RCW 80.04.015  Conduct of business subject to regulation—
Determination by commission. Whether or not any person or corporation
is conducting business subject to regulation under this title, or has
performed or is performing any act requiring registration or approval
of the commission without securing such registration or approval,
shall be a question of fact to be determined by the commission.
Whenever the commission believes that any person or corporation is
engaged in any activity without first complying with the requirements
of this title, it may institute a special proceeding requiring such
person or corporation to appear before the commission at a location
convenient for witnesses and the production of evidence and produce
information, books, records, accounts, and other memoranda, and give
testimony under oath as to the activities being conducted. The
commission may consider any and all facts that may indicate the true
nature and extent of the operations or acts and may subpoena such
witnesses and documents as it deems necessary.

After investigation, the commission is authorized and directed to
issue the necessary order or orders declaring the activities to be
subject to, or not subject to, the provisions of this title. In the
event the activities are found to be subject to the provisions of this
title, the commission shall issue such orders as may be necessary to
require all parties involved in the activities to comply with this
title, and with respect to services found to be reasonably available
from alternative sources, to issue orders to cease and desist from
providing jurisdictional services pending full compliance.

In proceedings under this section, no person or corporation may
be excused from testifying or from producing any information, book,
document, paper, or account before the commission when ordered to do
so, on the ground that the testimony or evidence, information, book,
document, or account required may tend to incriminate him or her or
subject him or her to penalty or forfeiture specified in this title;
but no person or corporation may be prosecuted, punished, or subjected
to any penalty or forfeiture specified in this title for or on account
of any account, transaction, matter, or thing concerning which he or
she shall under oath have testified or produced documentary evidence
in proceedings under this section: PROVIDED, That no person so
testifying may be exempt from prosecution or punishment for any
perjury committed by him or her in such testimony: PROVIDED FURTHER,
That the exemption from prosecution in this section extends only to
violations of this title.

Until July 1, 1994, in any proceeding instituted under this
section to determine whether a person or corporation owning,
controlling, operating, or managing a water system is subject to
commission regulation, and where the person or corporation has failed
or refused to provide sufficient information or documentation to
enable the commission to make such a determination, the burden shall
be on such person or corporation to prove that the person's or
corporation's operations or acts are not subject to commission
regulation.  [1991 c 101 § 1; 1986 c 11 § 1.]