
SENATE BILL 6105

State of Washington

56th Legislature

1999 Regular Session

By Senators Brown and Hochstatter

Read first time 04/23/1999. Referred to Committee on Energy, Technology & Telecommunications.

1 AN ACT Relating to the provision of telecommunication facilities
2 and services by public utility districts; adding a new section to
3 chapter 54.16 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** (1) Access to modern telecommunication
6 facilities and services is essential to the economic and educational
7 well-being of all persons and entities, in both rural and urban areas.

8 (2) Many persons and entities, particularly in rural areas, do not
9 have adequate access to modern telecommunication facilities and
10 services.

11 (3) Public utility districts are well-positioned to provide modern
12 telecommunication facilities and services in a cost-effective manner,
13 particularly in rural areas, because of existing rights-of-ways,
14 infrastructure ownership, experience delivering utility services, and
15 economies of scale achieved by fully utilizing utility
16 telecommunication systems.

17 (4) Provision of telecommunication facilities and services by
18 public utility districts will stimulate competition among

1 telecommunication providers, to the benefit of all telecommunication
2 consumers and users.

3 (5) Economic development and educational opportunities,
4 particularly in rural areas, will be increased by public utility
5 districts providing cost-effective telecommunication facilities and
6 services, thus reducing the economic and educational disparity between
7 rural and urban areas.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 54.16 RCW
9 to read as follows:

10 (1) A public utility district may construct, purchase, acquire,
11 develop, finance, lease, license, handle, provide, add to, alter,
12 improve, repair, operate, and maintain any telecommunication facilities
13 and related equipment, within or without the district's limits, with
14 capacity sufficient not only for its own use, but also for use by any
15 other person or entity, whether public or private, within or without
16 the district's limits, for any purpose, without limitation as to
17 quantity or capacity, with full and exclusive authority to regulate and
18 control the use and price thereof, free from the jurisdiction and
19 control of the utilities and transportation commission. A public
20 utility district has full discretion to classify the uses and
21 availability of such facilities and equipment on any reasonable ground
22 and the rates charged shall be uniform for the same class of customers.
23 Any person or entity seeking to sell telecommunication services shall,
24 for such purpose, have reasonable and nondiscriminatory access to a
25 public utility district's telecommunication facilities, at rates set by
26 the district, provided that such a person or entity shall allow the
27 district equivalent access to the telecommunication facilities of such
28 a person or entity. No telecommunication facilities owned by any other
29 person or entity shall be acquired by a public utility district through
30 the power of eminent domain.

31 (2) A public utility district may sell, lease, license, handle,
32 finance, and provide any telecommunication services and related
33 equipment, including but not limited to internet, television,
34 videoconferencing, multimedia transmissions, security monitoring, and
35 other products, to any person or entity, whether public or private,
36 within or without the district's limits, for any purpose, without
37 limitation as to quantity or capacity, with full and exclusive
38 authority to regulate and control the price thereof, free from the

1 jurisdiction and control of the utilities and transportation
2 commission. However, a majority of the voters of the district voting,
3 or a majority of the voters of a defined portion of the district voting
4 if the telecommunication services are to be provided to only that
5 portion of the district, shall first approve a ballot proposition
6 authorizing the district to provide telecommunication services.

7 (3) The commission of a public utility district by resolution may
8 submit to the voters of the district, or the voters of a defined
9 portion of the district if the telecommunication services are to be
10 provided to only that portion of the district, for their approval or
11 rejection the proposal that the public utility district be authorized
12 to exercise the powers set forth in subsection (2) of this section.
13 The legislative authority of the county in which the public utility
14 district is located, upon receipt of the resolution of the public
15 utility district commission, shall submit such a proposal to the voters
16 of the district, or the voters of a defined portion of a district as
17 provided in this section, at the next general election in substantially
18 the following terms:

19 Shall Public Utility District No. of
20 County be authorized to sell and provide telecommunication
21 services?
22 Yes . . .
23 No . . .

24 Within ten days after such an election, the election board of the
25 county shall canvass the returns, and if at such an election a majority
26 of voters voting on the proposition shall vote in favor of such
27 authority, the district shall have the powers set forth in subsection
28 (2) of this section.

29 (4) Except as otherwise specifically provided, in carrying out the
30 powers authorized under this section, a public utility district may
31 exercise any of the powers granted to it with respect to electrical
32 energy, water, and sewage under this title and other applicable law.

33 (5) Nothing contained in this section shall diminish, change, or
34 alter the existing authority of public utility districts.

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