
HOUSE BILL 2795

State of Washington

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By Representatives Blake, Wallace, Dunshee, Sullivan, Bush, Benson, Simpson, G., Crouse, Hankins, Delvin, Quall, McCoy, Lantz, Kenney, Chase and Edwards

Read first time 01/21/2004. Referred to Committee on Technology, Telecommunications & Energy.

1 AN ACT Relating to extending the prohibition on mandatory local
2 measured telecommunications service; and amending RCW 80.04.130.

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

4 **Sec. 1.** RCW 80.04.130 and 2003 c 189 s 1 are each amended to read
5 as follows:

6 (1) Except as provided in subsection (2) of this section, whenever
7 any public service company shall file with the commission any schedule,
8 classification, rule, or regulation, the effect of which is to change
9 any rate, charge, rental, or toll theretofore charged, the commission
10 shall have power, either upon its own motion or upon complaint, upon
11 notice, to enter upon a hearing concerning such proposed change and the
12 reasonableness and justness thereof. Pending such hearing and the
13 decision thereon, the commission may suspend the operation of such
14 rate, charge, rental, or toll for a period not exceeding ten months
15 from the time the same would otherwise go into effect. After a full
16 hearing, the commission may make such order in reference thereto as
17 would be provided in a hearing initiated after the same had become
18 effective.

1 (2)(a) The commission shall not suspend a tariff that makes a
2 decrease in a rate, charge, rental, or toll filed by a
3 telecommunications company pending investigation of the fairness,
4 justness, and reasonableness of the decrease when the filing does not
5 contain any offsetting increase to another rate, charge, rental, or
6 toll and the filing company agrees to not file for an increase to any
7 rate, charge, rental, or toll to recover the revenue deficit that
8 results from the decrease for a period of one year.

9 (i) The filing company shall file with any decrease sufficient
10 information as the commission by rule may require to demonstrate the
11 decreased rate, charge, rental, or toll is above the long run
12 incremental cost of the service. A tariff decrease that results in a
13 rate that is below long run incremental cost, or is contrary to
14 commission rule or order, or the requirements of this chapter, shall be
15 rejected for filing and returned to the company.

16 (ii) The commission may prescribe a different rate to be effective
17 on the prospective date stated in its final order after its
18 investigation, if it concludes based on the record that the originally
19 filed and effective rate is unjust, unfair, or unreasonable.

20 (b) The commission shall not suspend a promotional tariff. For the
21 purposes of this section, "promotional tariff" means a tariff that, for
22 a period of up to ninety days, waives or reduces charges or conditions
23 of service for existing or new subscribers for the purpose of retaining
24 or increasing the number of customers who subscribe to or use a
25 service.

26 (3) The commission may suspend the initial tariff filing of any
27 water company removed from and later subject to commission jurisdiction
28 because of the number of customers or the average annual gross revenue
29 per customer provisions of RCW 80.04.010. The commission may allow
30 temporary rates during the suspension period. These rates shall not
31 exceed the rates charged when the company was last regulated. Upon a
32 showing of good cause by the company, the commission may establish a
33 different level of temporary rates.

34 (4) At any hearing involving any change in any schedule,
35 classification, rule, or regulation the effect of which is to increase
36 any rate, charge, rental, or toll theretofore charged, the burden of
37 proof to show that such increase is just and reasonable shall be upon
38 the public service company.

1 (5) The implementation of mandatory local measured
2 telecommunications service is a major policy change in available
3 telecommunications service. The commission shall not accept for filing
4 a price list, nor shall it accept for filing or approve, prior to June
5 1, ((2004)) 2008, a tariff filed by a telecommunications company which
6 imposes mandatory local measured service on any customer or class of
7 customers, except that, upon finding that it is in the public interest,
8 the commission may accept for filing a price list or it may accept for
9 filing and approve a tariff that imposes mandatory measured service for
10 a telecommunications company's extended area service or foreign
11 exchange service. This subsection does not apply to land, air, or
12 marine mobile service, or to pay telephone service, or to any service
13 which has been traditionally offered on a measured service basis.

14 (6) The implementation of Washington telephone assistance program
15 service is a major policy change in available telecommunications
16 service. The implementation of Washington telephone assistance program
17 service will aid in achieving the stated goal of universal telephone
18 service.

19 (7) If a utility claims a sales or use tax exemption on the
20 pollution control equipment for an electrical generation facility and
21 abandons the generation facility before the pollution control equipment
22 is fully depreciated, any tariff filing for a rate increase to recover
23 abandonment costs for the pollution control equipment shall be
24 considered unjust and unreasonable for the purposes of this section.

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