
SENATE BILL 5339

State of Washington**62nd Legislature****2011 Regular Session****By** Senators Nelson, Rockefeller, Ranker, Hobbs, White, and Kline

Read first time 01/20/11. Referred to Committee on Environment, Water & Energy.

1 AN ACT Relating to the environmental impact of certain gas and
2 electrical company activities; amending RCW 80.04.250; and adding a new
3 section to chapter 80.01 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 80.01 RCW
6 to read as follows:

7 (1) It is the duty of the counsel for the environment, as defined
8 in RCW 80.50.080, to represent and appear for the public and its
9 interest in protecting the quality of the environment in all actions
10 and proceedings involving any gas or electrical company. The expenses
11 of the counsel for the environment incurred under this section are
12 considered expenses of operation of the commission and must be paid
13 from the public service revolving fund established by RCW 80.01.080.

14 (2) This section does not limit the ability of other parties to
15 intervene in all actions and proceedings involving any gas or
16 electrical company.

17 **Sec. 2.** RCW 80.04.250 and 1991 c 122 s 2 are each amended to read
18 as follows:

1 (1) The commission shall have power upon complaint or upon its own
2 motion to ascertain and determine the fair value for rate making
3 purposes of the property of any public service company used and useful
4 for service in this state and shall exercise such power whenever it
5 shall deem such valuation or determination necessary or proper under
6 any of the provisions of this title.

7 (2) In determining what property is used and useful for providing
8 electric, gas, or water service, the commission may include the
9 reasonable costs of construction work in progress to the extent that
10 the commission finds that inclusion is in the public interest.

11 (3) In reviewing a resource acquisition of capacity or energy by an
12 electrical or gas company, the commission shall consider, among other
13 factors, the company's need for capacity and energy, the availability
14 and cost of other generators in the market at the time of acquisition,
15 the environmental costs and benefits of the acquisition, and the
16 overall impact of the selected generator on the company's portfolio.
17 The commission shall consider state laws and policies when considering
18 the environmental costs and benefits of an acquisition.

19 (4) The commission shall have the power to make revaluations of the
20 property of any public service company from time to time.

21 (5) The commission shall, before any hearing is had, notify the
22 complainants and the public service company concerned of the time and
23 place of such hearing by giving at least thirty days' written notice
24 thereof, specifying that at the time and place designated a hearing
25 will be held for the purpose of ascertaining the value of the company's
26 property, used and useful as aforesaid, which notice shall be
27 sufficient to authorize the commission to inquire into and pass upon
28 the matters designated in this section.

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