
**Technology, Energy & Communications
Committee**

HB 1752

Brief Description: Putting the burden of proof on the public utility in certain rate proceedings before the utilities and transportation commission.

Sponsors: Representatives Liias, McCoy and Frockt.

Brief Summary of Bill

- Specifies that in a proceeding regarding an existing rate of a public utility, the burden of proof rests with the public utility.

Hearing Date: 2/8/11

Staff: Kara Durbin (786-7133).

Background:

Generally, any person may file a written complaint with the Utilities and Transportation Commission (UTC) regarding an act or omission by a public service corporation in violation of any provision of law, order, or rule of the UTC. However, the UTC will not entertain such a complaint, except upon its own motion, regarding the reasonableness of the rates or charges of any gas, electrical, water, or telecommunications company, unless the complaint is signed by either: (1) the mayor, council, or commission of the city or town in which the company complained of is engaged in business; or (2) 25 consumers or purchasers of such gas, electricity, water or telecommunications service; or (3) at least 25 percent of the consumers or purchasers of the company's service.

In any hearing before the UTC regarding a change in any schedule, classification, rule, or regulation that has the effect of increasing any rate, charge, or toll, the burden of proof rests with the utility. The utility must demonstrate that the increase is just and reasonable.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill:

In any proceeding upon the motion of the Utilities and Transportation Commission involving any existing rate of any public utility, or in any proceeding upon complaint involving rates of a public utility, the burden of proof rests with the public utility. The public utility has the burden of showing that the rate involved is just and reasonable.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.