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STATE OF WASHINGTON
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No. 96360-6

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

KING COUNTY,

Appellant,

v.

KING COUNTY WATER DISTRICTS
Nos. 20, 45, 49, 90, 111, 119, 125, *et al.*,

Respondents,

AMES LAKE WATER ASSOCIATION, DOCKTON WATER
ASSOCIATION, FOOTHILLS WATER ASSOCIATION, SALLAL
WATER ASSOCIATION, TANNER ELECTRIC COOPERATIVE,
and UNION HILL WATER ASSOCIATION,

Intervenor-Respondents.

WASHINGTON PUBLIC UTILITY DISTRICTS ASSOCIATION'S
AMICUS CURIAE BRIEF

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I. INTRODUCTION

In this declaratory judgment action, King County seeks an extraordinary remedy: universal validation of an ordinance that seeks to impose novel requirements premised on untested legal interpretations of long-standing statutes. King County Ordinance 18403 (Nov. 8, 2016) (the “Ordinance”), if validated, will allow King County to demand a franchise “compensation fee” from a vast and varied group of entities that use County rights-of-way (“ROW”) to provide utility services to the public. Imposition of such fees will increase the costs of public utility services for the purpose of raising general fund revenue for King County. If validated, the Ordinance will disturb the operation of utilities and unsettle the relationship between counties and utilities in serving the public with the basic necessities of water, sewer, and electricity throughout the state.

The Washington Public Utility Districts Association (“WPUDA”) seeks to participate in this case as *amicus curiae* because the Ordinance is arbitrary and unreasonable.¹ WPUDA disputes King County’s self-serving and unsupported finding that the Ordinance is in the “best interests of the public.” CP 267 (Ordinance § 1.G). To the contrary, the sole purpose of the Ordinance is to raise general fund revenue, which comes at the price of increasing the cost to the public of basic public services. Therefore,

¹ WPUDA joins Respondents’ and Intervenor-Respondents’ arguments that King County lacks authority to enact the Ordinance and impose the fees that it seeks to impose.

amicus curiae implores the Court to reject King County’s appeal and invalidate the Ordinance.

To the extent that the Court reverses the lower court or upholds any provision of the Ordinance, *amicus curiae* respectfully requests that the Court save for another day the question of whether the Ordinance, or a similar ordinance, may lawfully be applied to any entity that is not a party to this case. The Ordinance imposes mandatory fees on a broad variety of entities, many of which have unique powers, authorities, and factual circumstances that affect whether the Ordinance can lawfully be applied to those entities, but have not had the opportunity to be heard in this case.

II. IDENTITY AND INTEREST OF *AMICUS CURIAE*

WPUDA is an association of 27 nonprofit, community-owned public utility districts (“PUDs”) that provide electricity, renewable natural gas, water, and sewer services, and wholesale and retail telecommunications. WPUDA members serve approximately one million residential, business, and industrial customers in 27 counties across Washington. WPUDA’s mission is to support, protect, and enhance its members’ ability to conserve power and water resources of the state and to provide not-for-profit, locally-controlled utility services for the people.

When the PUD legislation was enacted by vote of the people, electric service to farms, ranches, and rural areas lagged behind urban

areas. *Pub. Util. Dist. No. 1 of Okanogan Cty. v. State of Wash.*, 182 Wn.2d 519, 535, 342 P.3d 308 (2015). At that time, only 47 percent of Washington farms had electricity, and those with access paid exorbitant rates, as counties did not, and still do not, typically provide utility services other than wastewater treatment. *Id.* The establishment of PUDs has led to public service of water, sewer, and electricity in 28 counties. Because PUDs provide necessary services to many rural areas, the use of ROW is critical to their ability to serve the public, and any increase in the cost of using ROW would impact PUDs and their customers.²

WPUDA seeks to participate in this case as *amicus curiae* because PUDs will be affected by the outcome of this case. One of WPUDA's members currently owns a water system in King County. King County's theory of franchise authority also poses future risks to PUDs. WPUDA members own, operate, and maintain water, sewer, electric, and telecommunication system facilities within public ROW located in Washington counties that may seek to rely on the precedent from this case in developing their own ordinances to impose franchise compensation fees on utilities, leading to increased costs for public services. Indeed, the Washington State Association of Counties ("WSAC") plans to file an *amicus* brief in this case in pursuit of its statewide interest in ensuring that

² WPUDA's Motion to File *Amicus Curiae* Brief sets forth more fully the identity and interest of WPUDA and is incorporated herein by reference.

“ROW users such as utilities are not granted free and unconditioned use” of the ROW. WSAC Mot. for Leave to File Br. of *Amicus Curiae* at 3.

In addition, the imposition of such fees would complicate the rate setting and billing system for PUDs, as the cost of the compensation fee would be passed on to PUD customers in county areas imposing the fee, but not to PUD customers in cities.

Moreover, King County asserts that it may unilaterally dictate franchise terms—including payment of fees—that apply to preexisting franchises. If this theory is accepted, then water, sewer, and electric public services provided by PUDs would be subject to a wide range of potential measures that would increase costs and frustrate service.

III. ISSUES ADDRESSED BY *AMICUS CURIAE*

1) Whether King County acted arbitrarily in adopting the Ordinance?

2) Whether the Court should dismiss King County’s appeal or exercise other discretionary authority because of King County’s failure to comply with the Uniform Declaratory Judgment Act (“UDJA”)?

3) Whether the Court should reserve for another day the question of whether the Ordinance is valid with respect to non-party entities?³

³ These issues are inherent to issue 1 presented in Intervenor-Respondents’ brief: “Is the County authorized to require the respondent utilities to pay rent for use of county-managed roads for delivery of utility service?” Intervenor-Resp’ts Br. at 5.

IV. STATEMENT OF THE CASE

WPUDA incorporates by reference the Respondents', Intervenor Respondents', and *amicus curiae* Washington Water Utilities Council's respective statements of the case in section III of their briefs.

V. STANDARD OF REVIEW

Amicus curiae adopts the standard of review set forth in Section V.A of the Respondents' response brief. *Amicus Curiae* provides the following additional points addressing the burden of proof.

King County brought this action under the UDJA, chapter 7.24 RCW. CP 3 (Compl. at 3). “[T]he plaintiff in a declaratory judgment suit under RCW 7.24 has the burden of proof.” *King Cty. v. Taxpayers of King Cty.*, 133 Wn.2d 584, 595, 949 P.2d 1260 (1997) (citing *Taylor v. State*, 29 Wn.2d 638, 641, 188 P.2d 671 (1948); *Wash. Beauty College v. Huse*, 195 Wash. 160, 164, 80 P.2d 403 (1938)). As the plaintiff in the underlying action, King County does not receive the benefit of any presumption of validity. *See Taylor*, 29 Wn.2d at 641 (“We think there is no such presumption in the situation here where they have come into court seeking a declaratory judgment as to their status with the purpose of relying on such a judgment if the future need arises...We will not base such a declaratory judgment on a presumption.”).

VI. ARGUMENT

King County seeks an extraordinary declaratory judgment that would categorically validate its authority to enact the Ordinance and affirm that it may require any utility to pay franchise compensation fees. CP 8 (Compl. § VI). It is King County's burden to affirmatively demonstrate the validity of the Ordinance and the lawfulness of its broad exercise of authority. *King Cty.*, 133 Wn.2d at 595. The Ordinance must not only be supported by adequate legal authority, but the adoption of the Ordinance must be the product of reasoned decision-making.

These fundamental requirements are not met here. The record is devoid of: (1) support for findings on which the Ordinance relies; and (2) consideration of King County's authority to collect a franchise compensation fee from the various entities to which the Ordinance applies. Thus, King County did not demonstrate that the Ordinance is valid and its exercise of authority is lawful.

A. Franchise Compensation Fees Are Not in the Public Interest, and Utilities Are Not Profiting from Their Use of the ROW.

In seeking validation of the Ordinance, King County bears the burden to demonstrate that the Ordinance was lawfully enacted. A county's enactment of an ordinance must be reasonable. *City of Bellingham v. Schampera*, 57 Wn.2d 106, 109, 356 P.2d 292 (1960). A

law is reasonable if it bears a reasonable and substantial relation to accomplishing the purpose pursued. *City of Seattle v. Montana*, 129 Wn.2d 583, 919 P.2d 1218 (1996). The Court may set aside legislative action that is arbitrary or capricious. *Tarver v. City Comm'n In & For City of Bremerton*, 72 Wn.2d 726, 731, 435 P.2d 531 (1967). An act is arbitrary or capricious if it is a willful and unreasonable action, without consideration of facts or circumstances. *Palermo at Lakeland, LLC v. City of Bonney Lake*, 147 Wn. App. 64, 78, 193 P.3d 168 (2008).

The Ordinance makes and relies upon specific findings regarding utilities' use of County ROW that are not only unsupported in the record that King County built in this case, but are refuted by the purposes and interests of utilities that are enshrined in state law. The dearth of evidence in the record in support of King County's findings demonstrates that King County's adoption of the Ordinance was arbitrary and unreasonable.

1. King County's finding that the franchise compensation fee is in the public interest is unsupported and refuted.

In the Ordinance, the County adopts a finding that "[i]n light of the valuable property right granted by a franchise, it is in the best interests of the public to require a utility to provide reasonable compensation in return

for its use of the right-of-way of county roads.”⁴ CP 267–68 (Ordinance § 1.G). On appeal, the County again states that the Ordinance and its charges are in the public interest. Appellant Opening Br. at 44–45. Because King County relies on this “public interest” finding to justify its imposition of franchise compensation fees, the finding must be adequately supported. King County, however, does not cite any specific public interest considerations to support the Ordinance. Instead, the County admits that the sole purpose of the Ordinance is to raise general fund revenue from the ratepayers of utilities, including not-for-profit municipal utilities like PUDs that provide public water and power services. CP 1827 (King Cty. Opp. to Summ. J. Mots. at 24). The record does not demonstrate that requiring the payment of compensation in return for a utility’s use of the ROW is in the public interest. In fact, the opposite is true.

First, the Ordinance presumes a detriment to the public from utilities’ use of the County ROW, while discounting the public benefit of utilities’ use of the ROW. CP 267 (Ordinance § 1.D). The Legislature, the state County Road Administration Board, and King County itself, however, have previously determined that utilities’ use of ROW benefit

⁴ Regardless of whether King County was required to make this finding, King County did so and relied upon this finding in justifying its imposition of fees. To the extent that the finding is unsupported or refuted, the Ordinance itself is arbitrary.

the public interest. For example, when King County authorizes utilities' use of ROW by granting franchise agreements, King County must first make a threshold determination that granting such use is in the public interest. RCW 36.55.050. King County has repeatedly found that granting franchises to utilities to use County ROW is in the public interest, even without the imposition of franchise compensation fees. CP 1046, CP 1132, CP 1146. The County's desire for a new source of general fund revenue does not change the public interest analysis.

State law and regulations recognize utility service as in the public interest. The County holds its interest in the roads as an "agent" of the state to carry out the public purposes sanctioned by the state. RCW 36.75.020. Such purposes include providing for transportation and delivering essential utility services. RCW 36.55.010. WAC 136-40-030 requires each county to "formally adopt a utility policy regarding accommodation of utilities on county road rights of way," for the purpose of "provid[ing] for the accommodation of utilities within its right of way." WAC 136-40-010. It is, therefore, well established that the operation of utilities' in the ROW is in the public interest.

Second, King County erroneously assumes that the public interest is at odds with utilities' use of the County ROW. This assumption is based on King County's mischaracterization of the utilities that it seeks to

charge under the Ordinance. For example, King County asserts that “[o]ccupation of county road ROW by utility infrastructure (such as pipes or wires) allows a utility to use an asset held by the public as a whole (the County) to service the utility’s narrow customer base.” CP 1204 (King Cty. Summ. J. Mot. at 13). The County fails to recognize that utilities serve the public broadly. PUDs along with other public and private, nonprofit entities, collectively serve the majority of Washingtonians.

PUDs are public entities that use public highways and county roads for publicly-owned facilities that deliver water, electric, sewer, gas, and telecommunication services to the public. Their purpose is “to conserve the water and power resources of the State of Washington *for the benefit of the people* thereof, and to supply public utility service, including water and electricity for all uses.” Laws of 1931 ch. 1 § 1 (emphasis added); RCW 54.04.020. Washingtonians have consistently recognized the benefits provided by PUDs to the public: the legislation authorizing the creation of PUDs was enacted by a vote of the people; and each PUD is established by a vote of the local people. RCW 54.08.010. PUDs are run by an elected, nonpartisan board of commissioners who are directly accountable to all of the people in each service area. RCW 54.08.060. King County’s assumption that utilities benefit from the use of the ROW

in ways not “generally available to the public” ignores the fact that PUDs’ use of the ROW is *for* the public. CP 267 (Ordinance § 1.D).

Third, in finding that imposing a franchise compensation fee on utilities is in the public interest, King County did not consider that the fee will be passed on to the public. PUDs and other non-profit utilities serve the public generally, and not a narrow customer base as King County suggests. Regardless of the customer base of each individual utility, utility service is used by the vast majority of the public because utilities provide water, sewer, and electricity—services which are recognized by the Legislature as beneficial to the public and which are basic necessities.

Because utilities must pass on costs associated with any franchise compensation fees to their customers, as discussed below, and almost all members of the public are customers of a utility, the true impact of the Ordinance is to impose new fees on the public. Thus, King County’s franchise compensation fee is contrary to the broad public interest.

2. There is no support for King County’s finding that utilities “profit” from their use of County ROW.

The Ordinance finds that franchises allow “utility companies to profit and benefit from the use of right-of-way in a manner not generally available to the public.” CP 267 (Ordinance § 1.D). King County asserts, without support, that use of the ROW “generates revenue for utility

business operations, and in the case of corporate utilities, enhances profit margins.” CP 1204 (King Cty. Summ. J. Mot. at 13).

With respect to PUDs, and likely other entities to which the Ordinance applies, this finding is belied by restrictions imposed directly by the Legislature. A PUD’s ratemaking authority—and thus its ability to generate revenue—is both authorized and circumscribed by statute:

The commission of each district which shall have revenue obligations outstanding shall have the power and shall be required to...collect rates or charges for electric energy and water and other services...furnished...by the district. The rates and charges shall be fair and...nondiscriminatory, and shall be adequate to provide revenues sufficient for the payment of the principal of and interest on such revenue obligations...and for the proper operation and maintenance of the public . . .

RCW 54.24.080. This Court has concluded that, pursuant to RCW 54.24.080, a PUD “may not be operated for profit, and must establish its rates at the lowest possible point.” *Carstens v. Pub. Util. Dist. No. 1 of Lincoln Cty.*, 8 Wn.2d 136, 151, 111 P.2d 583 (1941)(citing *Uhler v. Olympia*, 87 Wash. 1, 151 P. 117, 152 P. 998 (1915)). PUDs are, therefore, not pocketing extra funds by avoiding the payment of a franchise compensation fee, as King County suggests and relies upon to justify the Ordinance. CP 267 (Ordinance § 1.D). Instead, the avoidance of such fees merely allows PUDs to offer their services to the public at a lower rate than if such fees were imposed on PUDs. In charging utilities

like PUDs for their use of the ROW for the stated purpose of raising revenue, King County attempts to profit from public assets that utilities constructed to serve the public, and from the ROW that the County holds merely as an agent of the state. CP 206–07, CP 218–19, CP 1827.

B. King County Is Not Entitled to the Sweeping Relief Requested and the Court Should Exercise Its Discretion to Prevent Prejudice from this Flawed Declaratory Judgment Action.

By its terms, the Ordinance purports to apply broadly to any public and private entities that provide water, sewer, gas, or electric services. CP 277 (Ordinance § 8.A). In filing this action, King County requests sweeping relief, including a declaratory judgment affirming: (1) the County’s proposed legal authority categorically as to all utilities; (2) that the Ordinance is categorically a lawful exercise of County authority; and (3) that the proposed franchise fees and charges are categorically approved with respect to *any* type of utility granted a franchise to use the County ROW. CP 8 (Compl. § VI). If King County obtains the relief it seeks, this Ordinance would apply broadly to many types of utilities.

In contrast to the sweeping Ordinance and the broad relief requested by King County, the County put forth a narrow case that excludes necessary parties—failing to satisfy the requirements of the UDJA—and that does not consider the validity of the Ordinance with

respect to those parties. King County’s refusal to consider and involve the parties whose interests will be affected by the Ordinance renders its case jurisdictionally deficient and demonstrates that King County substantively failed to support its request for declaratory relief.

1. King County’s failure to comply with the UDJA warrants discretionary action by the Court.

By joining only water-sewer districts in this declaratory judgment action, King County did not comply with the UDJA—the act upon which the County brought this action and relies on for subject matter jurisdiction and for its requested relief. CP 3 (Compl. at 3). A plaintiff seeking declaratory relief, like King County, must name as defendants “all persons” with any interest that would be affected by the declaration. RCW 7.24.110. “Generally, joinder of interested parties in a declaratory judgment action is required.” *Primark, Inc. v. Burien Gardens Assocs.*, 63 Wn. App. 900, 906, 823 P.3d 1116 (1992); *see also Henry v. Town of Oakville*, 30 Wn. App. 240, 243, 633 P.2d 892 (1981), *review denied*, 96 Wn.2d 1027 (1982). A necessary party is defined as one whose “ability to protect its interest in the subject matter of the litigation would be impeded by a judgment.” *Primark*, 63 Wn. App. at 906.

King County should have impleaded as necessary parties all of the various utilities that are affected or potentially prejudiced by the

Ordinance or actual representatives of the same.⁵ On appeal, King County admits that the Ordinance targets “various utilities,” both public and private, that provide water, sewer, gas, and electric service. Appellant Opening Br. at 11. All of the public utilities that are to be charged under the Ordinance are necessary parties to the instant declaratory judgment action “because the decision would affect their rights.” *Treyz v. Pierce Cty.*, 118 Wn. App. 458, 463, 76 P.3d 292 (2003) (citing *Williams v. Poulsbo Rural Tel. Ass’n*, 87 Wn.2d 636, 646–47, 555 P.2d 1173 (1976)). Presently, one PUD owns a water system in King County. In addition, King County brings this action as a test case with statewide implications for PUDs in other counties. King County did not even attempt to make a showing of compliance with the UDJA, as its Complaint offers no statement as to the sufficiency of the parties impleaded or any showing of compliance with RCW 7.24.110. *See* CP 3 (Compl. § III).

The Court has discretion to dismiss this appeal or to otherwise remedy the failure to include necessary parties. *See Treyz*, 118 Wn. App. at 462; *Henry*, 30 Wn. App. at 243; *Williams*, 87 Wn.2d at 648–49.⁶ Although dismissal may not be required if an application to intervene is

⁵ Under the unique facts of *Chemical Bank v. Wash. Pub. Power Supply Sys.*, 102 Wn.2d 874, 888, 691 P.2d 524 (1984), *cert. denied*, 471 U.S. 1065, 1075, RCW 7.24.110 was interpreted to require timely intervention.

⁶ *Chemical Bank* overruled *Williams* “to the extent that it suggested that litigation could be efficiently managed without requiring parties to timely apply to intervene.” *Treyz*, 118 Wn.App. at 463 n.2 (following *Williams* and *Henry*).

not timely, or if the interested parties have a designated representative, *Chemical Bank*, 102 Wn.2d at 888–89, the water-sewer districts are not representative of PUDs, as they are different types of municipal entities with different statutory authority and service missions.

Even if the case is not dismissed, the Court “may refuse to render or enter a declaratory judgment or decree,” where, as here, “such judgment or decree, if rendered or entered, would not terminate the uncertainty or controversy giving rise to the proceeding.” RCW 7.24.060; *see Bloome v. Haverly*, 154 Wn. App. 129, 225 P.3d 330 (2010). As discussed below, any resulting decision in favor of King County will not end the controversy because only a narrow set of issues and legal authorities pertaining to a subset of the various utilities have been litigated by King County. Appellant Opening Br. at 11.

2. The various types of entities impacted by the Ordinance must be, but have not been, considered.

In the event that the Court grants any part of King County’s requested relief, WPUDA requests that the Court expressly limit and restrict any such decision to the specific parties to the case and the specific issues actually litigated. This case has the potential to establish statewide precedent for the imposition of franchise compensation fees, administrative fees, and forbearance payments on the multitude of entities

that utilize public ROW throughout the state. King County, however, failed to provide evidence to support its authority to impose the requirements of the Ordinance on the varied entities subject to the Ordinance, which were established by different legal mechanisms; serve different purposes; and have different legal restrictions and entitlements.

Whether King County may impose the fees contemplated under the Ordinance is determined not solely by King County's own statutory authority, but also by the power and authority granted, and the statutory restrictions applicable, to each type of affected entity. In the legislative process, King County failed to make findings of fact about or otherwise consider the different entities it purports to regulate in the Ordinance. The unique nature of each of these entities requires consideration of their interests in deciding whether the Ordinance is lawful as to those entities. An ordinance that could lawfully be applied to one type of entity may not be applicable to a different entity.⁷

With respect to PUDs, for example, a full analysis of whether and how the Ordinance applies would require the Court to analyze a variety of statutory provisions that are unique to PUDs. *See, e.g.*, RCW 54.16.060 (granting a statutory franchise to PUDs to “construct and lay aqueducts, pipe or pole lines, and transmission lines along and upon public highways,

⁷ If fees can be imposed on some users of the ROW, and not others, this raises concern regarding ratepayer equity when ROW users pass those fees on to their customers.

roads, and streets”); RCW 54.36.070 (limiting the authority of PUDs to “make payments to a county...in existence before the commencement of construction on the construction project which suffers an increased financial burden because of their construction projects” to “not be more than the amount by which the property taxes levied against the contractors engaged in the work on the construction project failed to meet said increased financial burden”); RCW 54.16.020 (authorizing PUDs to condemn property interests, including franchises); RCW 54.16.420(10) (requiring PUDs to secure a franchise and make franchise payments, but only when “providing cable television service”).

Yet, King County only brought suit against one of the numerous types of entities to which the Ordinance applies and that may be affected by the outcome of this case: those regulated under Title 57 RCW. The parties have not briefed the unique statutory authority applicable to the other entities that will be impacted if this Court reverses the trial court.

Moreover, King County seeks universal validation of an Ordinance that, by its plain terms, imposes new burdens on utilities that have historically used the ROW with the express authorization of King County. CP 277 (Ordinance § 8.A). The Ordinance cannot be validated with respect to any utilities that are not a party to this litigation and that have not had the opportunity to demonstrate to the Court how their existing

rights and expectations will be impaired by the Ordinance. The record is entirely inadequate to demonstrate that the Ordinance will not impair existing rights and expectations of the utilities subject to the Ordinance, based on the unique factual circumstances surrounding such entities. Although King County asserts that issues related to the impact of the Ordinance on individual contracts is irrelevant to this proceeding, Appellant Reply at 44, King County not only seeks validation of its general authority to charge franchise compensation fees, but that the franchise compensation fee is a lawful exercise of King County's authority—a question which necessarily requires the examination of how such fee affects individual utilities. CP 8 (Compl. at 8).

King County asserts that it reserved the right to exercise whatever authority it had or may acquire to require payment. Appellant Reply at 45. Had a full factual record been developed, facts may have established that: (1) utilities reasonably relied on King County's prior approvals of their use of the ROW through construction permits and franchise approvals (*see* King Cty. Code § 14.44.020; *id.* ch. 6.27); (2) manifest injustice will occur if King County is allowed to extort fees from utilities that have no choice but to pay the fees based on their past resource investments in infrastructure in the ROW; or (3) utilities have vested interests in their existing contracts and permits for use of the ROW without the fee. Thus,

to adjudicate the sweeping relief requested by King County, the Court would need to consider whether King County is equitably estopped from demanding new fees from utilities with existing authorization to use the ROW and whether the Ordinance retroactively impairs vested interests of these utilities. *Palermo*, 147 Wn. App. at 87 (city must use ordinance as it existed when developer began its development to calculate the developers connection fee). In the absence of a record on these issues, the Court cannot grant the County's sweeping request for declaratory relief.

VII. CONCLUSION

WPUDA respectfully urges the Court to affirm the Superior Court and reject King County's appeal. In the alternative, WPUDA asks the Court to exclude PUDs from any decision granting relief to King County.

DATED this 2nd day of August, 2019.

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CERTIFICATE OF SERVICE

I, Amanda Kleiss, declare as follows:

That I am over the age of 18 years, not a party to this action, and competent to be a witness herein;

That I, as a paralegal in the office of Van Ness Feldman LLP, caused true and correct copies of the following documents to be delivered as set forth below:

1. Washington Public Utility Districts Association’s *Amicus Curiae* Brief;
2. Certificate of Service;

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I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

EXECUTED at Seattle, Washington on this 2nd day of August, 2019.



Amanda Kleiss, Declarant

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