15 ~~determinations of costs, as well as the authority to determine whether~~
16 ~~any expenditure is fair, reasonable, and commensurate with the service,~~
17 ~~material, supplies, or equipment received.~~

1 ~~(e)~~) For purposes of this subsection, the number of access lines
2 served by a local exchange company includes the number of access lines
3 served in this state by any affiliate of that local exchange company.

4 (2) Except as provided in subsection (3) of this section, RCW
5 80.04.110 through 80.04.130, 80.04.150, 80.36.110, 80.36.140, and
6 80.36.150 do not apply to existing, new, and revised tariff schedules,
7 contracts and charges, and rules and regulations, except for such
8 tariffs, or portions of tariffs, that set forth access rates charged to
9 other telecommunications companies for origination and termination of
10 interexchange toll traffic, filed with the commission by a local
11 exchange company that serves less than two percent of the access lines
12 in the state of Washington. Nor shall RCW 80.36.080 be construed to
13 authorize the commission to investigate the rates, tolls, contracts and
14 charges, and rules and regulations of a local exchange company for
15 which an exemption is provided under this subsection.

16 (3) Upon petition of the local exchange company or upon petition of
17 ten percent of the then current access line subscribers, or five
18 hundred subscribers, whichever is the lesser, of any local exchange
19 company:

20 (a) Filed with the commission not less than ten days before the
21 proposed effective date of new or revised tariff schedules, the
22 commission may impose the procedures of RCW 80.04.110 through
23 80.04.130, 80.04.150, 80.36.110, 80.36.140, and 80.36.150, or any part
24 thereof, to any such new or revised tariff schedules of the local
25 exchange company for which an exemption is provided pursuant to
26 subsection (2) of this section.

27 (b) After notice and hearing and a finding that such action is
28 required by the public interest, the commission may revoke any
29 exemption granted pursuant to subsection (2) of this section, or any
30 part thereof, or impose reasonable conditions on the continued exercise
31 of any such exemption.

32 (4) Any local exchange company for which an exemption is provided
33 pursuant to subsection (2) of this section shall notify its affected
34 customers of any rate increase for local exchange services, except
35 access service, at least forty-five days before the proposed effective
36 date of the increase.

37 (5) Any local exchange company for which an exemption is provided
38 under this section shall not be required to file reports or data with

1 the commission, except each such company shall file with the commission
2 an annual report that consists of its annual balance sheet and results
3 of operations, both presented on a Washington state jurisdictional
4 basis. This requirement may be satisfied by the filing of information
5 or reports and underlying studies filed with exchange carrier entities
6 or regulatory agencies if the jurisdictionally separated results of
7 operations for Washington state can be obtained from the information or
8 reports. This subsection shall not be applied to exempt a local
9 exchange company from an obligation to respond to data requests in an
10 adjudicative proceeding in which it is a party.

11 ((+3+)) (6) The commission may, in response to customer complaints
12 or on its own motion and after notice and hearing, establish additional
13 reporting requirements for a specific local exchange company.

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