

FINAL BILL REPORT

ESSB 5348

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Synopsis as Enacted

Brief Description: Authorizing certain PUDs to operate an electrical appliance repair service.

Sponsors: Senate Committee on Water, Energy & Environment (originally sponsored by Senators Pridemore, Kastama, Fraser and Kline).

Senate Committee on Water, Energy & Environment

House Committee on Technology, Energy & Communications

Background: For nearly 60 years, Clark Public Utilities, also known as Clark County Public Utility District (PUD), has repaired major electrical appliances, such as central furnaces, heat pumps, and ovens. The utility offers the repair service to promote conservation and energy efficiency. The utility does not generally sell or lease appliances, although it sometimes sells water heaters.

In 1998, an opinion issued by the Washington State Attorney General concluded that PUDs do not have the legal authority to repair appliances other than those they sell or lease. The opinion sparked a controversy in Clark County. A group of Clark County taxpayers sued to stop Clark Public Utilities from repairing appliances.

In 2002, a trial court permanently enjoined Clark Public Utilities from repairing appliances, declaring the utility did not have the legal authority to repair electrical appliances other than those it sold or leased. The court stayed the injunction pending appeals. The state Court of Appeals affirmed the trial court's decision in 2003. But the utility appealed to the state Supreme Court, which accepted the case and heard oral arguments on January 19, 2005. An opinion is expected this year.

Summary: Legislative findings are made. Among other things, the legislature recognizes the long tradition of repairing appliances by certain public utility districts. The legislature also understands that the repair services help citizens save money and energy.

Any public utility district that has operated an electrical appliance repair service for at least ten years prior to the effective date of this act, may continue to operate an electrical appliance repair service within its service district.

When a PUD operates an electrical appliance repair service, it must do the following: (1) charge a true and fair cost for the service, (2) keep public financial records on the service, and (3) develop and use measures to evaluate the performance of the service.

Votes on Final Passage:

Senate	26	22
House	51	45

Effective: July 24, 2005