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**BILL REQUEST - CODE REVISER'S OFFICE**

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BILL REQ. #: H-4822.1/00

ATTY/TYPIST: KB:ads

BRIEF DESCRIPTION:

2 **SHB 2880** - H AMD TO H AMD (H-4781.3/00)  
3 By Representative

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5 On page 3, beginning on line 32 of the amendment, strike all of  
6 section 4 and insert the following:

7 "NEW SECTION. **Sec. 4.** A new section is added to chapter 54.16 RCW  
8 to read as follows:

9 (1) A person or entity that has requested wholesale  
10 telecommunications services from a public utility district may file a  
11 petition for review with that district's board of commissioners to  
12 review the rates, terms, and conditions of such service to ensure that  
13 such rates, terms, and conditions are not unduly discriminatory or  
14 preferential. The board of commissioners shall, in response to such  
15 petition, compile a record consisting of such rates, terms, and  
16 conditions, and such documentary evidence and statements of legal  
17 position as may be offered by the requesting entity, public utility  
18 district staff, and any interested party that shall intervene, and  
19 shall, based upon such record, issue a written order disposing of the  
20 petition for review. The board of commissioners may, at its option,  
21 entertain verbal testimony, which shall be included in the hearing  
22 record. The board of commissioners shall issue a written order  
23 disposing of the petition for review within ninety days of the date it  
24 was filed, provided that the board of commissioners may if necessary  
25 extend such deadline up to an additional ninety days.

26 (2) Any party aggrieved by an order issued by a board of  
27 commissioners under subsection (1) of this section may file a petition  
28 for review of the order in the court of appeals division in which the  
29 public utility district is located. The petition for review shall be  
30 served upon the public utility district and any other persons or  
31 entities made party to the proceedings under subsection (1) of this  
32 section. The board of commissioners shall transmit the written record  
33 compiled under subsection (1) of this section to the reviewing court  
34 and, upon delivery of such record, the reviewing court shall have  
35 exclusive jurisdiction to review the record and order to ensure that  
36 the rates, terms, and conditions of wholesale telecommunications

1 services offered by the public utility district are not unduly  
2 discriminatory or preferential, and shall affirm the order of the board  
3 of commissioners or remand the order for further consideration by the  
4 board of commissioners. No objection to the order of the board of  
5 commissioners shall be entertained unless that objection shall first  
6 have been urged before the board of commissioners. The finding of the  
7 board of commissioners as to the facts, if any, shall be conclusive if  
8 supported by substantial evidence."

EFFECT: Removes the appeal process from the Utilities and  
Transportation Commission, and creates a review process by the board of  
the public utility district, that is appealable to the court of  
appeals.

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