

SENATE BILL REPORT

HB 1581

AS REPORTED BY COMMITTEE ON ENERGY & UTILITIES, APRIL 2, 1991

**Brief Description:** Placing the burden of proof on utilities to show that certain operations are not subject to regulation.

**SPONSORS:** Representatives Grant, Miller and Rasmussen; by request of Utilities & Transportation Commission.

**HOUSE COMMITTEE ON ENERGY & UTILITIES**

**SENATE COMMITTEE ON ENERGY & UTILITIES**

**Majority Report:** Do pass as amended.

Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Patterson, Roach, Stratton, Sutherland, and Williams.

**Staff:** Dave Monthie (786-7198)

**Hearing Dates:** March 29, 1991; April 2, 1991

**BACKGROUND:**

The Utilities and Transportation Commission regulates the activities of certain utilities as set out in statute. The commission determines whether a utility is subject to regulation. When the commission believes that a utility is subject to regulation, it may order that utility to produce evidence in order for the commission to establish whether that is the case. Only water systems that have either 100 connections or an average annual revenue of \$300 from each customer, and otherwise meet statutory criteria, are subject to the commission's jurisdiction. The commission has in the past had difficulty obtaining enough information from certain smaller water systems to determine whether they meet these criteria.

**SUMMARY:**

The Utilities and Transportation Commission's authority to investigate and determine whether a person or corporation is subject to its jurisdiction is modified to place the burden of proof on the person or corporation to prove that its operations or acts are exempt from commission regulation.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** available

**SUMMARY OF PROPOSED SENATE AMENDMENT:**

The change to the burden of proof would expire on July 1, 1994.

**TESTIMONY FOR:**

The amendment is acceptable.

**TESTIMONY AGAINST:** None

**TESTIFIED:** Fred Ottavelli, WUTC (pro)