

CHAPTER 59.

[H. B. 174.]

CERTIFICATES OF PUBLIC NECESSITY.

AN ACT to amend an act entitled "An act relating to public service properties and utilities, providing for the regulation of the same, fixing penalties for the violations thereof, making an appropriation, and repealing certain acts," the same being Chapter 117 of the Session Laws of 1911, approved by the Governor, March 18th, 1911, by repealing Section 105 of said act and by adding thereto a new section, to be designated Section 74a, to prevent waste by the unnecessary duplication of public utilities.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. An act entitled "An act relating to public service properties and utilities, providing for the regulation of the same, fixing penalties for the violation thereof, making an appropriation, and repealing certain acts," the same being Chapter 117 of the Session Laws of 1911, approved by the Governor, March 18, 1911, be and the same is hereby amended by adding thereto a new section designated section 74a, as follows:

Section 74a. No public service company or prospective public service company shall hereafter construct, extend or thereafter maintain or operate any part of its plant, system or facilities for the purpose of rendering service in a locality wherein similar service is then being rendered by any other public service company in this state, without first applying for and obtaining the certificate of public necessity and convenience from the director of public works, as herein provided. Upon the filing of an application for such certificate the director of public works shall give reasonable notice in writing to the public service company then furnishing such service in such locality or vicinity of the time and place when such application will be heard, and after hearing and in-

Certificate of necessity when new company to operate in territory covered.

vestigation if the director of public works finds from the evidence that the public necessity and convenience require that such service be furnished by the public service company or prospective public service company applying for such certificate, the director of public works shall by order grant such certificate of public necessity and convenience. Such order shall specify and define the character, extent and location of the service to be furnished under said certificate and the time within which such service shall be furnished; and any such certificate may be recalled and made null and void in whole or in part by the director of public works in the event that the grantee of such certificate shall fail to comply with any of the provisions or conditions thereof: *Provided, however,* That this section shall not be construed as requiring such application or certificate for the extension by any public service company, whether privately or municipally owned or operated, of its physical property or service within the locality in which such public service company may now be furnishing similar service to the public or as requiring such application or certificate for the construction of additional plants or extensions of existing plants outside the limits of such locality for making such service within such locality. It shall be the duty of the director of public works, either upon his own motion or upon the complaint of any public service company, to enforce the provisions of this section. Any public service company or prospective public service company may appeal from any order of the director of public works rendered under this section in the same manner and under the same procedure as specified in this act: *Provided, however,* That the superior court shall require the filing of an adequate supersedeas bond and the pendency of any writ of review shall stay or sus-

pend the operation of any order of the director of public works granting such certificate of necessity and convenience: *Provided, however,* That until such time as the director of public works shall be appointed and qualified and shall assume and exercise the duties of his office, all of the powers and duties imposed upon the director of public works by the provisions of this act shall be exercised and performed by the Public Service Commission of the State of Washington: *Provided, further,* That nothing in this act shall authorize the commission to make or enforce any order affecting rates, tolls, rentals, contracts or charges or service rendered, or the safety, adequacy or sufficiency of the facilities, equipment, instrumentalities or buildings, or the reasonableness of rules or regulations made, furnished, used, supplied or enforced affecting any water system owned and operated by any city or town: *Provided, further,* That any municipal corporation may perfect an appeal without the filing of a supersedeas bond.

SEC. 2. Section 105 of Chapter 117 of the Session Laws of 1911, approved by the Governor March 18th, 1911, be and the same is hereby repealed.

Vetoed
L. F. H.

Passed the House, February 23, 1921.

Passed the Senate, March 1, 1921.

Approved by the Governor with the exception of section 2, which is vetoed, March 10, 1921.