



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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April 28, 2022

NOTICE OF OPPORTUNITY TO FILE WRITTEN COMMENTS
(By June 3, 2022)

Re: Rulemaking to consider changes and improvements to solid waste rules related to customer notice requirements, electronic filing and billing, low-income residential rates, missed pickups, residential customer deposits and fees, and other ministerial changes, Docket TG-220140

TO ALL INTERESTED PERSONS:

On April 27, 2022, the Washington Utilities and Transportation Commission (Commission) filed with the Code Reviser a Preproposal Statement of Inquiry (CR-101) to consider potential changes to current rules in Washington Administrative Code (WAC) 480-70 applicable to the provision of solid waste collection service, including revising customer notice requirements, allowing electronic tariff filings and electronic billing, exploring the possibility of implementing a mandatory low-income residential rate program, clarifying the time for making up missed service, eliminating residential deposits and fees, customer notice requirements, tariff filing processes, free and reduced rates, refusal of service, cancelation of service, complaints, billing, establishing credit and deposits, and other related topics. The Commission filed the CR-101 under Docket TG-220140.¹

The Commission seeks stakeholder input to inform its inquiry, including general comments related to the scope and purposes of this rulemaking. Solid waste collection companies subject to the Commission's jurisdiction are expected to respond to the questions below. Other interested stakeholders are invited to submit comments in response to the questions.

¹ On March 2, 2022, the Commission received a petition for rulemaking in Docket TG-220140 requesting the Commission amend its rules related to solid waste collection service to clarify the timeline to provide make-up service for missed pickups. Pursuant to RCW 34.05.330, the Commission is required to act within 60 days to resolve such petitions either by denying the petition or by initiating a rulemaking. By this Notice, the Commission initiates a rulemaking in response to the petition.

Topic**Missed Pick-ups**

1. Please identify events since 2012 that have led to missed pick-ups for customers company wide, or for specific routes, or for a significant group of customers. Please include:
 - a. Year and brief description of event
 - b. What services were missed, *e.g.*, residential weekly, drop box, recycling, etc.
 - c. Number of customers affected
 - d. How missed pickups were resolved, *e.g.*, through refunds, bill credits, extra pick-ups, etc.
2. Do you think there should be a specified time limit for resolving missed pick-ups? Why or why not?

Notice Requirements, Generally

3. (RCW 81.28.050 requires 45 days' notice to the Commission and the public for any solid waste tariff changes. Commission Staff interprets this requirement to override current practices in rule of allowing 30 days' notice to customers for rate or rule changes, 1 day notice to the Commission for rate reductions, and 7 days' notice to the Commission for adding new services to tariffs. This interpretation would also prohibit notice of changes *after* Commission action.
 - a. How often would this change affect your company – often, not often, never?
 - b. What processes would you have to change to comply with this requirement?
 - c. What suggestions do you have, if any, to create new process and procedures for providing notices to the commission and customers?
4. WAC 480-70-271(2)(d) requires companies to provide notice to customers by bill insert, bill message, message printed on the back of the billing envelope, separate mailing, or by can tag.
 - a. Would your company be likely to provide notice to customers electronically, if allowed?
 - b. Would your company be likely to provide notice to customers electronically if you were required to get and retain permission from each customer who allows electronic notices?

Low Income Rates

5. Does your company currently provide low-income rates to customers?
 - a. If so, how many customers by line of service are receiving low-income rates?
 - b. If so, how do you determine eligibility?
 - c. If not, what barriers prevent you from offering low-income rates?

Electronic Billing

6. Does your company provide electronic billings or statements?
 - a. If so, how do you determine which customers receive electronic billings or statements?
 - b. If so, what is your record retention practice for electronic files?
 - c. If not, what barriers prevent you from providing electronic billings or statements?
7. Does your company receive electronic payments?
 - a. If so, what forms do you accept?
 - b. If not, what prevents you from accepting forms of electronic payment?

Deposits

8. Does your company currently collect deposits from residential customers?
 - a. If so, please identify all references in your tariff governing residential customer deposits.
 - b. If so, please discuss the reasons for requiring deposits, and the advantages and disadvantages of collecting deposits.
 - c. If not, please discuss why your company chose not to include a provision in the tariff to collect deposits, and the advantages and disadvantages of forgoing deposits.
9. Please provide the following information regarding the residential customer deposits collected by your company in 2018 and 2019, respectively:
 - a. What was the total dollar amount your company collected for residential customer deposits each year?
 - b. How many customer accounts paid deposits each year?
 - c. What percent of retail revenue did your company derive from residential customer deposits each year?
 - d. How many customers used part or all of their deposit to offset account balances?
10. If available, please identify the percentage of low-income customers who paid deposits each year in 2018 and 2019, respectively.

Late fees

11. Does your company's tariff currently include a late fee for residential customers?
 - a. If so, please identify all the appropriate tariff references.
 - b. If so, provide discuss the advantages and disadvantages of charging the fee.
 - c. If not, please discuss why your company chose not to include late fees in the tariff. Please also provide a narrative describing any impacts of forgoing late fees.
12. Please provide the following information regarding the late fees your company collected in 2018 and 2019, respectively:
 - a. Please provide the total dollar amount collected in late fees for each year.
 - b. How many residential customer accounts paid late fees each year?

- c. What percent of retail revenue did your company derive from residential late fees each year?
 - d. If late fees were no longer allowed to be recovered in base rates instead, how much would residential bill increase based on your current approved rate spread? Please provide both a percentage increase and an average residential customer bill increase amount.
13. If available, please identify the percentage of late fees that your company charged low-income customers each year in 2018 and 2019, respectively.

Disconnection Notices

14. Has your company identified opportunities to improve customer notice rules? Please describe those opportunities and the steps your company is taking to implement them.
15. Please provide a list of all languages in which your company provides translated disconnection notices.
16. How does your company determine in which language(s) the customer should receive written communications (particularly in relation to the disconnection notice)?
17. Has your company identified any barriers in the process of providing notices to customers?
- a. If so, please identify and describe these barriers.
 - b. Has your company taken steps to address any identified barriers?
 - c. Have the steps taken either reduced the number of disconnections or otherwise yielded results in terms of improving the disconnection process? If so, please provide the results and any analysis your company has conducted of the results.
18. Are you aware of any policies, rules, or guidance concerning equity in developing or providing customer notice in use by other companies or state commissions? If so, please identify the policies, rules, or guidance, referencing the company or state commission that has adopted the policy, rule, or guidance.
19. Are you aware of any best practices or examples from other jurisdictions or other utility sectors that the Commission should consider in this proceeding regarding late fees, disconnection fees, reconnection fees, deposits, credit and collection practices, and customer notices? If so, please identify these best practices or examples, referencing the company or jurisdiction that has adopted these practices.

The Commission invites initial written comments in response to these questions and will conduct a workshop to discuss these issues.

The CR-101, as filed with the Code Reviser, is available for inspection on the Commission's website at <https://www.utc.wa.gov/casedocket/2022/220140/docsets>. If you are unable to access the Commission's web page and would like an electronic copy of the CR-101 emailed to you, please contact the Records Center at (360) 664-1234.

WRITTEN COMMENTS

Pursuant to WAC 480-07-250(3), written comments must be submitted in electronic form, specifically in searchable .pdf format (Adobe Acrobat or comparable software). As provided in WAC 480-07-140(5), those comments must be submitted via the Commission's web portal at www.utc.wa.gov/e-filing. If you are unable to submit documents via the portal, you may submit your comments by email to the Commission's Records Center at records@utc.wa.gov or by mailing an electronic copy to the Commission's Records Center on a flash drive, DVD, or compact disc that includes the filed document(s). Comment submissions should include:

- The docket number of this proceeding (Docket TG-220140).
- The commenting party's name.
- The title and date of the comment or comments.

The Commission will post on its website all comments that are provided in electronic format. The website is located at <https://www.utc.wa.gov/casedocket/2022/220140/docsets>.

If you are unable to file your comments electronically the Commission will accept a paper document. If you have questions regarding this rulemaking, you may contact staff lead Mike Young at (360) 664-1155, or by email at mike.young@utc.wa.gov.

Stakeholders will have further opportunity for comment. Information about the schedule and other aspects of the rulemaking, including comments, will be posted on the Commission's website as it becomes available. If you wish to receive further information on this rulemaking you may:

- Call the Commission's Records Center at (360) 664-1139
- Email the Commission at records@utc.wa.gov
- Mail written comments to the address below

When contacting the Commission, please refer to Docket TG-220140 to ensure that you are placed on the appropriate service list. The Commission's mailing address is:

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Washington Utilities and Transportation Commission
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NOTICE

If you do not want to comment now, but do want to receive future information about this rulemaking, please notify the Executive Director and Secretary in one of the ways described above and ask to be included on the Interested Persons (IP) list for Docket U-210800. If you do not ask to be added to the IP list, you will not receive further communications about this rulemaking.

AMANDA MAXWELL
Executive Director and Secretary