
SENATE BILL 6455

State of Washington

52nd Legislature

1992 Regular Session

By Senators Madsen and Gaspard

Read first time 01/31/92. Referred to Committee on Energy & Utilities.

1 AN ACT Relating to investigation of customer requests regarding
2 drinking water quality; reenacting and amending RCW 80.04.110; and
3 adding a new section to chapter 80.28 RCW.

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

5 **Sec. 1.** RCW 80.04.110 and 1991 c 134 s 1 and 1991 c 100 s 2 are
6 each reenacted and amended to read as follows:

7 (1) Complaint may be made by the commission of its own motion or by
8 any person or corporation, chamber of commerce, board of trade, or any
9 commercial, mercantile, agricultural or manufacturing society, or any
10 body politic or municipal corporation, or by the public counsel section
11 of the office of the attorney general, or its successor, by petition or
12 complaint in writing, setting forth any act or thing done or omitted to
13 be done by any public service corporation in violation, or claimed to
14 be in violation, of any provision of law or of any order or rule of the

1 commission: PROVIDED, That no complaint shall be entertained by the
2 commission except upon its own motion, as to the reasonableness of the
3 schedule of the rates or charges of any gas company, electrical
4 company, water company, or telecommunications company, unless the same
5 be signed by the mayor, council or commission of the city or town in
6 which the company complained of is engaged in business, or not less
7 than twenty-five consumers or purchasers of such gas, electricity,
8 water or telecommunications service, or at least twenty-five percent of
9 the consumers or purchasers of the company's service: PROVIDED,
10 FURTHER, That when two or more public service corporations, (meaning to
11 exclude municipal and other public corporations) are engaged in
12 competition in any locality or localities in the state, either may make
13 complaint against the other or others that the rates, charges, rules,
14 regulations or practices of such other or others with or in respect to
15 which the complainant is in competition, are unreasonable,
16 unremunerative, discriminatory, illegal, unfair or intending or tending
17 to oppress the complainant, to stifle competition, or to create or
18 encourage the creation of monopoly, and upon such complaint or upon
19 complaint of the commission upon its own motion, the commission shall
20 have power, after notice and hearing as in other cases, to, by its
21 order, subject to appeal as in other cases, correct the abuse
22 complained of by establishing such uniform rates, charges, rules,
23 regulations or practices in lieu of those complained of, to be observed
24 by all of such competing public service corporations in the locality or
25 localities specified as shall be found reasonable, remunerative,
26 nondiscriminatory, legal, and fair or tending to prevent oppression or
27 monopoly or to encourage competition, and upon any such hearing it
28 shall be proper for the commission to take into consideration the
29 rates, charges, rules, regulations and practices of the public service

1 corporation or corporations complained of in any other locality or
2 localities in the state.

3 (2) All matters upon which complaint may be founded may be joined
4 in one hearing, and no motion shall be entertained against a complaint
5 for misjoinder of complaints or grievances or misjoinder of parties;
6 and in any review of the courts of orders of the commission the same
7 rule shall apply and pertain with regard to the joinder of complaints
8 and parties as herein provided: PROVIDED, All grievances to be
9 inquired into shall be plainly set forth in the complaint. No
10 complaint shall be dismissed because of the absence of direct damage to
11 the complainant.

12 (3) Upon the filing of a complaint, the commission shall cause a
13 copy thereof to be served upon the person or corporation complained of,
14 which shall be accompanied by a notice fixing the time when and place
15 where a hearing will be had upon such complaint. The time fixed for
16 such hearing shall not be less than ten days after the date of the
17 service of such notice and complaint, excepting as herein provided.
18 The commission shall enter its final order with respect to a complaint
19 filed by any entity or person other than the commission within ten
20 months from the date of filing of the complaint, unless the date is
21 extended for cause. Rules of practice and procedure not otherwise
22 provided for in this title may be prescribed by the commission. Such
23 rules may include the requirement that a complainant use informal
24 processes before filing a formal complaint.

25 (4) The commission shall, as appropriate, audit a nonmunicipal
26 water system upon receipt of an administrative order from the
27 department, or the city or county in which the water system is located,
28 finding that the water delivered by a system does not meet state board
29 of health standards adopted under RCW 43.20.050(2)(a) or standards
30 adopted under chapter 70.116 RCW and the results of the audit shall be

1 provided to the requesting department, city, or county. However, the
2 number of nonmunicipal water systems referred to the commission in any
3 one calendar year shall not exceed twenty percent of the water
4 companies subject to commission regulation as defined in RCW 80.04.010.

5 Every nonmunicipal water system referred to the commission for
6 audit under this section shall pay to the commission an audit fee in an
7 amount, based on the system's twelve-month audited period, equal to the
8 fee required to be paid by regulated companies under RCW 80.24.010.

9 ~~((5) Any customer or purchaser of service from a water system or
10 company that is subject to commission regulation may file a complaint
11 with the commission if he or she has reason to believe that the water
12 delivered by the system to the customer does not meet state drinking
13 water standards under chapter 43.20 or 70.116 RCW. The commission
14 shall investigate such a complaint, and shall request that the state
15 department of health or local health department of the county in which
16 the system is located test the water for compliance with state drinking
17 water standards, and provide the results of such testing to the
18 commission. The commission may decide not to investigate the complaint
19 if it determines that the complaint has been filed in bad faith, or for
20 the purpose of harassment of the water system or company, or for other
21 reasons has no substantial merit. The water system or company shall
22 bear the expense for the testing. After the commission has received
23 the complaint from the customer and during the pendency of the
24 commission investigation, the water system or company shall not take
25 any steps to terminate service to the customer or to collect any
26 amounts alleged to be owed to the company by the customer. The
27 commission may issue an order or take any other action to ensure that
28 no such steps are taken by the system or company. The customer may, at
29 the customer's option and expense, obtain a water quality test by a
30 licensed or otherwise qualified water testing laboratory, of the water~~

1 ~~delivered to the customer by the water system or company, and provide~~
2 ~~the results of such a test to the commission. If the commission~~
3 ~~determines that the water does not meet state drinking water standards,~~
4 ~~it shall exercise its authority over the system or company as provided~~
5 ~~in this title, and may, where appropriate, order a refund to the~~
6 ~~customer on a pro rata basis for the substandard water delivered to the~~
7 ~~customer, and shall order reimbursement to the customer for the cost~~
8 ~~incurred by the customer, if any, in obtaining a water quality test.))~~

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 80.28 RCW
10 to read as follows:

11 (1) Any customer or purchaser of service from a water system or
12 company that is subject to commission regulation may file a request in
13 writing with the commission if he or she has reason to believe that the
14 water delivered by the system to the customer does not meet state
15 drinking water standards under chapter 43.20 or 70.116 RCW or is
16 otherwise unsuitable for household use. Unless a hearing is held under
17 subsection (2) of this section, the commission shall request that the
18 state department of health or local health department of the county in
19 which the system is located test the water and provide the results of
20 the testing to the commission. The commission shall notify the water
21 system or company that a test will be taken at the company's expense
22 within not less than five days.

23 (2) The water system or company may petition the commission to
24 determine that the request has been filed in bad faith, or for the
25 purpose of harassment of the water system or company, or for other
26 reasons has no substantial merit. If, after the hearing, the
27 commission makes such a determination, the customer's request shall be
28 denied. Otherwise the commission shall immediately request that the

1 state department of health or local health department arrange for the
2 test.

3 (3) Regardless of the outcome, the water system or company shall
4 bear the expense for the sampling and testing that shall be conducted
5 by the state department of health or local health department or an
6 independent testing company. After the commission has received the
7 request from the customer and during the pendency of the commission
8 investigation, the water system or company may not take any steps to
9 terminate service to the customer or to collect any amounts alleged to
10 be owed to the company by the customer.

11 (4) If the commission determines that the water does not meet state
12 drinking water standards, it shall exercise its authority over the
13 system or company as provided in this title, and may, where
14 appropriate, order a refund to the customer on a pro rata basis for the
15 substandard water delivered to the customer, and shall order
16 reimbursement to the customer for the cost incurred by the customer, if
17 any, in obtaining a water quality test.