

## U-100523 Paperless Billing Rulemaking Comment Summary Matrix

	Section	Commenter	Comments	Staff Response
<b>Disclosure of private information</b>				
1.	480-90-153(2) 480-100-153(2)	Puget Sound Energy (PSE or Company)	With the addition of the new section (3) to this rule the added sentence at the end of section 2 appears redundant and therefore confusing. PSE suggests deleting the last sentence: "For each individual service or product offering, the utility must obtain and maintain a record of customer consent for the disclosure of private consumer information."	<b>Staff agrees.</b>
	480-100-153(2)	Pacific Power (PacifiCorp or Company)	Subsection (3) and the last sentence included in subsection (2) are duplicative as they essentially contain the same requirement. Company recommends deleting the last sentence in section (2): "For each individual service or product offering, the utility must obtain and maintain a record of customer consent for the disclosure of private consumer information."	<b>Staff agrees.</b>

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	<p>480-90-153(3) 480-100-153(3)</p> <p>480-100-153(4)</p>	<p>Puget Sound Energy (PSE or Company)</p> <p>Northwest Natural Gas Company (NWNG or Company)</p> <p>Pacific Power (PacifiCorp or Company)</p>	<p>Due to the addition of “disclosure” this rule has been expanded beyond the intent in section (1) which limited disclosures only “for the purposes of marketing services or product offerings”. By including “disclosure” in the rule, the rule could be interpreted to require consent from the consumer for every disclosure. PSE offered clarifying language.</p> <p>The Company believes the new language could be misinterpreted. Company proposed edits that clarify that the new provisions are specific to gaining a customer’s consent to “disclose or sell data regarding private consumer information to an affiliate, subsidiary or any other third party rather than a service or product.</p> <p>The Company’s current policy is not to release customer information. However, should the Company make a change in that policy, it has concerns with the amount of data required to be stored for each account. Company recommends the deletion of subsection (4).</p>	<p><b>Staff agrees.</b></p> <p><b>Staff agrees.</b></p> <p><b>Staff disagrees.</b> Staff believes that maintaining a record of the customers consent for the disclosure of private information is appropriate and offers the necessary consumer protection. Staff would agree to eliminate the rule requirement to maintain customer consent to automatic payment and equal payment plan. The NARUC standard for record keeping would be sufficient consumer protection.</p>

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	480-90-153(4) 480-100-153(4)	Staff	Staff suggested changes to working to improve clarity (i.e., change word from ensure to retain; delete the word specific; insert the words “for each instance of”; insert the words “his or her”).	The changes did not change the original meaning or intent.
	480-90-153(4)(b)	Northwest Natural Gas Company (NWNNG or Company)	Changes made to reflect earlier suggestion for 480-90-153(3) above (i.e., add “date of that consent and the affiliates, subsidiaries, or third parties; and delete “service, product offering, or disclosure with respect”).	<b>Staff agrees.</b> Changes to make the customer consent to share private customer data specific to a party rather than a service or product is more practical to manage.
<b>Electronic Information</b>				
2.	480-100-179	Pacific Power (PacifiCorp or Company)	PacifiCorp suggested adding the wording “as defined in Section 2 of this rule”.	<b>Staff agrees.</b>
	480-90-179 480-100-179	Puget Sound Energy (PSE or Company)  And  Pacific Power (PacifiCorp or Company)	This rule has been revised from the prior draft to include a provision limiting the transmission by electronic means to mean only “by transmission to the customer’s e-mail address”. Consumers should also be allowed more control over the transmission options to provide them with the ability to more effectively participate in third party online and mobile services designed to help manage bills, achieve greater energy efficiency and save on electricity and gas	<b>Staff agrees in part and disagrees in part.</b> Customers should be afforded choice in the electronic means selected. Staff believes that the customer consent would need to specify the type of electronic means the customer has agreed to receive the electronic information (i.e., e-mail; text message; etc.).

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		Puget Sound Energy (PSE or Company)	<p>costs. In the future, consumers may want their bills sent to various electronic devices such as their iPhone or iPad or through other electronic means that are yet to be developed. The company suggested the elimination of the language: “by transmission to the customer’s e-mail address.</p> <p>Company suggests that the rule provide either 90-day window for implementation or allow utilities to request an extension of time beyond the 60 days suggested by staff.</p>	<p><b>Staff agrees</b> to 90-day timeframe for implementation. Staff agrees to include this condition into the adoption order.</p> <p>Although the rules are silent regarding the retention of existing customer consent in accordance with these rules, staff would agree that the utilities could obtain this required documentation during the annual requirement to provide information to customers (WAC 480-100-103). Staff would agree that this would be less burdensome to the company and less confusing to its customers.</p>

<b>Obtaining and documenting customer consent</b>				
	480-90-179(2) 480-100-179(2)	Puget Sound Energy (PSE or Company)	The proposed section may be too broad in that it could potentially require written or electronic permission to undertake activities that do not currently require consent. For example, this section infers that in order for a customer to pay a bill electronically, the utility must first obtain the customer's consent. PSE proposed some clarifying language.	<b>Staff agrees.</b> Replaced the words "prescribed information" with "bills, notices of tariff revisions and bill inserts".
		Pacific Power (PacifiCorp or Company)	This section could require significant changes to PacifiCorp's system at significant costs. PacifiCorp's current practices, described above, sufficiently guard against identify theft and capture sufficient information to document a customer's consent to receiving electronic information.	<b>Staff agrees in part and disagrees in part.</b> The rule is not intended to be burdensome. Staff envisions that the company will only need to document the consumer's consent for paperless billing, tariff revision notices and bill inserts (electronic information). It is not intended to capture the documentation for equal payment plan or automated payments. Staff does agree with some of the company's minor language changes which were intended for clarification.

	<p>480-100-179(2)(a)</p>	<p>Pacific Power (PacifiCorp or Company)</p>	<p>Subsection (2)(a) introduces a requirement to offer customers the opportunity to separately consent to automatic payment services and equal payment plans. Payment methods are separate services and different from the provisions of bills, notices of tariff revisions and bill inserts. Addressing any aspect of payment services in a rule regarding utility provision of information to customers is out of context.</p>	<p><b>Staff disagrees.</b> The purpose and intent is to specify the information the customer must confirm/acknowledge and that the company must keep a record of this confirmation. NWNG requested the addition of the automatic payment service and equal payment plan to be included on the same screen as the consent for paperless billing. The additional language is intended to address NWNG’s request.</p>
		<p>Northwest Natural Gas Company (NWNG or Company)</p>	<p>NWNG stated that customers appreciate having the opportunity to consent to multiple services at one time rather than filing out separate forms for each offering. Company proposed language to allow the consent section to include separate and individual opportunities for customers to consent to any utility service offered under the utility’s tariff.</p>	<p><b>Staff disagrees.</b> Staff has added language to allow automatic payment service and equal payment plan service on the same screen. Staff is willing to remove the web page restriction as long as the consent screen for electronic (i.e., paperless) billing; tariff revision notices; and bill inserts are prominent on the web page and clearly distinguishable from any other content on the screen or page.</p>
	<p>480-90-179(2)(a)</p>	<p>PSE, PacifiCorp and NWNG</p>	<p>PSE, PacifiCorp and NWNG suggested broadening the requirement that no information may be combined in the same document, screen or web page except utility contact information.</p>	<p><b>Staff agrees.</b> Staff agreed to change the language to: “For electronic consent, the customer consent section must be prominent on the web page and clearly distinguishable from any other content on the screen or page.</p>

<p>480-90-179(2)(a)(i) 480-100-179(2)(a)(i)</p>	<p>Puget Sound Energy (PSE or Company)</p>	<p>PSE suggested adding the words “offered by the utility” to increase clarity.</p>	<p><b>Staff agrees.</b></p>
<p>480-90-179(2)(a)(ii) 480-100-179(2)(a)(ii)</p>	<p>Puget Sound Energy (PSE or Company)</p>	<p>PSE suggested adding the words “offered by the utility, including one-time payment services or other automatic payment services” to increase clarity.</p>	<p><b>Staff agrees.</b></p>
<p>480-100-179(2)(b)</p>	<p>Pacific Power (PacifiCorp or Company)</p>	<p>Company suggested changing the retention requirement to be “in accordance with the utility’s record retention policies”.</p>	<p><b>Staff agrees in part and disagrees in part.</b> The consent records should be part of the customer records. It is not the intent of the rule to require permanent retention of information beyond its useful life (i.e., when the account is discontinued; when a change is made to the status; etc.). Staff agrees to eliminate the requirement in the rules regarding retention of consumer consent for online payment, automatic payment, and equal payment plans.</p>
<p>480-90-179(2)(b)</p>	<p>Northwest Natural Gas Company (NWNG or Company)</p>	<p>NWNG suggested adding the language “to receive electronic communications” to add clarity.</p>	<p><b>Staff agrees.</b></p>

			NWNG suggested deleting the language “as evidence of the customer’s consent to receive selected documents in electronic form, or to participate in paperless billing or automatic payment services or to participate in the utility’s equal payment plan.	<b>Staff agrees in part and disagrees in part.</b> Staff believes that the customer’s consent documentation for paperless billing is evidence and as such the language should be retained. However, staff agrees that the language regarding retention of the customer consent to automatic payment services or to the utility’s equal payment plan could be eliminated. This rule addresses paperless billing.
	480-90-179(2)(d) 480-100-179(2)(d)	Puget Sound Energy (PSE or Company)	The company interprets this section to detail what information that the customer must confirm/acknowledge and not what the utility must retain in its record of confirmation.	<b>Staff agrees.</b>
	480-100-179(2)(c)	Pacific Power (PacifiCorp or Company)	PacifiCorp suggested adding the term “customer” before the word consent for additional clarification.	<b>Staff agrees.</b>
	480-90-179(2)(d)(ii) 480-100-179(2)(d)(ii)	Pacific Power (PacifiCorp or Company)	PacifiCorp suggested changing the word “choose” to “receive” to improve wording.	<b>Staff agrees.</b> It is the customer’s opt-in decision to receive electronic information rather than choose electronic information.



<p>480-90-179(2)(d)(iii) 480-100-179(2)(d)(iii)</p>	<p>Puget Sound Energy (PSE or Company)</p>	<p>Section 5 allows a utility to refuse to provide both electronic and paper documents on a continuous basis. PSE suggests adding the phrase: “but subject to the limitations provided in this rule”.</p>	<p><b>Staff agrees.</b></p>
<p>480-90-179(2)(d)(v) 480-100-179(2)(d)(v)</p>	<p>Pacific Power (PacifiCorp or Company)</p>	<p>PacifiCorp suggested changing the words “will not” to “may” to allow utilities increased flexibility.</p>	<p><b>Staff agrees.</b> In addition to the paperless bills, customers “may” receive all notices regarding service, including notices of the utility’s request to increase rates and changes in service, in electronic form.</p>
<p>480-90-179(2)(d)(vi) 480-100-179(2)(d)(vi)</p>	<p>Puget Sound Energy (PSE or Company)</p>	<p>PSE suggested adding the following language to a new subsection: “Acknowledgement that the customer understands that utility may discontinue providing documents electronically at any time and to any customer.</p>	<p><b>Staff disagrees</b> with the new suggested language. The proposed rule (see 480-90/100-179(5); Limit on changes to information format) already allows the utility to discontinue electronic information. Staff believes the provisions in subsection (5) of this rule spells out sufficient criteria to allow the utility to discontinue or refuse to provide electronic information.</p>

<b>Undeliverable electronic information</b>				
	480-90-179(7) 480-100-179(7)	Commission Staff	Staff changed a word in the title from “documents” to “information”.	This matches the wording in subsection (7) of the new rule.
	480-90-179(7)(a) 480-100-179(7)(a)	PSE, PacifiCorp, and Staff	Suggested language changes to increase clarity, allow contact by telephone, change the wording from “fails” to “succeeds” for more positive approach, and refers readers to section (d) to address timeframes.	<b>Staff agrees.</b>
	480-90-179(7)(a) and (b) 480-100-179(7)(a) and (b)	Puget Sound Energy (PSE or Company)	<p>This rule contains a reference only to e-mail. PSE proposes that the phrase “or other electronic address” be added as has been done in other sections.</p> <p>PSE proposed returning the customer to mail notification starting with the next following billing or other notification unless the customer requests otherwise.</p> <p>PSE proposed lengthening the timeline for sections (a) and (b) to two business days.</p>	<p><b>Staff agrees.</b></p> <p><b>Staff agrees.</b> However, staff disagrees that the language needs further clarification. It already allows for this option. Staff believes that the language should be kept broad to allow for greater flexibility (i.e., mail out the electronic information immediately and without waiting for the next billing cycle).</p> <p><b>Staff disagrees.</b> Staff has already included a mechanism to go to a maximum of five business days as an exception or a separate option.</p>

		<p>Northwest Natural Gas Company (NWNG or Company)</p>	<p>NWNG proposed a change so that it is specific to electronically delivered bills. Section (7)(a) is also revised to allow a utility to either call or e-mail a customer after an e-mail bill bounces. NWNG also proposed some edits for greater clarity and readability.</p>	<p><b>Staff agrees in part and disagrees in part.</b> Staff agrees that a utility should be allowed to either call or e-mail a customer after a failed e-mail.</p> <p>Staff also agrees with some of the company's clarification language.</p> <p>Staff disagrees that section (7) be limited to electronic bills only. For example, notices for a rate increase are also important and the utility should take immediate action to get the information to its customer.</p>
		<p>Pacific Power (PacifiCorp or Company)</p>	<p>PacifiCorp proposed the timeframes be extended to 5 business days (change from the next business day) for additional delivery attempts. PacifiCorp stated that requiring additional delivery attempts within one business day is administratively burdensome and technologically impossible with the current third party vendor PacifiCorp uses to send e-mail bill notifications. Company does not impose a late payment charge on customers if they do not pay by the due date on the bill. The late payment charge is imposed if the payment is not received by the time the next statement is invoiced.</p>	<p><b>Staff agrees.</b> Additional language was added to require the extension of the due date of the bill to address consumer protection concerns. Staff believes that this change allows the additional time requested by the utility while adequately protecting consumers from late payment fees, disconnects, and deposit requests which could result if the due date was not extended.</p>

			<p>PacifiCorp requested that it be allowed to keep a customer on paperless billing (i.e., bills, bill inserts, and notices of tariff revisions) despite receiving undelivered electronic message notification. The option of either mailing customers the returned information or providing them with instructions on how to access the information electronically. The Company suggests providing the utilities the option of removing customers from the paperless billing if the second delivery attempt is returned undeliverable.</p>	<p><b>Staff disagrees.</b> The company did not offer a satisfactory reason to support making this change. Staff would need to see data to show why this change is necessary. PacifiCorp’s reason that disallowing this change would cause its customers to be dissatisfied is insufficient.</p>
	<p>480-90-179(7)(b) 480-100-179(7)(b)</p>	<p>Commission Staff</p>	<p>Remove the language “A second verification is not required”.</p>	<p>The deleted language did not add anything to the meaning.</p>
	<p>480-90-179(7)(c) 480-100-179(7)(c)</p>	<p>Commission Staff</p>	<p>In order to address PacifiCorp’s concern about the response times for undeliverable electronic messages, staff proposed a new subsection (c) to address timing of the utilities response to undeliverable electronic messages. It provided for two options: (1) The business day following receipt of the undeliverable message; and (2) A maximum of five business days. Staff also added additional consumer protection language to require utilities to extend the due date by the number of days the electronic notification was delayed not to exceed five business days.</p>	<p>In staff’s opinion, the extension of the due date will offer adequate consumer protection to preclude issues in the areas of late payment fees, disconnection of service, and deposit requests.</p>

		Puget Sound Energy (PSE or Company)	PSE suggested lengthening the time line for sections (a) and (b) to two business days because of occasional failures of electronic delivery mechanisms.	<b>Staff agrees in part and disagrees in part.</b> Staff agrees that there should be a mechanism in the rule to address the lengthening of the time line because of occasional failures of electronic delivery mechanisms. Staff added the option of increasing the time line to a maximum of five business days (see discussion under PacifiCorp above).
	480-100-179(7)(d)	Pacific Power (PacifiCorp or Company)	PacifiCorp requested that it be allowed to keep a customer on paperless billing (i.e., bills, bill inserts, and notices of tariff revisions) despite receiving undelivered electronic message notifications.	<b>Staff agrees.</b>
	480-90-179(7)(d)(i) 480-100-179(7)(d)(i)	Commission Staff	Staff added two conditions if the utility keeps a customer on paperless billing despite receiving undelivered electronic message notifications. The conditions include: (1) The utility must exhaust all reasonable attempts to correct the malfunctioning electronic address; and (2) The utility must obtain the customer's written or electronic consent to continue paperless billing even though the customer's electronic notification is returned to the utility as undeliverable.	This is intended to provide adequate consumer protection when the utility keeps a customer on paperless billing even though the utility is receiving undelivered electronic message notifications.
	480-90-179(7)(d)(ii) 480-100-179(7)(d)(ii)			