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HOUSE BILL 2538

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State of Washington                      53rd Legislature                      1994 Regular Session

By Representatives Kessler, Casada, Bray, Moak and Rayburn

Read first time 01/17/94. Referred to Committee on Energy & Utilities.

1            AN ACT Relating to public utility district authority to participate  
2 and enter into agreements with unregulated private nonutility  
3 developers; and amending RCW 54.44.020.

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

5            **Sec. 1.** RCW 54.44.020 and 1975-'76 2nd ex.s. c 72 s 2 are each  
6 amended to read as follows:

7            In addition to the powers heretofore conferred upon cities of the  
8 first class, public utility districts organized under chapter 54.08  
9 RCW, and joint operating agencies organized under chapter 43.52 RCW,  
10 any such cities and public utility districts which operate electric  
11 generating facilities or distribution systems and any joint operating  
12 agency shall have power and authority to participate and enter into  
13 agreements with each other and with electrical companies which are  
14 subject to the jurisdiction of the Washington utilities and  
15 transportation commission or the public utility commissioner of Oregon,  
16 hereinafter called "regulated utilities", unregulated private  
17 nonutility developers, and with rural electric cooperatives, including  
18 generation and transmission cooperatives for the undivided ownership of  
19 any type of electric generating plants and facilities, including, but

1 not limited to nuclear and other thermal power generating plants and  
2 facilities and transmission facilities including, but not limited to,  
3 related transmission facilities, hereinafter called "common  
4 facilities", and for the planning, financing, acquisition,  
5 construction, operation and maintenance thereof. It shall be provided  
6 in such agreements that each city, public utility district, or joint  
7 operating agency shall own a percentage of any common facility equal to  
8 the percentage of the money furnished or the value of property supplied  
9 by it for the acquisition and construction thereof and shall own and  
10 control a like percentage of the electrical output thereof.

11 Each participant shall defray its own interest and other payments  
12 required to be made or deposited in connection with any financing  
13 undertaken by it to pay its percentage of the money furnished or value  
14 of property supplied by it for the planning, acquisition and  
15 construction of any common facility, or any additions or betterments  
16 thereto. The agreement shall provide a uniform method of determining  
17 and allocating operation and maintenance expenses of the common  
18 facility.

19 Each city, public utility district, joint operating agency,  
20 regulated utility, and cooperatives participating in the ownership or  
21 operation of a common facility shall pay all taxes chargeable to its  
22 share of the common facility and the electric energy generated thereby  
23 under applicable statutes as now or hereafter in effect, and may make  
24 payments during preliminary work and construction for any increased  
25 financial burden suffered by any county or other existing taxing  
26 district in the county in which the common facility is located,  
27 pursuant to agreement with such county or taxing district.

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