

CERTIFICATION OF ENROLLMENT

**ENGROSSED HOUSE BILL 1459**

56th Legislature  
1999 Regular Session

Passed by the House March 3, 1999  
Yeas 96 Nays 1

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**Speaker of the House of Representatives**

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**Speaker of the House of Representatives**

Passed by the Senate April 6, 1999  
Yeas 41 Nays 1

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**President of the Senate**

Approved

\_\_\_\_\_  
Governor of the State of Washington

CERTIFICATE

We, Dean R. Foster and Timothy A. Martin, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 1459** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

\_\_\_\_\_  
**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**ENGROSSED HOUSE BILL 1459**

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Passed Legislature - 1999 Regular Session

**State of Washington                      56th Legislature                      1999 Regular Session**

**By** Representatives Poulsen, Crouse, Reardon, Ruderman, Cooper, Wolfe, Kastama, Constantine, Murray, Rockefeller, Dickerson, Lantz, Kenney, McIntire, Lovick, Wood and Edmonds

Read first time 01/26/1999.      Referred to Committee on Technology, Telecommunications & Energy.

1            AN ACT Relating to reduced rate utility services for low-income  
2 citizens; amending RCW 80.28.010, 80.28.080, 80.28.090, and 80.28.100;  
3 and adding a new section to chapter 80.28 RCW.

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

5            NEW SECTION.    **Sec. 1.** A new section is added to chapter 80.28 RCW  
6 to read as follows:

7            Upon request by an electrical or gas company, the commission may  
8 approve rates, charges, services, and/or physical facilities at a  
9 discount for low-income senior customers and low-income customers.  
10 Expenses and lost revenues as a result of these discounts shall be  
11 included in the company's cost of service and recovered in rates to  
12 other customers.

13            **Sec. 2.** RCW 80.28.010 and 1995 c 399 s 211 are each amended to  
14 read as follows:

15            (1) Except as provided in section 1 of this act, all charges made,  
16 demanded or received by any gas company, electrical company or water  
17 company for gas, electricity or water, or for any service rendered or

1 to be rendered in connection therewith, shall be just, fair, reasonable  
2 and sufficient.

3 (2) Every gas company, electrical company and water company shall  
4 furnish and supply such service, instrumentalities and facilities as  
5 shall be safe, adequate and efficient, and in all respects just and  
6 reasonable.

7 (3) All rules and regulations issued by any gas company, electrical  
8 company or water company, affecting or pertaining to the sale or  
9 distribution of its product, shall be just and reasonable.

10 (4) Utility service for residential space heating shall not be  
11 terminated between November 15 through March 15 if the customer:

12 (a) Notifies the utility of the inability to pay the bill,  
13 including a security deposit. This notice should be provided within  
14 five business days of receiving a payment overdue notice unless there  
15 are extenuating circumstances. If the customer fails to notify the  
16 utility within five business days and service is terminated, the  
17 customer can, by paying reconnection charges, if any, and fulfilling  
18 the requirements of this section, receive the protections of this  
19 chapter;

20 (b) Provides self-certification of household income for the prior  
21 twelve months to a grantee of the department of community, trade, and  
22 economic development which administers federally funded energy  
23 assistance programs. The grantee shall determine that the household  
24 income does not exceed the maximum allowed for eligibility under the  
25 state's plan for low-income energy assistance under 42 U.S.C. 8624 and  
26 shall provide a dollar figure that is seven percent of household  
27 income. The grantee may verify information provided in the self-  
28 certification;

29 (c) Has applied for home heating assistance from applicable  
30 government and private sector organizations and certifies that any  
31 assistance received will be applied to the current bill and future  
32 utility bills;

33 (d) Has applied for low-income weatherization assistance to the  
34 utility or other appropriate agency if such assistance is available for  
35 the dwelling;

36 (e) Agrees to a payment plan and agrees to maintain the payment  
37 plan. The plan will be designed both to pay the past due bill by the  
38 following October 15 and to pay for continued utility service. If the  
39 past due bill is not paid by the following October 15, the customer

1 shall not be eligible for protections under this chapter until the past  
2 due bill is paid. The plan shall not require monthly payments in  
3 excess of seven percent of the customer's monthly income plus one-  
4 twelfth of any arrearage accrued from the date application is made and  
5 thereafter during November 15 through March 15. A customer may agree  
6 to pay a higher percentage during this period, but shall not be in  
7 default unless payment during this period is less than seven percent of  
8 monthly income plus one-twelfth of any arrearage accrued from the date  
9 application is made and thereafter. If assistance payments are  
10 received by the customer subsequent to implementation of the plan, the  
11 customer shall contact the utility to reformulate the plan; and

12 (f) Agrees to pay the moneys owed even if he or she moves.

13 (5) The utility shall:

14 (a) Include in any notice that an account is delinquent and that  
15 service may be subject to termination, a description of the customer's  
16 duties in this section;

17 (b) Assist the customer in fulfilling the requirements under this  
18 section;

19 (c) Be authorized to transfer an account to a new residence when a  
20 customer who has established a plan under this section moves from one  
21 residence to another within the same utility service area;

22 (d) Be permitted to disconnect service if the customer fails to  
23 honor the payment program. Utilities may continue to disconnect  
24 service for those practices authorized by law other than for nonpayment  
25 as provided for in this subsection. Customers who qualify for payment  
26 plans under this section who default on their payment plans and are  
27 disconnected can be reconnected and maintain the protections afforded  
28 under this chapter by paying reconnection charges, if any, and by  
29 paying all amounts that would have been due and owing under the terms  
30 of the applicable payment plan, absent default, on the date on which  
31 service is reconnected; and

32 (e) Advise the customer in writing at the time it disconnects  
33 service that it will restore service if the customer contacts the  
34 utility and fulfills the other requirements of this section.

35 (6) A payment plan implemented under this section is consistent  
36 with RCW 80.28.080.

37 (7) Every gas company and electrical company shall offer  
38 residential customers the option of a budget billing or equal payment  
39 plan. The budget billing or equal payment plan shall be offered low-

1 income customers eligible under the state's plan for low-income energy  
2 assistance prepared in accordance with 42 U.S.C. 8624(C)(1) without  
3 limiting availability to certain months of the year, without regard to  
4 the length of time the customer has occupied the premises, and without  
5 regard to whether the customer is the tenant or owner of the premises  
6 occupied.

7 (8) Every gas company, electrical company and water company shall  
8 construct and maintain such facilities in connection with the  
9 manufacture and distribution of its product as will be efficient and  
10 safe to its employees and the public.

11 (9) An agreement between the customer and the utility, whether oral  
12 or written, shall not waive the protections afforded under this  
13 chapter.

14 (10) In establishing rates or charges for water service, water  
15 companies as defined in RCW 80.04.010 may consider the achievement of  
16 water conservation goals and the discouragement of wasteful water use  
17 practices.

18 **Sec. 3.** RCW 80.28.080 and 1985 c 427 s 2 are each amended to read  
19 as follows:

20 Except as provided in section 1 of this act, no gas company,  
21 electrical company or water company shall charge, demand, collect or  
22 receive a greater or less or different compensation for any service  
23 rendered or to be rendered than the rates and charges applicable to  
24 such service as specified in its schedule filed and in effect at the  
25 time, nor shall any such company directly or indirectly refund or remit  
26 in any manner or by any device any portion of the rates or charges so  
27 specified, or furnish its product at free or reduced rates except to  
28 its employees and their families, and its officers, attorneys, and  
29 agents; to hospitals, charitable and eleemosynary institutions and  
30 persons engaged in charitable and eleemosynary work; to indigent and  
31 destitute persons; to national homes or state homes for disabled  
32 volunteer soldiers and soldiers' and sailors' homes: PROVIDED, That  
33 the term "employees" as used in this paragraph shall include  
34 furloughed, pensioned and superannuated employees, persons who have  
35 become disabled or infirm in the service of any such company; and the  
36 term "families," as used in this paragraph, shall include the families  
37 of those persons named in this proviso, the families of persons killed  
38 or dying in the service, also the families of persons killed, and the

1 surviving spouse prior to remarriage, and the minor children during  
2 minority of persons who died while in the service of any of the  
3 companies named in this paragraph: PROVIDED FURTHER, That water  
4 companies may furnish free or at reduced rates water for the use of the  
5 state, or for any project in which the state is interested: AND  
6 PROVIDED FURTHER, That gas companies, electrical companies, and water  
7 companies may charge the defendant for treble damages awarded in  
8 lawsuits successfully litigated under RCW 80.28.240.

9 No gas company, electrical company or water company shall extend to  
10 any person or corporation any form of contract or agreement or any rule  
11 or regulation or any privilege or facility except such as are regularly  
12 and uniformly extended to all persons and corporations under like  
13 circumstances.

14 **Sec. 4.** RCW 80.28.090 and 1961 c 14 s 80.28.090 are each amended  
15 to read as follows:

16 Except as provided in section 1 of this act, no gas company,  
17 electrical company or water company shall make or grant any undue or  
18 unreasonable preference or advantage to any person, corporation, or  
19 locality, or to any particular description of service in any respect  
20 whatsoever, or subject any particular person, corporation or locality  
21 or any particular description of service to any undue or unreasonable  
22 prejudice or disadvantage in any respect whatsoever.

23 **Sec. 5.** RCW 80.28.100 and 1961 c 14 s 80.28.100 are each amended  
24 to read as follows:

25 Except as provided in section 1 of this act, no gas company,  
26 electrical company or water company shall, directly or indirectly, or  
27 by any special rate, rebate, drawback or other device or method,  
28 charge, demand, collect or receive from any person or corporation a  
29 greater or less compensation for gas, electricity or water, or for any  
30 service rendered or to be rendered, or in connection therewith, except  
31 as authorized in this chapter, than it charges, demands, collects or  
32 receives from any other person or corporation for doing a like or  
33 contemporaneous service with respect thereto under the same or  
34 substantially similar circumstances or conditions.

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