

2 **SSB 6675** - H AMD TO TTE COMM AMD (H-5021.1/00) **594 FAILED 3-2-00**
3 By Representative

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5 Beginning on page 4, line 36 of the amendment, strike all of
6 section 5 and insert the following:

7 "NEW SECTION. **Sec. 5.** 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 service 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."

9 Beginning on page 9, line 11 of the amendment, strike all of
10 section 9 and insert the following:

11 "NEW SECTION. **Sec. 9.** A new section is added to chapter 53.08 RCW
12 to read as follows:

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

30 (2) Any party aggrieved by an order issued by a board of
31 commissioners under subsection (1) of this section may file a petition
32 for review of the order in the court of appeals division in which the
33 rural port district is located. The petition for review shall be
34 served upon the rural port district and any other persons or entities
35 made party to the proceedings under subsection (1) of this section.
36 The board of commissioners shall transmit the written record compiled
37 under subsection (1) of this section to the reviewing court and, upon

1 delivery of such record, the reviewing court shall have exclusive
2 jurisdiction to review the record and order to ensure that the rates,
3 terms, and conditions of wholesale telecommunications service offered
4 by the rural port district are not unduly discriminatory or
5 preferential, and shall affirm the order of the board of commissioners
6 or remand the order for further consideration by the board of
7 commissioners. No objection to the order of the board of commissioners
8 shall be entertained unless that objection shall first have been urged
9 before the board of commissioners. The finding of the board of
10 commissioners as to the facts, if any, shall be conclusive if supported
11 by substantial evidence."

12 On page 10, beginning on line 9 of the amendment, strike all of
13 section 10

EFFECT: Requires a petition for review from the commissioners of
the public utility district or the rural port district.

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