

SB 6598 - S AMD 672

By Senators Esser, Poulsen

ADOPTED 02/16/2004

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 54.16.330 and 2000 c 81 s 3 are each amended to read
4 as follows:

5 (1) A public utility district in existence on June 8, 2000, may
6 construct, purchase, acquire, develop, finance, lease, license, handle,
7 provide, add to, contract for, interconnect, alter, improve, repair,
8 operate, and maintain any telecommunications facilities within or
9 without the district's limits for the following purposes:

- 10 (a) For the district's internal telecommunications needs; and
11 (b) For the provision of wholesale telecommunications services
12 within the district and by contract with another public utility
13 district.

14 Nothing in this subsection shall be construed to authorize public
15 utility districts to provide telecommunications services to end users.

16 (2) A public utility district providing wholesale
17 telecommunications services shall ensure that rates, terms, and
18 conditions for such services are not unduly or unreasonably
19 discriminatory or preferential. Rates, terms, and conditions are
20 discriminatory or preferential when a public utility district offering
21 rates, terms, and conditions to an entity for wholesale
22 telecommunications services does not offer substantially similar rates,
23 terms, and conditions to all other entities seeking substantially
24 similar services.

25 (3) ~~((When)) A public utility district ((establishes a separate~~
26 ~~utility function for the provision of wholesale telecommunications~~
27 ~~services, it shall account for any and all revenues and expenditures~~
28 ~~related to its wholesale telecommunications facilities and services~~
29 ~~separately from revenues and expenditures related to its internal~~
30 ~~telecommunications operations)) providing wholesale telecommunications~~

1 services shall not be required to but may establish a separate utility
2 system or function for such purpose. In either case, a public utility
3 district providing wholesale telecommunications services shall
4 separately account for any revenues and expenditures for those services
5 according to standards established by the state auditor pursuant to its
6 authority in chapter 43.09 RCW and consistent with the provisions of
7 this title. Any revenues received from the provision of wholesale
8 telecommunications services must be dedicated to (~~the utility function~~
9 ~~that includes the provision of wholesale telecommunications services~~
10 ~~for~~) costs incurred to build and maintain ((the)) any
11 telecommunications facilities constructed, installed, or acquired to
12 provide such services, including payments on debt issued to finance
13 such services, until such time as any bonds or other financing
14 instruments executed after June 8, 2000, and used to finance ((the))
15 such telecommunications facilities are discharged or retired.

16 (4) When a public utility district (~~establishes a separate utility~~
17 ~~function for the provision of~~) provides wholesale telecommunications
18 services, all telecommunications services rendered ((by the separate
19 function)) to the district for the district's internal
20 telecommunications needs shall be allocated or charged at its true and
21 full value. A public utility district may not charge its
22 nontelecommunications operations rates that are preferential or
23 discriminatory compared to those it charges entities purchasing
24 wholesale telecommunications services.

25 (5) A public utility district shall not exercise powers of eminent
26 domain to acquire telecommunications facilities or contractual rights
27 held by any other person or entity to telecommunications facilities.

28 (6) Except as otherwise specifically provided, a public utility
29 district may exercise any of the powers granted to it under this title
30 and other applicable laws in carrying out the powers authorized under
31 this section. Nothing in chapter 81, Laws of 2000 limits any existing
32 authority of a public utility district under this title."

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1 On page 1, line 1 of the title, after "Relating to" strike the
2 remainder of the title and insert "accounting for the provision of
3 wholesale telecommunications services by public utility districts; and
4 amending RCW 54.16.330."

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