
SUBSTITUTE HOUSE BILL 1857

State of Washington

60th Legislature

2007 Regular Session

By House Committee on Technology, Energy & Communications (originally sponsored by Representatives McCoy, Kessler, Haler, Rodne, Crouse, Wallace, Grant, Morris, Hudgins and Seaquist)

READ FIRST TIME 02/26/07.

1 AN ACT Relating to regulating utility pole attachments; and
2 amending RCW 54.04.045.

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

4 **Sec. 1.** RCW 54.04.045 and 1996 c 32 s 5 are each amended to read
5 as follows:

6 (1) As used in this section:

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

15 (b) "Licensee" means any person, firm, corporation, partnership,
16 company, association, joint stock association, or cooperatively
17 organized association, which is authorized to construct attachments
18 upon, along, under, or across the public ways.

1 (c) "Locally regulated utility" means a public utility district not
2 subject to rate or service regulation by the utilities and
3 transportation commission.

4 ~~((e))~~ (d) "Nondiscriminatory" means that pole owners may not
5 arbitrarily differentiate among or between similar classes of
6 ~~((persons))~~ licensees approved for attachments.

7 (2) ~~((All))~~ Disputes concerning the rates, terms, and conditions
8 made, demanded, or received by a locally regulated utility for
9 ~~((attachments to))~~ allocated space on its poles for placement of
10 licensees' attachments may be brought before the American arbitration
11 association. All rates, terms, and conditions made, demanded, or
12 received by any locally regulated utility must be based on the
13 utility's cost for provision of the allocated space used by the
14 licensee. Rates must be just, fair, reasonable, nondiscriminatory, and
15 sufficient to cover the utility's actual capital and operating expenses
16 attributable to the portion of the pole used by the licensee. ((A
17 ~~locally regulated utility shall levy attachment space rental rates that~~
18 ~~are uniform for the same class of service within the locally regulated~~
19 ~~utility service area.~~

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

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