

Graciela Etchart
08/11/99
Re: Reminder

12:10:13 PM

UE 990473



Marjorie Schaer
08/11/99 10:22 AM

To: Dennis Moss/WUTC@WUTC
cc: Graciela Etchart/WUTC@WUTC, Terry Stapleton/WUTC@WUTC, Jim Russell/WUTC@WUTC, Bob Cedarbaum/WUTC@WUTC
Subject: Re: Reminder

The term "facilities" is defined in RCW 80.04.010, but only for telecommunications companies. The term is very broadly defined in that section, and that broad definition has been relied on to find that U&I CAN is a telecommunications company in UT-960659 and UT-971515. The definition was also part of the analysis of what the term "facilities" means in US WEST's tariff, in deciding that US WEST had to replace its damaged underground "facilities" in Camelot Square--UT-980632. The term is used many times in our electric statutes. We can learn from Camelot Square that companies moving into a more competitive world, and trying to cut costs, may try to narrow the definition of facilities in order to limit their responsibility for maintaining infrastructure. I would, thus, support Dennis' second idea--which is to draft a very broad definition of facilities and put it in our rules.

The term "customer" is also used a lot in our rules and statutes. It is defined in RCW 80.28.240(4)(a), and customer-generator is defined in RCW 80.60.010. It may also be a good idea to define customer in our rules. We need to check to see whether the water people have a definition.

Applicant is defined in two statutes that are in Title 80, but which are not directly ours. See, RCW 80.50.020 (EFSEC) and 80.52.030(6).

The terms "proper charges" and "prior obligation" do not appear in Title 80.

If we decide to define any of these terms, we will need to decide whether the definitions only apply to our consumer rules, or to the entire WAC chapter. I agree with Dennis that if we need to define "proper charges" or "prior obligation" we may wish to do so just in the consumer rules they reside in. ms

RMS