
SUBSTITUTE SENATE BILL 6554

State of Washington

54th Legislature

1996 Regular Session

By Senate Committee on Energy, Telecommunications & Utilities
(originally sponsored by Senator Sutherland)

Read first time 02/02/96.

1 AN ACT Relating to attachments to transmission facilities; adding
2 a new section to chapter 80.54 RCW; and adding a new chapter to Title
3 54 RCW.

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

5 NEW SECTION. **Sec. 1.** Unless the context clearly requires
6 otherwise, the definitions in this section apply throughout this
7 chapter.

8 (1) "Attachment" means the affixation or installation of any wire,
9 cable, or other physical material capable of carrying electronic
10 impulses for the carrying of intelligence for telecommunications or
11 television, including, but not limited to cable, and any related
12 device, apparatus, or auxiliary equipment upon any pole or in any
13 telecommunications, electrical, cable television, or communications
14 right of way duct, conduit, or other similar facilities owned or
15 controlled in whole or in part by one or more locally regulated
16 utilities when the installation has been made with the consent of one
17 or more such utilities.

18 (2) "Locally regulated utility" means any utility not regulated by
19 the utilities and transportation commission.

1 NEW SECTION. **Sec. 2.** (1) All rates, terms, and conditions made,
2 demanded, or received by a locally regulated utility for attachments to
3 its facilities must be just, fair, equitable, nondiscriminatory, and
4 sufficient.

5 (2) A just and reasonable rate must assure the locally regulated
6 utility the recovery of not less than the make-ready costs, which
7 consist of all the additional costs of procuring and maintaining
8 attachments, and the allowable space rental cost, which shall not
9 exceed the actual capital and operating expenses and right of way costs
10 of the locally regulated utility attributable to that portion of the
11 pole, duct, or conduit used for the attachment as compared to all other
12 uses made of the subject facilities and uses that remain available to
13 the owner or owners of the subject facilities, and including a share of
14 the required support and clearance space.

15 (3) A locally regulated utility shall levy attachment space rental
16 rates that are uniform for the same class of service provided within
17 the service area of the locally regulated utility.

18 NEW SECTION. **Sec. 3.** Any party seeking attachment as defined by
19 section 1 of this act shall be liable for any damages incurred by the
20 owner of a pole, conduit, duct, vault, or other similar facilities, and
21 for any damages to other facilities which are co-located on such pole,
22 conduit, duct, vault, or other similar facilities as a result of the
23 installation or maintenance of attachments. A locally regulated
24 utility may reserve space for system reliability purposes.

25 NEW SECTION. **Sec. 4.** A new section is added to chapter 80.54 RCW
26 to read as follows:

27 The commission shall not regulate activities covered under chapter
28 54.-- RCW (sections 1 through 3 of this act).

29 NEW SECTION. **Sec. 5.** Sections 1 through 3 of this act shall
30 constitute a new chapter in Title 54 RCW.

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