



STATE OF WASHINGTON

DEPARTMENT OF REVENUE

OFFICE OF THE DIRECTOR

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November 27, 2024

TO: The Honorable June Robinson, Chair The Honorable April Berg, Chair
 The Honorable Lynda Wilson The Honorable Ed Orcutt
 Ways & Means Committee Finance Committee
 Washington State Senate Washington State House of Representatives

 The Honorable Joe Nguyen, Chair The Honorable Cindy Ryu, Chair
 The Honorable Drew MacEwen The Honorable Mike Volz
 Environment, Energy & Technology Innovation, Community & Economic
 Committee Development, & Veterans Committee
 Washington State Senate Washington State House of Representatives

 Rob Duff, Executive Director, Policy & Outreach
 Office of the Governor

FROM: Drew Shirk, Director *DIS*
 Department of Revenue

SUBJECT: REPORT ON PAYMENTS IN LIEU OF PROPERTY TAX ON CERTAIN PUBLIC UTILITY DISTRICT BROADBAND INFRASTRUCTURE

Background

During the 2018 Legislative Session, the Washington State Legislature passed [Engrossed Substitute Senate Bill \(ESSB\) 6034](#) (Chapter 186, Laws of 2018). The legislation authorized certain public utility districts (PUDs) to provide limited retail internet service on the PUD’s broadband network. Those PUDs authorized to provide retail internet service under this bill are those that, as of June 7, 2018, provide only water, sewer, and wholesale telecommunications services in a county with an area less than 500 square miles and located west of the Puget Sound. See Section 1 of ESSB 6034 (formerly codified at RCW 54.16.420). Only Kitsap Public Utility District #1 (Kitsap PUD) met these criteria.

During the 2021 Legislative Session, the Washington State Legislature passed [Engrossed Substitute House Bill \(ESHB\) 1336](#) (Chapter 294, Laws of 2021). Among other things, ESHB 1336 repealed the geographic limitation on the provision of retail internet service by PUDs contained in Section 1 of ESSB 6034. ESHB 1336 also provided new or expanded authority for PUDs, port districts, second-class cities, towns, and counties to provide telecommunications services, including retail internet service.

As municipal corporations, PUDs are exempt from property tax under [RCW 84.36.010](#) and Article VII, Section 1 of the [Washington Constitution](#). Section 3 of ESSB 6034, as amended by Section 4 of ESHB 1336 and codified at [RCW 54.16.425](#), requires PUDs providing retail telecommunications services to make an annual payment in lieu of tax (PIIT) for the PUD's broadband infrastructure used to provide retail telecommunications services. The amount of the PIIT is negotiated between the PUD and the county or counties in which the broadband infrastructure is located. Additionally, the PIIT amount may not exceed the amount of property tax that would be owed on the broadband infrastructure if it were subject to property taxation. If the parties cannot agree on the amount of the PIIT, either party may submit the dispute to binding arbitration.

RCW 54.16.425 also requires the Department of Revenue (Department) to submit a report to the appropriate legislative committees annually by December 1 detailing the amount of PIIT payments made under this statute and the amount of property tax that would be owed on the broadband infrastructure used in providing retail telecommunications services by PUDs if the property were subject to property taxation.

The Department's 2024 Report

The Department has learned that the Jefferson County PUD has approximately 20 retail broadband customers, and their broadband infrastructure is still in an expansion phase. The Department is unaware of any other PUDs that have exercised this authority to use their broadband infrastructure to provide retail telecommunications services.

As of the date of this report, the Jefferson County PUD has still **not** started negotiations with the county for an annual payment in lieu of property taxes but are aware of the statutory responsibility to have determined a payment amount as of April 30th, 2024.

The Department's initial estimate of value for the property comprising the broadband infrastructure used in providing retail telecommunications services is **\$6,150,000**, which is based on a survey of ten telecommunications companies having equipment to cost factors ranging from 31.1% to 103.2%, with an average of 58.5%, and an assessment date of January 1st, 2024.

The estimated property tax liability is \$49,138.50 which is based on the 2023 average Jefferson County levy rate of \$7.99 per \$1,000 of assessed value. The average rates can be found on the Department's website at: [Average levy rates by county interactive data graphic | Washington Department of Revenue](#)

If you have any questions or need the report in an alternate format, please contact Steve Ewing, Legislative and External Affairs Liaison, Executive Division, at (360) 534-1545.

cc: Sarah Bannister, Secretary of the Senate, Washington State Senate
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