

SENATE BILL REPORT

SB 6554

As Reported By Senate Committee On:
Energy, Telecommunications & Utilities, February 1, 1996

Title: An act relating to attachments to transmission facilities.

Brief Description: Providing for attachments to transmission facilities.

Sponsors: Senator Sutherland.

Brief History:

Committee Activity: Energy, Telecommunications & Utilities: 1/24/96, 2/1/96 [DPS].

SENATE COMMITTEE ON ENERGY, TELECOMMUNICATIONS & UTILITIES

Majority Report: That Substitute Senate Bill No. 6554 be substituted therefor, and the substitute bill do pass.

Signed by Senators Sutherland, Chair; Finkbeiner, Hochstatter and Owen.

Staff: Phil Moeller (786-7445)

Background: A range of utilities own various facilities that allow them to connect over points and form a utility system. These utilities most commonly include those that provide electricity and telephone service, but also include natural gas, water, and others. The facilities used to make up a system include, but are not limited to, poles, ducts, and conduits used in a right of way.

Cable television companies and new entities providing telecommunications service view access to these facilities as essential to building and expanding their networks. These entities have an opportunity to protest to the Washington Utilities and Transportation Commission any access policies of investor-owned utilities. Concern has been raised that some consumer-owned utilities, such as those owned by cities, public utility districts, cooperatives, and similar entities may not have standard procedures that assure non-discriminatory access to utility facilities.

Summary of Substitute Bill: Utilities not regulated by the Washington Utilities and Transportation Commission (WUTC) are required to provide rates, terms and conditions pertaining to attachments to the utility's facilities in a just, fair, nondiscriminatory and sufficient manner. Rates are required to be uniform throughout the utility's service territory. The WUTC is specifically prohibited from regulating these activities of these utilities.

Any party seeking attachment to a utility's facilities is liable for any damages to the utility's facilities. A utility may reserve its own facility space for system reliability purposes.

Substitute Bill Compared to Original Bill: The original bill also pertained to the issue of access to the utility's facilities, did not include references to liability, and did not specifically reference prohibiting the WUTC from regulating these utilities.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill is needed to allow market entrants a fair standard for compensating utilities when facilities are used. Without this assurance, consumers may not benefit from the potential of competition.

Testimony Against: This legislation goes too far if it deals with the issues of access or if it affects utilities that are already subject to oversight by the Washington Utilities and Transportation Commission.

Testified: Matt Lampe, City of Seattle (concerns); mayor Leonard Sanderson, City of Milton (concerns); Kristen Harte, Roger Bauer, Snohomish PUD (concerns); Jean Ryckman, Franklin County PUD (concerns).