
HOUSE BILL 1907

State of Washington

55th Legislature

1997 Regular Session

By Representatives Cairnes, Radcliff, Koster, Thompson, Costa, O'Brien, D. Schmidt, Kessler, Mielke, Kastama, Scott and Morris

Read first time 02/13/97. Referred to Committee on Energy & Utilities.

1 AN ACT Relating to competitive telecommunications services by
2 establishing categories of service that are not subject to regulation;
3 and amending RCW 80.36.300 and 80.36.370.

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

5 **Sec. 1.** RCW 80.36.300 and 1985 c 450 s 1 are each amended to read
6 as follows:

7 (1) The legislature declares it is the policy of the state to:

8 ~~((1))~~ (a) Preserve affordable universal telecommunications
9 service;

10 ~~((2))~~ (b) Maintain and advance the efficiency and availability of
11 telecommunications service;

12 ~~((3))~~ (c) Ensure that customers pay only reasonable charges for
13 telecommunications service;

14 ~~((4))~~ (d) Ensure that rates for noncompetitive telecommunications
15 services do not subsidize the competitive ventures of regulated
16 telecommunications companies;

17 ~~((5))~~ (e) Promote diversity in the supply of telecommunications
18 services and products in telecommunications markets throughout the
19 state; and

1 (~~(6)~~) (f) Permit flexible regulation of competitive
2 telecommunications companies and services.

3 (2) The legislature further finds and declares that the federal
4 telecommunications act of 1996 was enacted to open competition in the
5 telecommunications industry, and to allow and encourage competition to
6 determine the availability, price, terms, and other conditions by which
7 telecommunications products and services will be offered. As
8 Washington transitions to a fully competitive telecommunications
9 market, continued regulation of new products and services conflicts
10 with the intent of the federal telecommunications act of 1996 and is
11 not appropriate.

12 **Sec. 2.** RCW 80.36.370 and 1990 c 118 s 1 are each amended to read
13 as follows:

14 The commission shall not regulate the following:

15 (1) One way broadcast or cable television transmission of
16 television or radio signals;

17 (2) Private telecommunications systems;

18 (3) Telegraph services;

19 (4) Any sale, lease, or use of customer premises equipment except
20 such equipment as is regulated on July 28, 1985;

21 (5) Notwithstanding any other provision of this title, asymmetric
22 digital subscriber line, asynchronous transfer mode, frame relay
23 service, any transmission system using time division multiplexing or
24 similar technology to carry twenty-four or more digital voice or data
25 channels each at 64 Kb/s or higher over copper wire or other
26 transmission medium with a total bandwidth of 1.544 Mb/s or higher, or
27 any new product or service offered on or after the effective date of
28 this act. For purposes of this section, new products or services do
29 not include those products or services offered by tariff before the
30 effective date of this act, that are merely repriced or repackaged and
31 replace products or services offered by tariff before the effective
32 date of this act;

33 (6) Private shared telecommunications services, unless the
34 commission finds, upon notice and investigation, that customers of such
35 services have no alternative access to local exchange
36 telecommunications companies. If the commission makes such a finding,
37 it may require the private shared telecommunications services provider

1 to make alternative facilities or conduit space available on reasonable
2 terms and conditions at reasonable prices;

3 ((+6)) (7) Radio communications services provided by a regulated
4 telecommunications company, except that when those services are the
5 only voice grade, local exchange telecommunications service available
6 to a customer of the company the commission may regulate the radio
7 communication service of that company.

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