

less the bill of lading contains a notation "not for terminal weight and grade."

Passed the Senate January 28, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 21, 1955.

CHAPTER 316.

[S. B. 98.]

PUBLIC SERVICE COMPANIES—GAS.

AN ACT relating to the public service commission and its authority in relation to public service companies and persons and corporations transporting natural gas by pipeline, prescribing fees, providing penalties, amending section 8, chapter 117, Laws of 1911, as last amended by section 1, chapter 223, Laws of 1929 and RCW 80.04.010 and 81.04.010, and adding new sections to chapter 117, Laws of 1911, as last amended by chapter 120, Laws of 1953, and to chapter 80.28 RCW.

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

Division and amendment.

SECTION 1. Section 8, chapter 117, Laws of 1911, as last amended by section 1, chapter 223, Laws of 1929 (heretofore divided and codified as RCW 80.04.010 and 81.04.010) is divided and amended as set forth in sections 2 and 3 of this act.

Definition of terms.

SEC. 2. (RCW 80.04.010) As used in this title, unless the context indicates otherwise:

"Commission."

"Commission" means the Washington public service commission;

"Company."

"Company" includes a corporation, association, joint stock association, partnership, or person, their lessees, trustees, or receivers;

"Gas plant."

"Gas plant" means all property used or to be used for or in connection with the transmission, distribution, sale or furnishing of natural gas, or the manufacture, transmission, distribution, sale or furnishing of other type gas, for light, heat or power;

“Gas company” means every company and every city or town owning, controlling, operating, or managing any gas plant for hire; “Gas company.”

“Electric plant” means all property used or to be used for or in connection with the generation, transmission, distribution, sale, or furnishing of electricity for light, heat or power; “Electric plant.”

“Electric company” means every company and every city or town owning, controlling, operating, or managing any electric plant for hire; “Electric company.”

“Telephone plant” means all property used or to be used for or in connection with the transmission or furnishing of telephonic communication; “Telephone plant.”

“Telephone company” means every company and every city or town owning, controlling, operating, or managing any telephone plant for hire; “Telephone company.”

“Telegraph plant” means all property used or to be used for or in connection with the transmission or furnishing of telegraphic communication; “Telegraph plant.”

“Telegraph company” means every company owning, controlling, operating, or managing any telegraph plant for hire; “Telegraph company.”

“Water system” means all property used or to be used for or in connection with the supply, storage, distribution, sale, or furnishing of water for power, irrigation, reclamation, manufacturing, municipal, domestic, or other beneficial uses; “Water system.”

“Water company” means every company and every city or town owning, controlling, operating, or managing any water system for hire; “Water company.”

“Public service company” includes every gas company, electrical company, telephone company, telegraph company, and water company; “Public service company.”

The term “service” is used in this title in its broadest and most inclusive sense. “Service.”

SEC. 3. (RCW 81.04.010) As used in this title, unless the context indicates otherwise: Enacted without amendment.

- Definition of terms.
"Commission." "Commission" means Washington public service commission;
- "Company." "Company" means a corporation, association, joint stock association, partnership, or person, their lessees, trustees, or receivers;
- "Street railroad." "Street railroad" means every railroad, by whatever power operated, and any extension or branch thereof, for public use in the conveyance of persons or property mainly upon, above, or below any street or public place in a city, and all property used by or in connection with such railroad;
- "Street railroad company." "Street railroad company" means every company, and every city or town owning, controlling, operating, or managing any street railroad for hire;
- "Railroad." "Railroad" means every railroad other than a street railroad, by whatever power operated, for public use in the conveyance of persons or property, and all property used by or in connection with such railroad;
- "Railroad company." "Railroad company" means every company owning, controlling, operating, or managing any railroad for hire;
- "Express company." "Express company" means every company which engages in the business of carrying freight, merchandise, or property for hire on the line of any common carrier;
- "Common carrier." "Common carrier" includes all railroads, railroad companies, street railroads, street railroad companies, steamboat companies, express companies, car companies, sleeping car companies, freight companies, freight line companies and every company and every city or town owning, controlling, operating, or managing any such agency for public use in the conveyance of persons or property for hire;
- "Vessel." "Vessel" means every species of watercraft, by whatever power operated, for public use in the conveyance of persons or property upon water, excepting all towboats, tugs, scows, barges, and lighters, and excepting rowboats and sailing boats under

twenty tons gross burden, open steam launches of five tons gross and under, and vessels under five tons gross propelled by gas, fluid, naphtha, or electric motors;

“Steamboat company” means every company owning, controlling, operating, or managing any vessel for hire; “Steamboat company.”

“Conveyance of property” includes any service in connection with the receiving, delivery, elevation, transfer in transit, ventilation, refrigeration, icing, storage, and handling of the property transported, and the transmission of credit; “Conveyance of property.”

“Conveyance of persons” includes any service in connection with the receiving, carriage and delivery of the person transported and his baggage and all facilities used, or necessary to be used, in connection with his safety, comfort, and convenience; “Conveyance of persons.”

“Public service company” means every common carrier; “Public service company.”

The term “service” is used in this title in its broadest and most inclusive sense. “Service.”

SEC. 4. There is added to chapter 117, Laws of 1911, as last amended by chapter 120, Laws of 1953 (heretofore divided and codified as Titles 80 and 81 RCW) and to chapter 80.28 RCW, a new section to read as follows: New section.

No gas company shall, after January 1, 1956, operate in this state any gas plant for hire without first having obtained from the commission under the provisions of this act a certificate declaring that public convenience and necessity requires or will require such operation and setting forth the area or areas within which service is to be rendered; but a certificate shall be granted where it appears to the satisfaction of the commission that such gas company was actually operating in good faith, within the confines of the area for which such certificate shall be sought, on the effective date of this act. Certificate of public convenience and necessity required to operate gas plant for hire.

Companies in operation on effective date of act.

Transfer-ability of certificate or rights, limited.

Certificate issued only after hearing when request involves area already being served.

Right of commission to alter, amend, suspend or revoke certificate.

Commission's power and authority; limitation on.

Any right, privilege, certificate held, owned or obtained by a gas company may be sold, assigned, leased, transferred or inherited as other property, only upon authorization by the commission. The commission shall have power, after hearing, when the applicant requests a certificate to render service in an area already served by a certificate holder under this act only when the existing gas company or companies serving such area will not provide the same to the satisfaction of the commission and in all other cases, with or without hearing, to issue said certificate as prayed for; or for good cause shown to refuse to issue same, or to issue it for the partial exercise only of said privilege sought, and may attach to the exercise of the rights granted by said certificate such terms and conditions as, in its judgment, the public convenience and necessity may require.

The commission may, at any time, by its order duly entered after a hearing had upon notice to the holder of any certificate hereunder, and an opportunity to such holder to be heard, at which it shall be proven that such holder willfully violates or refuses to observe any of its proper orders, rules or regulations, suspend, revoke, alter or amend any certificate issued under the provisions of this section, but the holder of such certificate shall have all the rights of rehearing, review and appeal as to such order of the commission as is provided herein.

In all respects in which the commission has power and authority under this act, applications and complaints may be made and filed with it, process issued, hearings held, opinions, orders and decisions made and filed, petitions for rehearing filed and acted upon, and petitions for writs of review to the superior court filed therewith, appeals or mandate filed with the supreme court of this state considered and disposed of by said courts in the manner, under the conditions, and subject to the limitations and with

the effect specified in the public service commission laws of this state.

Every officer, agent, or employee of any corporation, and every other person who violates or fails to comply with, or who procures, aids or abets in the violation of any provisions of this act, or who fails to obey, observe or comply with any order, decision, rule or regulation, directive, demand or requirements, or any part of provisions hereof, is guilty of a gross misdemeanor and punishable as such.

Violator guilty of gross misdemeanor.

Neither this act nor any provisions thereof shall apply or be construed to apply to commerce with foreign nations or commerce among the several states of this Union except insofar as the same may be permitted under the provisions of the Constitution of the United States and Acts of Congress.

No application.

The commission shall collect the following miscellaneous fees from gas companies: application for a certificate of public convenience and necessity or to amend a certificate, twenty-five dollars; application to sell, lease, mortgage or transfer a certificate of public convenience and necessity or any interest therein, ten dollars.

Commission to collect miscellaneous fees.

SEC. 5. There is added to chapter 117, Laws of 1911, as last amended by chapter 120, Laws of 1953 (heretofore divided and codified as Titles 80 and 81 RCW) and to chapter 80.28 RCW, a new section to read as follows:

New section.

Whenever any gas company whose rates are subject to the jurisdiction of the commission shall receive any refund of amounts charged and collected from it on account of natural gas purchased by it, by reason of any reduction of rates or disallowance of an increase in rates of the seller of such natural gas pursuant to an order of the federal power commission, whether such refund shall be directed by the federal power commission or by any court upon review of such an order or shall otherwise accrue

Refund to gas company.

to such company, the commission shall have power after a hearing, upon its own motion, upon complaint, or upon the application of such company, to determine whether or not such refund should be passed on, in whole or in part, to the consumers of such company and to order such company to pass such refund on to its consumers, in the manner and to the extent determined just and reasonable by the commission.

Persons transporting natural gas by pipe line subject to regulation.

SEC. 6. Every person or corporation, except a city or town, transporting natural gas by pipeline, or having for one or more of its principal purposes the construction, maintenance or operation of pipelines for transporting natural gas, in this state, even though such person or corporation not be a public service company under chapter 80.28 RCW, and even though such person or corporation does not deliver, sell or furnish any such gas to any person or corporation within this state, shall be subject to regulation by the public service commission insofar as the construction and operation of such facilities shall affect matters of public safety, and every such company shall construct and maintain such facilities as will be safe and efficient. The commission shall have the authority to prescribe rules and regulations in the manner prescribed in RCW 80.04.160 to effectuate the purpose of this enactment. Every such person and every such officer, agent and employee of a corporation who, as an individual or as an officer or agent of such corporation, violates or fails to comply with, or who procures, aids, or abets another, or his company, in the violation of, or noncompliance with, any provision of this act, or any order, rule or requirement of the commission hereunder, shall be guilty of a gross misdemeanor.

Matters of public safety.

Violator guilty of gross misdemeanor.

Passed the Senate February 9, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 21, 1955.