
SUBSTITUTE HOUSE BILL 2901

State of Washington

53rd Legislature

1994 Regular Session

By House Committee on Energy & Utilities (originally sponsored by Representatives Bray, Kessler and Long)

Read first time 02/04/94.

1 AN ACT Relating to publicly owned utilities' authority to
2 participate and enter into agreements with unregulated private
3 nonutility developers; and amending RCW 54.44.020.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 54.44.020 and 1975-'76 2nd ex.s. c 72 s 2 are each
6 amended to read as follows:

7 In addition to the powers heretofore conferred upon cities of the
8 first class, public utility districts organized under chapter 54.08
9 RCW, and joint operating agencies organized under chapter 43.52 RCW,
10 any such cities and public utility districts which operate electric
11 generating facilities or distribution systems and any joint operating
12 agency shall have power and authority to participate and enter into
13 agreements with each other and with electrical companies which are
14 subject to the jurisdiction of the Washington utilities and
15 transportation commission or the public utility commissioner of Oregon,
16 hereinafter called "regulated utilities", unregulated private
17 nonutility developers, and with rural electric cooperatives, including
18 generation and transmission cooperatives for the undivided ownership of
19 any type of electric generating plants and facilities, including, but

1 not limited to nuclear and other thermal power generating plants and
2 facilities and transmission facilities including, but not limited to,
3 related transmission facilities, hereinafter called "common
4 facilities", and for the planning, financing, acquisition,
5 construction, operation and maintenance thereof. It shall be provided
6 in such agreements that each city, public utility district, or joint
7 operating agency shall own a percentage of any common facility equal to
8 the percentage of the money furnished or the value of property supplied
9 by it for the acquisition and construction thereof and shall own and
10 control a like percentage of the electrical output thereof.

11 Each participant shall defray its own interest and other payments
12 required to be made or deposited in connection with any financing
13 undertaken by it to pay its percentage of the money furnished or value
14 of property supplied by it for the planning, acquisition and
15 construction of any common facility, or any additions or betterments
16 thereto. The agreement shall provide a uniform method of determining
17 and allocating operation and maintenance expenses of the common
18 facility.

19 Each city, public utility district, joint operating agency,
20 regulated utility, unregulated private nonutility developer, and
21 cooperatives participating in the ownership or operation of a common
22 facility shall pay all taxes chargeable to its share of the common
23 facility and the electric energy generated thereby under applicable
24 statutes as now or hereafter in effect, and may make payments during
25 preliminary work and construction for any increased financial burden
26 suffered by any county or other existing taxing district in the county
27 in which the common facility is located, pursuant to agreement with
28 such county or taxing district.

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