
HOUSE BILL 2465

State of Washington 52nd Legislature 1992 Regular Session

By Representatives Grant, May, H. Myers, Miller, Paris, Forner and Casada

Read first time 01/17/92. Referred to Committee on Energy & Utilities.

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. For the
22 purposes of this section, a tariff that temporarily reduces or waives
23 existing tariff charges for a service for a period of time not to
24 exceed six months for either existing or new subscribers, in order to
25 promote the use of the service, shall be considered a tariff that
26 decreases a rate, charge, rental, or toll.

27 The commission may suspend the initial tariff filing of any water
28 company removed from and later subject to commission jurisdiction
29 because of the number of customers or the average annual gross revenue
30 per customer provisions of RCW 80.04.010. The commission may allow

1 temporary rates during the suspension period. These rates shall not
2 exceed the rates charged when the company was last regulated. Upon a
3 showing of good cause by the company, the commission may establish a
4 different level of temporary rates.

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

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

22 (4) The implementation of Washington telephone assistance program
23 service is a major policy change in available telecommunications
24 service. The implementation of Washington telephone assistance program
25 service will aid in achieving the stated goal of universal telephone
26 service.

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

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

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