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HOUSE BILL 1278

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State of Washington

64th Legislature

2015 Regular Session

By Representatives Fitzgibbon, Dunshee, Farrell, S. Hunt, Peterson, Fey, and Tarleton

Read first time 01/16/15. Referred to Committee on Environment.

1 AN ACT Relating to building energy use disclosure requirements;  
2 amending RCW 19.27A.140, 19.27A.170, 43.21B.110, 43.21B.110,  
3 19.29A.030, 19.29A.040, 19.29A.010, and 80.28.010; reenacting and  
4 amending RCW 42.56.270; adding new sections to chapter 70.94 RCW;  
5 creating a new section; prescribing penalties; providing effective  
6 dates; and providing an expiration date.

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

8 NEW SECTION. **Sec. 1.** (1) The legislature finds that reducing  
9 the energy use of buildings is an important component of the state's  
10 effort to meet its greenhouse gas emissions reduction obligations  
11 required by state law. Recent analysis considered by the 2014 climate  
12 change task force established by executive order indicates that more  
13 than one-third of the state's greenhouse gas emissions are  
14 attributable to sources that are associated with building energy use:  
15 Electricity generation and residential, commercial, and industrial  
16 uses of oil, coal, and natural gas.

17 (2) The establishment of meaningful, enforceable requirements for  
18 buildings to disclose their energy use data creates an important  
19 signal to building owners, prospective building owners, tenants, and  
20 others in real estate markets about the true environmental and  
21 financial costs associated with the use of that building. The

1 disclosure of this information allows real estate market participants  
2 to make decisions that will save them money by lowering their utility  
3 bills and can provide an important incentive for real estate market  
4 participants to invest in emissions-reducing and energy-saving  
5 upgrades. Real-world experience confirms that the addition of  
6 building energy use information to real estate markets provides  
7 incentive for buildings to lower their energy use and associated  
8 greenhouse gas emissions: Analysis by the United States environmental  
9 protection agency has shown that commercial buildings that  
10 participate in a benchmarking program achieve a seven percent  
11 reduction in energy use over their first three years in the program.  
12 By simply providing information to real estate markets through  
13 required disclosure, the state will achieve substantial greenhouse  
14 gas emission reductions by reducing the energy use of buildings.

15 (3) In 2009, the legislature established requirements that  
16 certain nonresidential building owners maintain information about  
17 their building energy use at the time of sale. In the years following  
18 the 2009 legislature's enactment of the current building energy use  
19 disclosure requirements, local governments in Washington and  
20 elsewhere have built upon the lessons learned from the state's  
21 implementation of its groundbreaking benchmarking efforts. These  
22 jurisdictions have been able to introduce more complete benchmarking  
23 information across their real estate markets by requiring procedures  
24 to support the consistent submission of building energy use  
25 information, including the establishment of penalties for violations  
26 of energy use disclosure requirements.

27 (4) In recognition of the benefits of establishing compliance  
28 mechanisms to accompany benchmarking requirements, the state energy  
29 strategy recommends improvements to the state's benchmarking law.  
30 This strategic energy report includes a recommendation that the state  
31 receive energy benchmarking data to assess the impact of the program  
32 and to better ensure statewide compliance with building energy  
33 benchmarking requirements. This act moves the state towards meeting  
34 the goals laid out in the state energy strategy by encouraging  
35 market-wide participation in the energy benchmarking program and by  
36 encouraging the consideration of building energy use information  
37 during market transactions. This act also requires the disclosure of  
38 important energy use information on utility bills in order to allow  
39 energy consumers to track changes in their energy use over time and

1 to compare the energy use of their buildings against the energy use  
2 of other utility customers.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.94  
4 RCW to read as follows:

5 (1)(a) The proprietor of each benchmarked building shall  
6 establish a United States environmental protection agency portfolio  
7 manager account and shall request that a qualifying utility servicing  
8 the benchmarked building provide the proprietor with energy  
9 consumption data for all accounts associated with the benchmarked  
10 building. The proprietor shall identify to the qualifying utility the  
11 accounts associated with each benchmarked building.

12 (b) A proprietor of a benchmarked building shall disclose the  
13 United States environmental protection agency's energy star portfolio  
14 manager benchmarking data and ratings to a prospective buyer, lessee,  
15 or lender for the preceding calendar year. A proprietor who delivers  
16 United States environmental protection agency's energy star portfolio  
17 manager benchmarking data and ratings to a prospective buyer, lessee,  
18 or lender is not required to provide additional information regarding  
19 energy consumption, and the information is deemed to be adequate to  
20 inform the prospective buyer, lessee, or lender regarding the United  
21 States environmental protection agency's energy star portfolio  
22 manager benchmarking data and ratings for each month of the preceding  
23 calendar year for the building that is being sold, leased, financed,  
24 or refinanced.

25 (2) By October 1, 2016, and April 1st of each year thereafter,  
26 the proprietor of a benchmarked building must transfer the United  
27 States environmental protection agency energy star portfolio manager  
28 benchmarking data and ratings for each month of the preceding  
29 calendar year to the department using an energy star portfolio  
30 manager sharing feature.

31 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.94  
32 RCW to read as follows:

33 (1) The department shall establish a United States environmental  
34 protection agency energy star portfolio manager account to support  
35 data-sharing transfers from proprietors.

36 (2)(a) The department shall make available benchmarks and energy  
37 consumption data for benchmarked buildings as follows:

1 (i) For benchmarks and data generated until December 31, 2019,  
2 all building energy use and benchmark information made available by  
3 the department must be aggregated.

4 (ii) For data generated beginning January 1, 2020, the department  
5 may make available the annual energy consumption, energy cost, and  
6 benchmarks of individual benchmarked buildings.

7 (b) For each benchmarked building, the department shall identify  
8 the city, county, and qualifying utility that provides service to the  
9 benchmarked building. The department must periodically update the  
10 energy consumption data and benchmarks that it makes available under  
11 this subsection.

12 (3) Beginning June 1, 2017, by June 1st of each subsequent year,  
13 the department shall analyze the data-sharing transfers from  
14 proprietors and other supporting information to determine:

15 (a) Which benchmarked buildings in Washington have disclosed and  
16 transferred their energy consumption data and benchmark ratings as  
17 required by section 2 of this act during the preceding calendar year;  
18 and

19 (b) Which benchmarked buildings in Washington have failed to  
20 disclose and transfer the energy consumption data and benchmark  
21 ratings as required by section 2 of this act.

22 (4) Until December 31, 2019, the department, consistent with RCW  
23 42.56.270, shall treat individual benchmarked building energy use  
24 disclosure data and benchmarking information as confidential. Prior  
25 to the disclosure or publication of building energy use benchmarking  
26 and data in public documents, the department must aggregate the  
27 information sufficiently to conceal detection of individual nonpublic  
28 benchmarked building energy use.

29 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.94  
30 RCW to read as follows:

31 (1) The department is authorized to enforce the disclosure  
32 requirements of RCW 19.27A.170 and section 2 of this act. The  
33 department is authorized to investigate and determine if a  
34 qualifying utility or proprietor has not complied with the  
35 requirements of RCW 19.27A.170 or section 2 of this act. The  
36 department shall work with qualifying utilities to come into  
37 compliance with the energy benchmarking requirements of this chapter.

1 (2)(a) The department may designate a nonprofit organization to  
2 assist in the implementation and administration of its energy  
3 benchmarking responsibilities under this chapter.

4 (b) The department or a nonprofit organization designated under  
5 this subsection may offer or contract for programs to provide  
6 outreach and technical assistance to proprietors of buildings with  
7 inefficient performance or above average energy use as identified in  
8 the annual analysis required under section 3(3) of this act. The  
9 department may encourage and facilitate the use of existing energy  
10 efficiency and energy use incentive programs by proprietors of  
11 buildings with inefficient performance or above average energy use.

12 **Sec. 5.** RCW 19.27A.140 and 2011 1st sp.s. c 43 s 245 are each  
13 amended to read as follows:

14 The definitions in this section apply to RCW 19.27A.130 through  
15 19.27A.190 (~~and~~), 19.27A.020, and sections 2, 3, and 4 of this act  
16 unless the context clearly requires otherwise.

17 (1) "Benchmark" means the energy used by a facility as recorded  
18 monthly for at least one year and the facility characteristics  
19 information inputs required for a portfolio manager account.

20 (2) "Conditioned space" means conditioned space, as defined in  
21 the Washington state energy code.

22 (3) "Consumer-owned utility" includes a municipal electric  
23 utility formed under Title 35 RCW, a public utility district formed  
24 under Title 54 RCW, an irrigation district formed under chapter 87.03  
25 RCW, a cooperative formed under chapter 23.86 RCW, a mutual  
26 corporation or association formed under chapter 24.06 RCW, a port  
27 district formed under Title 53 RCW, or a water-sewer district formed  
28 under Title 57 RCW, that is engaged in the business of distributing  
29 electricity to one or more retail electric customers in the state.

30 (4) "Cost-effectiveness" means that a project or resource is  
31 forecast:

32 (a) To be reliable and available within the time it is needed;  
33 and

34 (b) To meet or reduce the power demand of the intended consumers  
35 at an estimated incremental system cost no greater than that of the  
36 least-cost similarly reliable and available alternative project or  
37 resource, or any combination thereof.

38 (5) "Council" means the state building code council.

1 (6) "Embodied energy" means the total amount of fossil fuel  
2 energy consumed to extract raw materials and to manufacture,  
3 assemble, transport, and install the materials in a building and the  
4 life-cycle cost benefits including the recyclability and energy  
5 efficiencies with respect to building materials, taking into account  
6 the total sum of current values for the costs of investment, capital,  
7 installation, operating, maintenance, and replacement as estimated  
8 for the lifetime of the product or project.

9 (7) "Energy consumption data" means the monthly amount of energy  
10 consumed by a customer as recorded by the applicable energy meter for  
11 the most recent twelve-month period.

12 (8) "Energy service company" has the same meaning as in RCW  
13 43.19.670.

14 (9) "Enterprise services" means the department of enterprise  
15 services.

16 (10) "Greenhouse gas" and "greenhouse gases" includes carbon  
17 dioxide, methane, nitrous oxide, hydrofluorocarbons,  
18 perfluorocarbons, and sulfur hexafluoride.

19 (11) "Investment grade energy audit" means an intensive  
20 engineering analysis of energy efficiency and management measures for  
21 the facility, net energy savings, and a cost-effectiveness  
22 determination.

23 (12) "Investor-owned utility" means a corporation owned by  
24 investors that meets the definition of "corporation" as defined in  
25 RCW 80.04.010 and is engaged in distributing either electricity or  
26 natural gas, or both, to more than one retail electric customer in  
27 the state.

28 (13) "Major facility" means any publicly owned or leased  
29 building, or a group of such buildings at a single site, having ten  
30 thousand square feet or more of conditioned floor space.

31 (14) "National energy performance rating" means the score  
32 provided by the energy star program, to indicate the energy  
33 efficiency performance of the building compared to similar buildings  
34 in that climate as defined in the United States environmental  
35 protection agency "ENERGY STAR® Performance Ratings Technical  
36 Methodology."

37 (15) "Net zero energy use" means a building with net energy  
38 consumption of zero over a typical year.

1 (16) "Portfolio manager" means the United States environmental  
2 protection agency's energy star portfolio manager (~~or an equivalent~~  
3 ~~tool adopted by the department of enterprise services~~)).

4 (17) "Preliminary energy audit" means a quick evaluation by an  
5 energy service company of the energy savings potential of a building.

6 (18) "Qualifying public agency" includes all state agencies,  
7 colleges, and universities.

8 (19) "Qualifying utility" means a consumer-owned or investor-  
9 owned gas or electric utility that serves more than twenty-five  
10 thousand customers in the state of Washington.

11 (20) "Reporting public facility" means any of the following:

12 (a) A building or structure, or a group of buildings or  
13 structures at a single site, owned by a qualifying public agency,  
14 that exceed ten thousand square feet of conditioned space;

15 (b) Buildings, structures, or spaces leased by a qualifying  
16 public agency that exceeds ten thousand square feet of conditioned  
17 space, where the qualifying public agency purchases energy directly  
18 from the investor-owned or consumer-owned utility;

19 (c) A wastewater treatment facility owned by a qualifying public  
20 agency; or

21 (d) Other facilities selected by the qualifying public agency.

22 (21) "State portfolio manager master account" means a portfolio  
23 manager account established to provide a single shared portfolio that  
24 includes reports for all the reporting public facilities.

25 (22) "Benchmarked building" means:

26 (a) A building that exceeds ten thousand square feet of  
27 conditioned space that is not a factory group F building, a  
28 residential group R building other than a group R-2 building  
29 containing five or more dwelling units, or a miscellaneous and  
30 utility group U building, as defined in the 2012 Washington state  
31 building code;

32 (b) A campus of buildings that are served by a single energy  
33 utility account and together exceed ten thousand square feet of  
34 conditioned space, but that are not comprised exclusively of any  
35 combination of factory group F, residential group R buildings other  
36 than a group R-2 building containing five or more dwelling units, or  
37 miscellaneous and utility group U buildings, as defined in the 2012  
38 Washington state building code.

39 (23) "Proprietor" means the owner or operator of a building or an  
40 agent acting on behalf of the owner or operator of a building.

1       **Sec. 6.** RCW 19.27A.170 and 2009 c 423 s 6 are each amended to  
2 read as follows:

3       (1) ~~((On and after January 1, 2010,))~~ Qualifying utilities shall  
4 maintain records of the energy consumption data of all  
5 ((nonresidential and qualifying public agency)) buildings to which  
6 they provide service. This data must be maintained ((for at least the  
7 most recent twelve months)) in a format compatible for uploading to  
8 the United States environmental protection agency's energy star  
9 portfolio manager. In carrying out the requirements of this section,  
10 qualifying utilities shall disclose and update energy consumption  
11 data and benchmark inputs each month and shall update and maintain  
12 historical energy consumption data and benchmark inputs for each  
13 month. The data disclosed and updated by qualifying utilities must be  
14 continuous and date back to no later than January 1, 2016.

15       (2) ~~((On and after January 1, 2010,))~~ (a) Upon the written  
16 authorization or secure electronic authorization of a  
17 ((nonresidential)) benchmarked building ((owner or operator))  
18 proprietor, a qualifying utility shall upload the energy consumption  
19 data for the accounts specified by the ((owner or operator))  
20 proprietor for a building to the United States environmental  
21 protection agency's energy star portfolio manager in a form that does  
22 not disclose personally identifying information.

23       (b) Upon the request of the benchmarked building proprietor, a  
24 qualifying utility must provide the proprietor with energy  
25 consumption data for all accounts associated with the benchmarked  
26 building. If there are two or more accounts associated with the  
27 benchmarking building, the utility must provide the proprietor with  
28 energy consumption data that has been aggregated from all accounts  
29 associated with the benchmarked building.

30       (3) Until January 1, 2017, in carrying out the requirements of  
31 this section, a qualifying utility shall use any method for providing  
32 the specified data in order to maximize efficiency and minimize  
33 overall program cost. Qualifying utilities are encouraged to consult  
34 with the United States environmental protection agency and their  
35 customers in developing reasonable reporting options. After January  
36 1, 2017, qualifying utilities shall upload the benchmarked building  
37 energy consumption data and other data inputs necessary to benchmark  
38 by using energy star portfolio manager web services in order to  
39 automatically upload the specified data to the United States  
40 environmental protection agency's energy star portfolio manager.

1           ~~(4) ((Disclosure of nonpublic nonresidential benchmarking data~~  
2 ~~and ratings required under subsection (5) of this section will be~~  
3 ~~phased in as follows:~~

4           ~~(a) By January 1, 2011, for buildings greater than fifty thousand~~  
5 ~~square feet; and~~

6           ~~(b) By January 1, 2012, for buildings greater than ten thousand~~  
7 ~~square feet.~~

8           ~~(5) Based on the size guidelines in subsection (4) of this~~  
9 ~~section, a building owner or operator, or their agent, of a~~  
10 ~~nonresidential building shall disclose the United States~~  
11 ~~environmental protection agency's energy star portfolio manager~~  
12 ~~benchmarking data and ratings to a prospective buyer, lessee, or~~  
13 ~~lender for the most recent continuously occupied twelve-month period.~~  
14 ~~A building owner or operator, or their agent, who delivers United~~  
15 ~~States environmental protection agency's energy star portfolio~~  
16 ~~manager benchmarking data and ratings to a prospective buyer, lessee,~~  
17 ~~or lender is not required to provide additional information regarding~~  
18 ~~energy consumption, and the information is deemed to be adequate to~~  
19 ~~inform the prospective buyer, lessee, or lender regarding the United~~  
20 ~~States environmental protection agency's energy star portfolio~~  
21 ~~manager benchmarking data and ratings for the most recent twelve-~~  
22 ~~month period for the building that is being sold, leased, financed,~~  
23 ~~or refinanced.~~

24           ~~(6) Notwithstanding subsections (4) and (5) of this section,))~~  
25 ~~Nothing in this section ((increases or decreases the duties, if any,~~  
26 ~~of a building owner, operator, or their agent under this chapter)) or~~  
27 ~~section 2 of this act alters the duty of a seller, agent, or broker~~  
28 ~~to disclose the existence of a material fact affecting the real~~  
29 ~~property.~~

30           (5) Nothing in this section or section 3 of this act changes or  
31 limits the authority of a public entity to adopt building energy use  
32 disclosure requirements that are different from or in addition to the  
33 requirements imposed by this section.

34           NEW SECTION. Sec. 7. A new section is added to chapter 70.94  
35 RCW to read as follows:

36           (1)(a) If the department determines that a proprietor is not in  
37 compliance with the disclosure requirements of RCW 19.27A.170 or  
38 section 2 of this act, the department may issue a written notice of  
39 violation to the proprietor. The notice must state the requirement

1 that was violated and any penalties imposed as a result of the  
2 violation.

3 (b) The department may impose the following penalties on a  
4 proprietor for the failure to disclose and transfer the building  
5 energy use benchmarking data as required by section 2 of this act:

6 (i) If the proprietor is not in compliance with the disclosure  
7 requirements of section 2 of this act within ninety days of receipt  
8 of the notice of violation, the department may impose a penalty of up  
9 to five hundred dollars;

10 (ii) If the proprietor is not in compliance with the disclosure  
11 requirements of section 2 of this act within one hundred eighty days  
12 of receipt of the notice of violation, the department may impose a  
13 total cumulative penalty of up to one thousand dollars;

14 (iii) If the proprietor is not in compliance with the disclosure  
15 requirements of section 2 of this act within two hundred seventy days  
16 of receipt of the notice of violation, the department may impose a  
17 total cumulative penalty of up to two thousand dollars; and

18 (iv) If the proprietor is not in compliance with the disclosure  
19 requirements of section 2 of this act within three hundred sixty days  
20 of receipt of the notice of violation, the department may impose a  
21 total cumulative penalty of up to four thousand dollars.

22 (2) In addition to the penalties authorized in subsection (1) of  
23 this section, the department may concurrently impose a separate and  
24 additional fine of up to five hundred dollars if the proprietor has  
25 previously been served with a notice of violation associated with the  
26 building under this chapter.

27 (3)(a) If the department determines that the proprietor has  
28 complied with the disclosure requirements of section 2 of this act  
29 within ninety days of receipt of the notice of violation and the  
30 proprietor has not previously been served with a notice of violation  
31 by the department, the department must waive the penalty for the  
32 violation.

33 (b) The department may not impose a penalty under subsection (1)  
34 or (2) of this section if the department determines that the failure  
35 of the proprietor to disclose and transfer the information required  
36 by section 2 of this act is due to the failure of a qualifying  
37 utility to provide the required information.

38 (4) The authority of the department to issue penalties pursuant  
39 to this section is phased in as follows:

1 (a) After October 1, 2017, for violations associated with  
2 buildings greater than seventy-five thousand square feet that took  
3 place in calendar year 2016 or later;

4 (b) After April 1, 2018, for violations associated with buildings  
5 greater than fifty thousand square feet that took place in calendar  
6 year 2017 or later;

7 (c) After April 1, 2019, for violations associated with buildings  
8 greater than twenty thousand square feet that took place in calendar  
9 year 2018 or later; and

10 (d) After April 1, 2021, for violations associated with buildings  
11 greater than ten thousand square feet that took place in calendar  
12 year 2020 or later.

13 (5) A proprietor may appeal any penalties imposed pursuant to  
14 this section to the pollution control hearings board pursuant to the  
15 procedures established by RCW 43.21B.300.

16 (6) All penalties recovered under this section shall be paid into  
17 the state treasury and credited to the general fund.

18 **Sec. 8.** RCW 43.21B.110 and 2013 c 291 s 33 are each amended to  
19 read as follows:

20 (1) The hearings board shall only have jurisdiction to hear and  
21 decide appeals from the following decisions of the department, the  
22 director, local conservation districts, the air pollution control  
23 boards or authorities as established pursuant to chapter 70.94 RCW,  
24 local health departments, the department of natural resources, the  
25 department of fish and wildlife, the parks and recreation commission,  
26 and authorized public entities described in chapter 79.100 RCW:

27 (a) Civil penalties imposed pursuant to RCW 18.104.155,  
28 70.94.431, section 7 of this act, 70.105.080, 70.107.050, 76.09.170,  
29 77.55.291, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144,  
30 90.56.310, 90.56.330, and 90.64.102.

31 (b) Orders issued pursuant to RCW 18.104.043, 18.104.060,  
32 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 86.16.020, 88.46.070,  
33 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

34 (c) A final decision by the department or director made under  
35 chapter 183, Laws of 2009.

36 (d) Except as provided in RCW 90.03.210(2), the issuance,  
37 modification, or termination of any permit, certificate, or license  
38 by the department or any air authority in the exercise of its  
39 jurisdiction, including the issuance or termination of a waste

1 disposal permit, the denial of an application for a waste disposal  
2 permit, the modification of the conditions or the terms of a waste  
3 disposal permit, or a decision to approve or deny an application for  
4 a solid waste permit exemption under RCW 70.95.300.

5 (e) Decisions of local health departments regarding the grant or  
6 denial of solid waste permits pursuant to chapter 70.95 RCW.

7 (f) Decisions of local health departments regarding the issuance  
8 and enforcement of permits to use or dispose of biosolids under RCW  
9 70.95J.080.

10 (g) Decisions of the department regarding waste-derived  
11 fertilizer or micronutrient fertilizer under RCW 15.54.820, and  
12 decisions of the department regarding waste-derived soil amendments  
13 under RCW 70.95.205.

14 (h) Decisions of local conservation districts related to the  
15 denial of approval or denial of certification of a dairy nutrient  
16 management plan; conditions contained in a plan; application of any  
17 dairy nutrient management practices, standards, methods, and  
18 technologies to a particular dairy farm; and failure to adhere to the  
19 plan review and approval timelines in RCW 90.64.026.

20 (i) Any other decision by the department or an air authority  
21 which pursuant to law must be decided as an adjudicative proceeding  
22 under chapter 34.05 RCW.

23 (j) Decisions of the department of natural resources, the  
24 department of fish and wildlife, and the department that are  
25 reviewable under chapter 76.09 RCW, and the department of natural  
26 resources' appeals of county, city, or town objections under RCW  
27 76.09.050(7).

28 (k) Forest health hazard orders issued by the commissioner of  
29 public lands under RCW 76.06.180.

30 (l) Decisions of the department of fish and wildlife to issue,  
31 deny, condition, or modify a hydraulic project approval permit under  
32 chapter 77.55 RCW.

33 (m) Decisions of the department of natural resources that are  
34 reviewable under RCW 78.44.270.

35 (n) Decisions of an authorized public entity under RCW 79.100.010  
36 to take temporary possession or custody of a vessel or to contest the  
37 amount of reimbursement owed that are reviewable by the hearings  
38 board under RCW 79.100.120.

39 (2) The following hearings shall not be conducted by the hearings  
40 board:

1 (a) Hearings required by law to be conducted by the shorelines  
2 hearings board pursuant to chapter 90.58 RCW.

3 (b) Hearings conducted by the department pursuant to RCW  
4 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and  
5 90.44.180.

6 (c) Appeals of decisions by the department under RCW 90.03.110  
7 and 90.44.220.

8 (d) Hearings conducted by the department to adopt, modify, or  
9 repeal rules.

10 (3) Review of rules and regulations adopted by the hearings board  
11 shall be subject to review in accordance with the provisions of the  
12 administrative procedure act, chapter 34.05 RCW.

13 **Sec. 9.** RCW 43.21B.110 and 2013 c 291 s 34 are each amended to  
14 read as follows:

15 (1) The hearings board shall only have jurisdiction to hear and  
16 decide appeals from the following decisions of the department, the  
17 director, local conservation districts, the air pollution control  
18 boards or authorities as established pursuant to chapter 70.94 RCW,  
19 local health departments, the department of natural resources, the  
20 department of fish and wildlife, the parks and recreation commission,  
21 and authorized public entities described in chapter 79.100 RCW:

22 (a) Civil penalties imposed pursuant to RCW 18.104.155,  
23 70.94.431, section 7 of this act, 70.105.080, 70.107.050, 76.09.170,  
24 77.55.291, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144,  
25 90.56.310, 90.56.330, and 90.64.102.

26 (b) Orders issued pursuant to RCW 18.104.043, 18.104.060,  
27 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 86.16.020, 88.46.070,  
28 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

29 (c) Except as provided in RCW 90.03.210(2), the issuance,  
30 modification, or termination of any permit, certificate, or license  
31 by the department or any air authority in the exercise of its  
32 jurisdiction, including the issuance or termination of a waste  
33 disposal permit, the denial of an application for a waste disposal  
34 permit, the modification of the conditions or the terms of a waste  
35 disposal permit, or a decision to approve or deny an application for  
36 a solid waste permit exemption under RCW 70.95.300.

37 (d) Decisions of local health departments regarding the grant or  
38 denial of solid waste permits pursuant to chapter 70.95 RCW.

1 (e) Decisions of local health departments regarding the issuance  
2 and enforcement of permits to use or dispose of biosolids under RCW  
3 70.95J.080.

4 (f) Decisions of the department regarding waste-derived  
5 fertilizer or micronutrient fertilizer under RCW 15.54.820, and  
6 decisions of the department regarding waste-derived soil amendments  
7 under RCW 70.95.205.

8 (g) Decisions of local conservation districts related to the  
9 denial of approval or denial of certification of a dairy nutrient  
10 management plan; conditions contained in a plan; application of any  
11 dairy nutrient management practices, standards, methods, and  
12 technologies to a particular dairy farm; and failure to adhere to the  
13 plan review and approval timelines in RCW 90.64.026.

14 (h) Any other decision by the department or an air authority  
15 which pursuant to law must be decided as an adjudicative proceeding  
16 under chapter 34.05 RCW.

17 (i) Decisions of the department of natural resources, the  
18 department of fish and wildlife, and the department that are  
19 reviewable under chapter 76.09 RCW, and the department of natural  
20 resources' appeals of county, city, or town objections under RCW  
21 76.09.050(7).

22 (j) Forest health hazard orders issued by the commissioner of  
23 public lands under RCW 76.06.180.

24 (k) Decisions of the department of fish and wildlife to issue,  
25 deny, condition, or modify a hydraulic project approval permit under  
26 chapter 77.55 RCW.

27 (l) Decisions of the department of natural resources that are  
28 reviewable under RCW 78.44.270.

29 (m) Decisions of an authorized public entity under RCW 79.100.010  
30 to take temporary possession or custody of a vessel or to contest the  
31 amount of reimbursement owed that are reviewable by the hearings  
32 board under RCW 79.100.120.

33 (2) The following hearings shall not be conducted by the hearings  
34 board:

35 (a) Hearings required by law to be conducted by the shorelines  
36 hearings board pursuant to chapter 90.58 RCW.

37 (b) Hearings conducted by the department pursuant to RCW  
38 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and  
39 90.44.180.

1 (c) Appeals of decisions by the department under RCW 90.03.110  
2 and 90.44.220.

3 (d) Hearings conducted by the department to adopt, modify, or  
4 repeal rules.

5 (3) Review of rules and regulations adopted by the hearings board  
6 shall be subject to review in accordance with the provisions of the  
7 administrative procedure act, chapter 34.05 RCW.

8 **Sec. 10.** RCW 42.56.270 and 2014 c 192 s 6, 2014 c 174 s 5, and  
9 2014 c 144 s 6 are each reenacted and amended to read as follows:

10 The following financial, commercial, and proprietary information  
11 is exempt from disclosure under this chapter:

12 (1) Valuable formulae, designs, drawings, computer source code or  
13 object code, and research data obtained by any agency within five  
14 years of the request for disclosure when disclosure would produce  
15 private gain and public loss;

16 (2) Financial information supplied by or on behalf of a person,  
17 firm, or corporation for the purpose of qualifying to submit a bid or  
18 proposal for (a) a ferry system construction or repair contract as  
19 required by RCW 47.60.680 through 47.60.750 or (b) highway  
20 construction or improvement as required by RCW 47.28.070;

21 (3) Financial and commercial information and records supplied by  
22 private persons pertaining to export services provided under chapters  
23 43.163 and 53.31 RCW, and by persons pertaining to export projects  
24 under RCW 43.23.035;

25 (4) Financial and commercial information and records supplied by  
26 businesses or individuals during application for loans or program  
27 services provided by chapters 43.325, 43.163, 43.160, 43.330, and  
28 43.168 RCW, or during application for economic development loans or  
29 program services provided by any local agency;

30 (5) Financial information, business plans, examination reports,  
31 and any information produced or obtained in evaluating or examining a  
32 business and industrial development corporation organized or seeking  
33 certification under chapter 31.24 RCW;

34 (6) Financial and commercial information supplied to the state  
35 investment board by any person when the information relates to the  
36 investment of public trust or retirement funds and when disclosure  
37 would result in loss to such funds or in private loss to the  
38 providers of this information;

39 (7) Financial and valuable trade information under RCW 51.36.120;

1 (8) Financial, commercial, operations, and technical and research  
2 information and data submitted to or obtained by the clean Washington  
3 center in applications for, or delivery of, program services under  
4 chapter 70.95H RCW;

5 (9) Financial and commercial information requested by the public  
6 stadium authority from any person or organization that leases or uses  
7 the stadium and exhibition center as defined in RCW 36.102.010;

8 (10)(a) Financial information, including but not limited to  
9 account numbers and values, and other identification numbers supplied  
10 by or on behalf of a person, firm, corporation, limited liability  
11 company, partnership, or other entity related to an application for a  
12 horse racing license submitted pursuant to RCW 67.16.260(1)(b),  
13 marijuana producer, processor, or retailer license, liquor license,  
14 gambling license, or lottery retail license;

15 (b) Internal control documents, independent auditors' reports and  
16 financial statements, and supporting documents: (i) Of house-banked  
17 social card game licensees required by the gambling commission  
18 pursuant to rules adopted under chapter 9.46 RCW; or (ii) submitted  
19 by tribes with an approved tribal/state compact for class III gaming;

20 (11) Proprietary data, trade secrets, or other information that  
21 relates to: (a) A vendor's unique methods of conducting business; (b)  
22 data unique to the product or services of the vendor; or (c)  
23 determining prices or rates to be charged for services, submitted by  
24 any vendor to the department of social and health services for  
25 purposes of the development, acquisition, or implementation of state  
26 purchased health care as defined in RCW 41.05.011;

27 (12)(a) When supplied to and in the records of the department of  
28 commerce:

29 (i) Financial and proprietary information collected from any  
30 person and provided to the department of commerce pursuant to RCW  
31 43.330.050(8); and

32 (ii) Financial or proprietary information collected from any  
33 person and provided to the department of commerce or the office of  
34 the governor in connection with the siting, recruitment, expansion,  
35 retention, or relocation of that person's business and until a siting  
36 decision is made, identifying information of any person supplying  
37 information under this subsection and the locations being considered  
38 for siting, relocation, or expansion of a business;

1 (b) When developed by the department of commerce based on  
2 information as described in (a)(i) of this subsection, any work  
3 product is not exempt from disclosure;

4 (c) For the purposes of this subsection, "siting decision" means  
5 the decision to acquire or not to acquire a site;

6 (d) If there is no written contact for a period of sixty days to  
7 the department of commerce from a person connected with siting,  
8 recruitment, expansion, retention, or relocation of that person's  
9 business, information described in (a)(ii) of this subsection will be  
10 available to the public under this chapter;

11 (13) Financial and proprietary information submitted to or  
12 obtained by the department of ecology or the authority created under  
13 chapter 70.95N RCW to implement chapter 70.95N RCW;

14 (14) Financial, commercial, operations, and technical and  
15 research information and data submitted to or obtained by the life  
16 sciences discovery fund authority in applications for, or delivery  
17 of, grants under chapter 43.350 RCW, to the extent that such  
18 information, if revealed, would reasonably be expected to result in  
19 private loss to the providers of this information;

20 (15) Financial and commercial information provided as evidence to  
21 the department of licensing as required by RCW 19.112.110 or  
22 19.112.120, except information disclosed in aggregate form that does  
23 not permit the identification of information related to individual  
24 fuel licensees;

25 (16) Any production records, mineral assessments, and trade  
26 secrets submitted by a permit holder, mine operator, or landowner to  
27 the department of natural resources under RCW 78.44.085;

28 (17)(a) Farm plans developed by conservation districts, unless  
29 permission to release the farm plan is granted by the landowner or  
30 operator who requested the plan, or the farm plan is used for the  
31 application or issuance of a permit;

32 (b) Farm plans developed under chapter 90.48 RCW and not under  
33 the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject  
34 to RCW 42.56.610 and 90.64.190;

35 (18) Financial, commercial, operations, and technical and  
36 research information and data submitted to or obtained by a health  
37 sciences and services authority in applications for, or delivery of,  
38 grants under RCW 35.104.010 through 35.104.060, to the extent that  
39 such information, if revealed, would reasonably be expected to result  
40 in private loss to providers of this information;

1 (19) Information gathered under chapter 19.85 RCW or RCW  
2 34.05.328 that can be identified to a particular business;

3 (20) Financial and commercial information submitted to or  
4 obtained by the University of Washington, other than information the  
5 university is required to disclose under RCW 28B.20.150, when the  
6 information relates to investments in private funds, to the extent  
7 that such information, if revealed, would reasonably be expected to  
8 result in loss to the University of Washington consolidated endowment  
9 fund or to result in private loss to the providers of this  
10 information; ~~((and))~~

11 (21) Market share data submitted by a manufacturer under RCW  
12 70.95N.190(4); ~~((and))~~

13 (22) Financial information supplied to the department of  
14 financial institutions or to a portal under RCW 21.20.883, when filed  
15 by or on behalf of an issuer of securities for the purpose of  
16 obtaining the exemption from state securities registration for small  
17 securities offerings provided under RCW 21.20.880 or when filed by or  
18 on behalf of an investor for the purpose of purchasing such  
19 securities; and

20 (23) Until December 31, 2019, and consistent with section 3 of  
21 this act, unaggregated building energy use benchmarking and data  
22 pertaining to the energy use of an individual nonpublic benchmarked  
23 building or associated utility account transferred or disclosed to  
24 the department of ecology pursuant to section 2 of this act.

25 **Sec. 11.** RCW 19.29A.030 and 1998 c 300 s 4 are each amended to  
26 read as follows:

27 Except as otherwise provided in RCW 19.29A.040, an electric  
28 utility shall:

29 (1) Provide notice to all of its retail electric customers that  
30 the disclosures required in RCW 19.29A.020 are available without  
31 charge upon request. Such notice shall be provided at the time  
32 service is established and either included as a prominent part of  
33 each customer's bill or in a ~~((written))~~ notice ~~((mailed))~~ sent to  
34 each customer at least once a year ~~((thereafter))~~. Required  
35 disclosures shall be provided without charge, ~~((in writing))~~ using  
36 plain language that is understandable to an ordinary customer, and  
37 presented in a form that is clear and conspicuous.

38 (2) Disclose the following information in a prominent manner on  
39 all billing statements sent to retail electric customers, or by a

1 separate (~~written~~) notice (~~mailed~~) sent to all retail electric  
2 customers at least quarterly and at the same time as a billing  
3 statement: "YOUR BILL INCLUDES CHARGES FOR ELECTRICITY, DELIVERY  
4 SERVICES, GENERAL ADMINISTRATION AND OVERHEAD, METERING, TAXES,  
5 CONSERVATION EXPENSES, AND OTHER ITEMS."

6 (3) Disclose the following information in a prominent manner on  
7 all billing statements sent to retail electric customers or by a  
8 separate notice sent to all retail electric customers at least  
9 quarterly and at the same time as a billing statement:

10 (a) The retail electric customer's electricity consumption for:

11 (i) The current billing period;

12 (ii) Each of the eleven previous billing periods; and

13 (iii) The total for the twelve consecutive billing periods in

14 (a)(i) and (ii) of this subsection.

15 (b) The sum cost to a retail electric customer, including all  
16 fees and taxes, of the customer's electricity consumption for:

17 (i) The current billing period;

18 (ii) Each of the eleven previous billing periods; and

19 (iii) The total for the twelve consecutive billing periods in

20 (b)(i) and (ii) of this subsection.

21 (c) A statement, chart, or graph comparing the retail electric  
22 customer's electricity consumption and sum cost of electricity  
23 consumption for the total of the twelve consecutive billing periods  
24 with the average electricity consumption and average sum cost of  
25 electricity consumption of similarly situated customers during the  
26 same time period.

27 (4) Upon the request of the proprietor of a building associated  
28 with a retail electric customer account, disclose to the proprietor  
29 the information provided under subsection (3) of this section. The  
30 proprietor may request that the information provided under subsection  
31 (3) of this section be disclosed each billing period.

32 **Sec. 12.** RCW 19.29A.040 and 2001 c 214 s 29 are each amended to  
33 read as follows:

34 Except as provided in RCW 19.29A.030 (3) and (4), the provisions  
35 of RCW 19.29A.020, 19.29A.030, section 5, chapter 300, Laws of 1998,  
36 and RCW 19.29A.090 do not apply to a small utility. However, nothing  
37 in this section prohibits the governing body of a small utility from  
38 determining the utility should comply with any or all of the  
39 provisions of RCW 19.29A.020, 19.29A.030, section 5, chapter 300,

1 Laws of 1998, and RCW 19.29A.090, which governing bodies are  
2 encouraged to do.

3 **Sec. 13.** RCW 19.29A.010 and 2000 c 213 s 2 are each amended to  
4 read as follows:

5 The definitions in this section apply throughout this chapter  
6 unless the context clearly requires otherwise.

7 (1) "Biomass generation" means electricity derived from burning  
8 solid organic fuels from wood, forest, or field residue, or dedicated  
9 energy crops that do not include wood pieces that have been treated  
10 with chemical preservatives such as creosote, pentachlorophenol, or  
11 copper-chrome-arsenic.

12 (2) "Bonneville power administration system mix" means a  
13 generation mix sold by the Bonneville power administration that is  
14 net of any resource specific sales and that is net of any electricity  
15 sold to direct service industrial customers, as defined in section  
16 3(8) of the Pacific Northwest electric power planning and  
17 conservation act (16 U.S.C. Sec. 839(a)(8)).

18 (3) "Coal generation" means the electricity produced by a  
19 generating facility that burns coal as the primary fuel source.

20 (4) "Commission" means the utilities and transportation  
21 commission.

22 (5) "Conservation" means an increase in efficiency in the use of  
23 energy use that yields a decrease in energy consumption while  
24 providing the same or higher levels of service. Conservation includes  
25 low-income weatherization programs.

26 (6) "Consumer-owned utility" means a municipal electric utility  
27 formed under Title 35 RCW, a public utility district formed under  
28 Title 54 RCW, an irrigation district formed under chapter 87.03 RCW,  
29 a cooperative formed under chapter 23.86 RCW, or a mutual corporation  
30 or association formed under chapter 24.06 RCW, that is engaged in the  
31 business of distributing electricity to more than one retail electric  
32 customer in the state.

33 (7) "Declared resource" means an electricity source specifically  
34 identified by a retail supplier to serve retail electric customers. A  
35 declared resource includes a stated quantity of electricity tied  
36 directly to a specified generation facility or set of facilities  
37 either through ownership or contract purchase, or a contractual right  
38 to a stated quantity of electricity from a specified generation  
39 facility or set of facilities.

1 (8) "Department" means the department of (~~community, trade, and~~  
2 ~~economic development~~) commerce.

3 (9) "Electricity information coordinator" means the organization  
4 selected by the department under RCW 19.29A.080 to: (a) Compile  
5 generation data in the Northwest power pool by generating project and  
6 by resource category; (b) compare the quantity of electricity from  
7 declared resources reported by retail suppliers with available  
8 generation from such resources; (c) calculate the net system power  
9 mix; and (d) coordinate with other comparable organizations in the  
10 western interconnection.

11 (10) "Electric meters in service" means those meters that record  
12 in at least nine of twelve calendar months in any calendar year not  
13 less than two hundred fifty kilowatt-hours per month.

14 (11) "Electricity product" means the electrical energy produced  
15 by a generating facility or facilities that a retail supplier sells  
16 or offers to sell to retail electric customers in the state of  
17 Washington, provided that nothing in this title shall be construed to  
18 mean that electricity is a good or product for the purposes of Title  
19 62A RCW, or any other purpose. It does not include electrical energy  
20 generated on-site at a retail electric customer's premises.

21 (12) "Electric utility" means a consumer-owned or investor-owned  
22 utility as defined in this section.

23 (13) "Electricity" means electric energy measured in kilowatt-  
24 hours, or electric capacity measured in kilowatts, or both.

25 (14) "Fuel mix" means the actual or imputed sources of  
26 electricity sold to retail electric customers, expressed in terms of  
27 percentage contribution by resource category. The total fuel mix  
28 included in each disclosure shall total one hundred percent.

29 (15) "Geothermal generation" means electricity derived from  
30 thermal energy naturally produced within the earth.

31 (16) "Governing body" means the council of a city or town, the  
32 commissioners of an irrigation district, municipal electric utility,  
33 or public utility district, or the board of directors of an electric  
34 cooperative or mutual association that has the authority to set and  
35 approve rates.

36 (17) "High efficiency cogeneration" means electricity produced by  
37 equipment, such as heat or steam used for industrial, commercial,  
38 heating, or cooling purposes, that meets the federal energy  
39 regulatory commission standards for qualifying facilities under the  
40 public utility regulatory policies act of 1978.

1 (18) "Hydroelectric generation" means a power source created when  
2 water flows from a higher elevation to a lower elevation and the flow  
3 is converted to electricity in one or more generators at a single  
4 facility.

5 (19) "Investor-owned utility" means a company owned by investors  
6 that meets the definition of RCW 80.04.010 and is engaged in  
7 distributing electricity to more than one retail electric customer in  
8 the state.

9 (20) "Landfill gas generation" means electricity produced by a  
10 generating facility that uses waste gases produced by the  
11 decomposition of organic materials in landfills.

12 (21) "Natural gas generation" means electricity produced by a  
13 generating facility that burns natural gas as the primary fuel  
14 source.

15 (22) "Northwest power pool" means the generating resources  
16 included in the United States portion of the Northwest power pool  
17 area as defined by the western systems coordinating council.

18 (23) "Net system power mix" means the fuel mix in the Northwest  
19 power pool, net of: (a) Any declared resources in the Northwest power  
20 pool identified by in-state retail suppliers or out-of-state entities  
21 that offer electricity for sale to retail electric customers; (b) any  
22 electricity sold by the Bonneville power administration to direct  
23 service industrial customers; and (c) any resource specific sales  
24 made by the Bonneville power administration.

25 (24) "Oil generation" means electricity produced by a generating  
26 facility that burns oil as the primary fuel source.

27 (25) "Proprietary customer information" means: (a) Information  
28 that relates to the source and amount of electricity used by a retail  
29 electric customer, a retail electric customer's payment history, and  
30 household data that is made available by the customer solely by  
31 virtue of the utility-customer relationship; and (b) information  
32 contained in a retail electric customer's bill.

33 (26) "Renewable resources" means electricity generation  
34 facilities fueled by: (a) Water; (b) wind; (c) solar energy; (d)  
35 geothermal energy; (e) landfill gas; or (f) biomass energy based on  
36 solid organic fuels from wood, forest, or field residues, or  
37 dedicated energy crops that do not include wood pieces that have been  
38 treated with chemical preservatives such as creosote,  
39 pentachlorophenol, or copper-chrome-arsenic.

1 (27) "Resale" means the purchase and subsequent sale of  
2 electricity for profit, but does not include the purchase and the  
3 subsequent sale of electricity at the same rate at which the  
4 electricity was purchased.

5 (28) "Retail electric customer" means a person or entity that  
6 purchases electricity for ultimate consumption and not for resale.

7 (29) "Retail supplier" means an electric utility that offers an  
8 electricity product for sale to retail electric customers in the  
9 state.

10 (30) "Small utility" means any consumer-owned utility with  
11 twenty-five thousand or fewer electric meters in service, or that has  
12 an average of seven or fewer customers per mile of distribution line.

13 (31) "Solar generation" means electricity derived from radiation  
14 from the sun that is directly or indirectly converted to electrical  
15 energy.

16 (32) "State" means the state of Washington.

17 (33) "Waste incineration generation" means electricity derived  
18 from burning solid or liquid wastes from businesses, households,  
19 municipalities, or waste treatment operations.

20 (34) "Wind generation" means electricity created by movement of  
21 air that is converted to electrical energy.

22 (35) "Proprietor" means the owner or operator of a building or an  
23 agent acting on behalf of the owner or operator of a building.

24 **Sec. 14.** RCW 80.28.010 and 2011 c 214 s 11 are each amended to  
25 read as follows:

26 (1) All charges made, demanded or received by any gas company,  
27 electrical company, wastewater company, or water company for gas,  
28 electricity or water, or for any service rendered or to be rendered  
29 in connection therewith, shall be just, fair, reasonable and  
30 sufficient. Reasonable charges necessary to cover the cost of  
31 administering the collection of voluntary donations for the purposes  
32 of supporting the development and implementation of evergreen  
33 community management plans and ordinances under RCW 80.28.300 must be  
34 deemed as prudent and necessary for the operation of a utility.

35 (2) Every gas company, electrical company, wastewater company,  
36 and water company shall furnish and supply such service,  
37 instrumentalities and facilities as shall be safe, adequate and  
38 efficient, and in all respects just and reasonable.

1 (3) All rules and regulations issued by any gas company,  
2 electrical company, wastewater company, or water company, affecting  
3 or pertaining to the sale or distribution of its product or service,  
4 must be just and reasonable.

5 (4) Utility service for residential space heating shall not be  
6 terminated between November 15<sup>th</sup> through March 15<sup>th</sup> if the customer:

7 (a) Notifies the utility of the inability to pay the bill,  
8 including a security deposit. This notice should be provided within  
9 five business days of receiving a payment overdue notice unless there  
10 are extenuating circumstances. If the customer fails to notify the  
11 utility within five business days and service is terminated, the  
12 customer can, by paying reconnection charges, if any, and fulfilling  
13 the requirements of this section, receive the protections of this  
14 chapter;

15 (b) Provides self-certification of household income for the prior  
16 twelve months to a grantee of the department of commerce, which  
17 administers federally funded energy assistance programs. The grantee  
18 shall determine that the household income does not exceed the maximum  
19 allowed for eligibility under the state's plan for low-income energy  
20 assistance under 42 U.S.C. 8624 and shall provide a dollar figure  
21 that is seven percent of household income. The grantee may verify  
22 information provided in the self-certification;

23 (c) Has applied for home heating assistance from applicable  
24 government and private sector organizations and certifies that any  
25 assistance received will be applied to the current bill and future  
26 utility bills;

27 (d) Has applied for low-income weatherization assistance to the  
28 utility or other appropriate agency if such assistance is available  
29 for the dwelling;

30 (e) Agrees to a payment plan and agrees to maintain the payment  
31 plan. The plan will be designed both to pay the past due bill by the  
32 following October 15<sup>th</sup> and to pay for continued utility service. If  
33 the past due bill is not paid by the following October 15<sup>th</sup>, the  
34 customer is not eligible for protections under this chapter until the  
35 past due bill is paid. The plan may not require monthly payments in  
36 excess of seven percent of the customer's monthly income plus one-  
37 twelfth of any arrearage accrued from the date application is made  
38 and thereafter during November 15<sup>th</sup> through March 15<sup>th</sup>. A customer  
39 may agree to pay a higher percentage during this period, but shall  
40 not be in default unless payment during this period is less than

1 seven percent of monthly income plus one-twelfth of any arrearage  
2 accrued from the date application is made and thereafter. If  
3 assistance payments are received by the customer subsequent to  
4 implementation of the plan, the customer shall contact the utility to  
5 reformulate the plan; and

6 (f) Agrees to pay the moneys owed even if he or she moves.

7 (5) The utility shall:

8 (a) Include in any notice that an account is delinquent and that  
9 service may be subject to termination, a description of the  
10 customer's duties in this section;

11 (b) Assist the customer in fulfilling the requirements under this  
12 section;

13 (c) Be authorized to transfer an account to a new residence when  
14 a customer who has established a plan under this section moves from  
15 one residence to another within the same utility service area;

16 (d) Be permitted to disconnect service if the customer fails to  
17 honor the payment program. Utilities may continue to disconnect  
18 service for those practices authorized by law other than for  
19 nonpayment as provided for in this subsection. Customers who qualify  
20 for payment plans under this section who default on their payment  
21 plans and are disconnected can be reconnected and maintain the  
22 protections afforded under this chapter by paying reconnection  
23 charges, if any, and by paying all amounts that would have been due  
24 and owing under the terms of the applicable payment plan, absent  
25 default, on the date on which service is reconnected; and

26 (e) Advise the customer in writing at the time it disconnects  
27 service that it will restore service if the customer contacts the  
28 utility and fulfills the other requirements of this section.

29 (6) A payment plan implemented under this section is consistent  
30 with RCW 80.28.080.

31 (7) Every gas company and electrical company shall offer  
32 residential customers the option of a budget billing or equal payment  
33 plan. The budget billing or equal payment plan shall be offered low-  
34 income customers eligible under the state's plan for low-income  
35 energy assistance prepared in accordance with 42 U.S.C. 8624(C)(1)  
36 without limiting availability to certain months of the year, without  
37 regard to the length of time the customer has occupied the premises,  
38 and without regard to whether the customer is the tenant or owner of  
39 the premises occupied.

1       (8) Every gas company shall disclose the following information in  
2 a prominent manner on all billing statements sent to customers or by  
3 a separate notice sent to all customers at least quarterly and at the  
4 same time as a billing statement:

5       (a) The customer's natural gas use in therms for:

6       (i) The current billing period;

7       (ii) Each of the eleven previous billing periods; and

8       (iii) The total for the twelve consecutive billing periods in  
9 (a)(i) and (ii) of this subsection.

10       (b) The sum cost to a customer, including all fees and taxes, of  
11 the customer's natural gas use for:

12       (i) The current billing period;

13       (ii) Each of the eleven previous billing periods; and

14       (iii) The total for the twelve consecutive billing periods in  
15 (b)(i) and (ii) of this subsection.

16       (c) A statement, chart, or graph comparing the customer's natural  
17 gas consumption and sum cost of natural gas consumption for the total  
18 of the twelve consecutive billing periods with the average natural  
19 gas consumption and average sum cost of natural gas consumption of  
20 similarly situated customers during the same time period.

21       (d) Upon the request of the proprietor of a building associated  
22 with a customer account, disclose to the proprietor the information  
23 provided under (a) and (b) of this subsection. The proprietor may  
24 request that the information provided under (a) and (b) of this  
25 subsection be disclosed each billing period.

26       (9) Every gas company, electrical company, wastewater company,  
27 and water company shall construct and maintain such facilities in  
28 connection with the manufacture and distribution of its product, or  
29 provision of its services, as will be efficient and safe to its  
30 employees and the public.

31       ~~((+9))~~ (10) An agreement between the customer and the utility,  
32 whether oral or written, does not waive the protections afforded  
33 under this chapter.

34       ~~((+10))~~ (11) In establishing rates or charges for water service,  
35 water companies as defined in RCW 80.04.010 may consider the  
36 achievement of water conservation goals and the discouragement of  
37 wasteful water use practices.

38       NEW SECTION. Sec. 15. Section 8 of this act expires June 30,  
39 2019.

1        NEW SECTION.    **Sec. 16.**    Section 9 of this act takes effect June  
2    30, 2019.

3        NEW SECTION.    **Sec. 17.**    Sections 11 through 14 of this act take  
4    effect July 1, 2016.

--- END ---