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**SUBSTITUTE HOUSE BILL 2465**

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**State of Washington**

**52nd Legislature**

**1992 Regular Session**

**By** House Committee on Energy & Utilities (originally sponsored by Representatives Grant, May, H. Myers, Miller, Paris, Forner and Casada)

Read first time 01/31/92.

1       AN ACT Relating to authorizing a temporary reduction or waiver of  
2 existing tariff charges for the purpose of promoting a  
3 telecommunications service; and amending RCW 80.04.130 and 80.36.130.

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

5       **Sec. 1.** RCW 80.04.130 and 1990 c 170 s 1 are each amended to read  
6 as follows:

7       (1) Whenever any public service company shall file with the  
8 commission any schedule, classification, rule or regulation, the effect  
9 of which is to change any rate, charge, rental or toll theretofore  
10 charged, the commission shall have power, either upon its own motion or  
11 upon complaint, upon notice, to enter upon a hearing concerning such  
12 proposed change and the reasonableness and justness thereof, and  
13 pending such hearing and the decision thereon the commission may  
14 suspend the operation of such rate, charge, rental or toll for a period

1 not exceeding ten months from the time the same would otherwise go into  
2 effect, and after a full hearing the commission may make such order in  
3 reference thereto as would be provided in a hearing initiated after the  
4 same had become effective. The commission shall not suspend a tariff  
5 that makes a decrease in a rate, charge, rental, or toll filed by a  
6 telecommunications company pending investigation of the fairness,  
7 justness, and reasonableness of the decrease when the filing does not  
8 contain any offsetting increase to another rate, charge, rental, or  
9 toll and the filing company agrees to not file for an increase to any  
10 rate, charge, rental, or toll to recover the revenue deficit that  
11 results from the decrease for a period of one year. The filing company  
12 shall file with any decrease sufficient information as the commission  
13 by rule may require to demonstrate the decreased rate, charge, rental,  
14 or toll is above the long run incremental cost of the service. A  
15 tariff decrease that results in a rate that is below long run  
16 incremental cost, or is contrary to commission rule or order, or the  
17 requirements of this chapter, shall be rejected for filing and returned  
18 to the company. The commission may prescribe a different rate to be  
19 effective on the prospective date stated in its final order after its  
20 investigation, if it concludes based on the record that the originally  
21 filed and effective rate is unjust, unfair, or unreasonable.

22 For the purposes of this section, tariffs for the following  
23 telecommunications services, that temporarily waive or reduce charges  
24 for existing or new subscribers for a period not to exceed sixty days  
25 in order to promote the use of the services shall be considered tariffs  
26 that decrease rates, charges, rentals, or tolls:

27 (a) Custom calling service;

28 (b) Second access lines; or

29 (c) Other services the commission specifies by rule.

1       The commission may suspend any promotional tariff other than those  
2 listed in (a) through (c) of this subsection.

3       The commission may suspend the initial tariff filing of any water  
4 company removed from and later subject to commission jurisdiction  
5 because of the number of customers or the average annual gross revenue  
6 per customer provisions of RCW 80.04.010. The commission may allow  
7 temporary rates during the suspension period. These rates shall not  
8 exceed the rates charged when the company was last regulated. Upon a  
9 showing of good cause by the company, the commission may establish a  
10 different level of temporary rates.

11       (2) At any hearing involving any change in any schedule,  
12 classification, rule or regulation the effect of which is to increase  
13 any rate, charge, rental or toll theretofore charged, the burden of  
14 proof to show that such increase is just and reasonable shall be upon  
15 the public service company.

16       (3) The implementation of mandatory local measured  
17 telecommunications service is a major policy change in available  
18 telecommunications service. The commission shall not accept for filing  
19 or approve, prior to June 1, 1993, a tariff filed by a  
20 telecommunications company which imposes mandatory local measured  
21 service on any customer or class of customers, except that, upon  
22 finding that it is in the public interest, the commission may accept  
23 for filing and approve a tariff that imposes mandatory measured service  
24 for a telecommunications company's extended area service or foreign  
25 exchange service. This subsection does not apply to land, air, or  
26 marine mobile service, or to pay telephone service, or to any service  
27 which has been traditionally offered on a measured service basis.

28       (4) The implementation of Washington telephone assistance program  
29 service is a major policy change in available telecommunications  
30 service. The implementation of Washington telephone assistance program

1 service will aid in achieving the stated goal of universal telephone  
2 service.

3 **Sec. 2.** RCW 80.36.130 and 1989 c 101 s 11 are each amended to read  
4 as follows:

5 (1) Except as provided in RCW 80.04.130 and 80.36.150, no  
6 telecommunications company shall charge, demand, collect or receive  
7 different compensation for any service rendered or to be rendered than  
8 the charge applicable to such service as specified in its schedule on  
9 file and in effect at that time, nor shall any telecommunications  
10 company refund or remit, directly or indirectly, any portion of the  
11 rate or charge so specified, nor extend to any person or corporation  
12 any form of contract or agreement or any rule or regulation or any  
13 privilege or facility except such as are specified in its schedule  
14 filed and in effect at the time, and regularly and uniformly extended  
15 to all persons and corporations under like circumstances for like or  
16 substantially similar service.

17 (2) No telecommunications company subject to the provisions of this  
18 title shall, directly or indirectly, give any free or reduced service  
19 or any free pass or frank for the transmission of messages by  
20 telecommunications between points within this state, except to its  
21 officers, employees, agents, pensioners, surgeons, physicians,  
22 attorneys at law, and their families, and persons and corporations  
23 exclusively engaged in charitable and eleemosynary work, and ministers  
24 of religion, Young Men's Christian Associations, Young Women's  
25 Christian Associations; to indigent and destitute persons, and to  
26 officers and employees of other telecommunications companies, railroad  
27 companies, and street railroad companies.

28 (3) The commission may accept a tariff that gives free or reduced  
29 rate services for a temporary period of time in order to promote the

1 use of the services.