

FILED
SUPREME COURT
STATE OF WASHINGTON
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BY SUSAN L. CARLSON
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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,

and

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

Intervenor-Respondents.

No. 96360-6

STATEMENT OF
ADDITIONAL
AUTHORITIES

COME NOW the respondents King County Water Districts Nos. 20, 45, 49, 90, 111, 119, 125, *et al.*, and submit the following additional authorities to the Court pursuant to RAP 10.8:

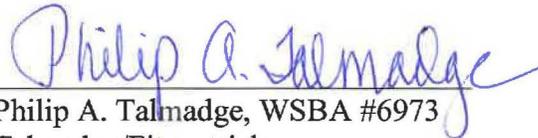
- *Peterson v. Dep't of Revenue*, __ Wn. App. 2d __, 443 P.3d 818 (2019) (there is no prohibited gift of public funds under article VIII, § 7 unless the government intends a gift, or the transfer of property involves grossly inadequate consideration occasioned by fraud or other wrongdoing);
- *Montana-Dakota Utilities Co. v. City of Billings*, 80 P.3d 1247 (Mont. 2003) (gross revenue fee imposed by city ordinance for utilities' use of rights-of-way amounted to a tax where its

purpose was to raise revenue for city general fund and bore no relationship to the utilities' extent of right-of-way use or the city's actual costs for administering such rights-of-way as a trustee for the state of Montana);

- *PPL Electric Utilities v. City of Lancaster*, __ A.3d __, 2019 WL 3926456 (Pa. 2019) (city ordinance enacted to, among other things, impose an “annual occupancy fee” on utilities utilizing rights-of-way was preempted by state law regulating utilities, notwithstanding city’s home rule authority).

DATED this 12th day of September, 2019.

Respectfully submitted,



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DECLARATION OF SERVICE

On said day below, I electronically served a true and accurate copy of the *Statement of Additional Authorities* in Supreme Court Cause No. 96360-6 to the following parties indicated below:

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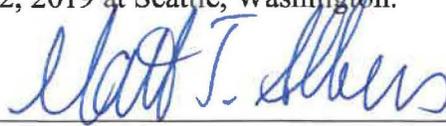
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Original e-filed with:
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I declare under penalty of perjury under the laws of the State of Washington and the United States that the foregoing is true and correct.

DATED: September 12, 2019 at Seattle, Washington.



Matt J. Albers, Paralegal
Talmadge/Fitzpatrick

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September 12, 2019 - 2:59 PM

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