Chapter 80.12 RCW
TRANSFERS OF PROPERTY

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RCW 80.12.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Person" means an individual, partnership, joint venture, corporation, association, firm, public service company, or any other entity, however organized.

(2) "Public service company" means every company now or hereafter engaged in business in this state as a public utility and subject to regulation as to rates and service by the utilities and transportation commission under the provisions of this title. [2009 c 24 s 2; 1961 c 14 s 80.12.010. Prior: 1953 c 95 s 6; 1941 c 159 s 1, part; Rem. Supp. 1941 s 10440a.]

Finding—2009 c 24: "The legislature finds and declares that the Washington utilities and transportation commission should require that a net benefit to customers be shown in order to approve the acquisition of the franchises, properties, or facilities owned by a gas or electrical company in the state and which are necessary or useful in the performance of the duties of a gas or electrical company, and that its decision to approve or deny such an acquisition should be made within a prescribed period of time." [2009 c 24 s 1.]

RCW 80.12.020 Order required to sell, merge, etc.—Exemption. (1) No public service company shall sell, lease, assign or otherwise dispose of the whole or any part of its franchises, properties or facilities whatsoever, which are necessary or useful in the performance of its duties to the public, and no public service company shall, by any means whatsoever, directly or indirectly, merge or consolidate any of its franchises, properties or facilities with any other public service company, without having secured from the commission an order authorizing it to do so. The commission shall not approve any transaction under this section that would result in a person, directly or indirectly, acquiring a controlling interest in a gas, water, or electrical company without a finding that the transaction would provide a net benefit to the customers of the company. Prior to approving any transaction under this section that would result in a change of a controlling interest in a water company, the commission shall verify that the company has provided notification to the county in which any water system of the company is located, any water district or public utility district operating water systems

within such county, and any adjacent water systems, and that customers of the company have been provided 90 days' notice of the acquisition and a good faith estimate of future capital improvements and water system rate changes.

(2) This section shall not apply to any sale, lease, assignment or other disposal of such franchises, properties or facilities to a special purpose district as defined in RCW 36.96.010, city, county, or town. [2026 c 237 s 3; 2009 c 24 s 3; 1981 c 117 s 1; 1961 c 14 s 80.12.020. Prior: 1945 c 75 s 1; 1941 c 159 s 2; Rem. Supp. 1945 s 10440b.]

Intent—Findings—2026 c 237: See note following RCW 70A.125.060.

Finding—2009 c 24: See note following RCW 80.12.010.

RCW 80.12.030 Disposal without authorization void—Approval or denial within eleven months, extension permitted. (1) Any such sale, lease, assignment, or other disposition, merger or consolidation made without authority of the commission shall be void.

(2) The commission shall enter an order approving or denying a transaction under RCW 80.12.020 or 80.12.040 within eleven months of the date of filing, which the commission may extend up to four months for cause. [2009 c 24 s 4; 1961 c 14 s 80.12.030. Prior: 1941 c 159 s 3; Rem. Supp. 1941 s 10440c.]

Finding—2009 c 24: See note following RCW 80.12.010.

RCW 80.12.040 Authority required to acquire property or securities of utility. No public service company shall, directly or indirectly, purchase, acquire, or become the owner of any of the franchises, properties, facilities, capital stocks or bonds of any other public service company unless authorized so to do by the commission. Nothing contained in this chapter shall prevent the holding of stocks or other securities heretofore lawfully acquired or prohibit, upon the surrender or exchange of said stocks or other securities pursuant to a reorganization plan, the purchase, acquisition, taking or holding by the owner of a proportionate amount of the stocks or other securities of any new corporation organized to take over at foreclosure or other sale, the property of the corporation the stocks or securities of which have been thus surrendered or exchanged. Any contract by any public service company for the purchase, acquisition, assignment or transfer to it of any of the stocks or other securities of any other public service company, directly or indirectly, without the approval of the commission shall be void and of no effect. [1961 c 14 s 80.12.040. Prior: 1941 c 159 s 4; Rem. Supp. 1941 s 10440d.]

RCW 80.12.045 Small local exchange company—Chapter does not apply. Subject to RCW 80.04.530(1), this chapter does not apply to a local exchange company that serves less than two percent of the access lines in the state of Washington. [1995 c 110 s 3.]

RCW 80.12.050 Rules and regulations. The commission shall have power to promulgate rules and regulations to make effective the provisions of this chapter. [1961 c 14 s 80.12.050. Prior: 1941 c 159 s 5; Rem. Supp. 1941 s 10440e.]

RCW 80.12.060 Penalty. The provisions of RCW 80.04.380 and 80.04.385 as to penalties shall be applicable to public service companies, their officers, agents and employees failing to comply with the provisions of this chapter. [1961 c 14 s 80.12.060. Prior: 1941 c 159 s 6; Rem. Supp. 1941 s 10440f.]