



January 30, 2019

RE: Rulemaking to modify existing consumer protection and meter rules to include Advanced Metering Infrastructure

Docket U-180525

Mark Johnson, Executive Director/Secretary
Washington Utilities and Transportation Commission
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Dear Mr. Johnson:

Thank you for the opportunity to participate in the process of rulemaking to modify existing consumer protection and meter rules. This letter constitutes our response to the notice of opportunity to file written comments on the draft rules, Docket U-180525.

Front and Centered is a statewide coalition of organizations and groups rooted in communities of color and people with lower incomes. Our mission is to advocate for and represent these communities in connection with economic and environmental change, because communities of color and people with lower incomes are the first hit by extraction, pollution, and climate change, which exacerbates existing health and economic disparities. Frontline communities are often left out of or are the last to be included in the transition to a healthy, resilient, and sustainable future. We appreciate being included in this process.

The UTC's mission is to ensure investor-owned utility and transportation services are safe, available, reliable, and fairly priced. Remote metering will likely play an important role in the future of utility companies and there are important steps the Commission can take to ensure fairness.

We are concerned that remote metering, as the draft rules are currently written, may remove a number of protections that currently exist. Our greatest concern is that the implementation of remote metering, and remote disconnection in particular, will remove consumer protections that are especially critical for immigrant and lower-income communities. Because of this concern, we are asking that the UTC not allow remote disconnections. Remote disconnection may deprive



some low-income consumers of adequate notice or ability to remedy delinquent payments onsite as is currently permitted with a physical disconnection.¹ As the rules currently stand, a customer can pay a delinquent balance to a utility worker who arrives to disconnect power. Remote disconnection would eliminate this option. Some customers are un-banked, may not get mail regularly or reliably, or may have limited English language skills. In some cases, a customer's only notice or option to pay a delinquent charge on the day of disconnection may be a cash payment to a utility worker who comes in person to disconnect service.

Whether or not remote disconnection is allowed, we request the following consumer safeguards be implemented:

1. The expansion of the winter low-income payment program into a program that is available year-round
2. A requirement that utilities include information on setting up a payment plan with the first hard copy notice of disconnection
3. A method for customers to pay their delinquent balance in cash on the day of disconnection in all circumstances
4. For customers who have failed to make payments on an agreed-upon payment plan, a requirement that utilities provide in-person notice on the day of disconnection
5. A definition of "remote metering" and "AMI" for clarity to the customers
6. More language accessibility for non-English speakers

1. General Low-Income Payment Plan

We recommend the creation of a general low-income payment plan available year-round in addition to, or in place of, the current winter low-income payment program. Currently, the winter low-income payment program outlined in WAC 480-90-143 and 480-100-143 allows low-income customers to avoid disconnection of residential space heating during winter months if certain steps are followed.² We request that the new rules allow low-income customers, upon satisfying the conditions required (such as proof of income for the last twelve months), to be able to avoid disconnection of utilities by making a partial payment, perhaps akin to the winter low-income repayment program, which prohibits the utility from charging a monthly bill higher than seven percent of a customer's monthly income.³ We believe low-income customers should have the opportunity to make smaller payments in order to keep their utilities connected, regardless of the season or time of year. This would benefit the utilities by allowing them to keep receiving payments from the customers, but more importantly, it would avoid hardship for families losing access to electricity service.

¹ WAC 480-100-128(6)(k), WAC 480-90-128(6)(k)

² WAC 480-100-143(1), WAC 480-90-143(1)

³ WAC 480-100-143(1)(b), WAC 480-90-143(1)(b)



2. Information on Payment Plans to Consumers

We ask that utilities provide customers with information on setting up the payment plan proposed above. Section 480-90-128(4)(a)(i) of the draft rules requires that the first notice of disconnection be a hard-copy delivered to the premises of service, and we request that along with this notice, utilities include information on payment plan options for low-income customers. We do not believe that a person should suffer disconnection as a result of low income. The option of a payment plan would allow customers who are unable to pay the full amount of the utility bill to pay a monthly amount based on their income. As mentioned above, a payment plan would benefit the utility companies as well as the customer because it would allow the utility to continue receiving payments rather than receiving none. Because the draft rules already require a utility worker to deliver a hard-copy notice of disconnection to a customer's property, adding a packet of information on payment plans would require little extra cost or effort. The payment plan information should include instructions on how to contact the utility company to set up the payment plan, and should maintain the same requirements for proving income as enumerated in WAC 480-100-143 and WAC 480-90-143.

3. A Method for Paying in Cash a Delinquent Balance on Day of Disconnection

Under the current rules, WAC 480-90-128(6)(k) (Section 480-90-128(4)(i) of the draft rules) requires that utility workers who come to disconnect a customer's power accept payment of the delinquent account on-site. This allows customers to prevent the disconnection right up until the worker actually disconnects the customer's power. With remote disconnection, no person physically arrives to a customer's property. Instead, the power is remotely disconnected. Naturally, this eliminates the opportunity for a customer to pay a balance and prevent disconnection. As mentioned above, some customers do not have bank accounts. Paying cash to a utility worker may be a customer's best or only way to prevent the disconnection. We request that the rules include a method for customers to make cash payments directly in the same manner if there is to be remote disconnections.

4. Day-of Disconnection Notice to Those Who Have Failed to Make an Agreed-Upon Payment to a Payment Plan

Section 480-90-128(7)(e) of the draft rules permits utility companies to disconnect power without notice when a customer fails to make an agreed-upon payment to a payment plan. We do not believe that there should be remote disconnection *without notice* for customers who fail to



make an agreed-upon payment on a delinquent balance. Our goal is to ensure that the use of advanced metering infrastructure does not eliminate any consumer protections or create any hardships. Under the current metering system rules, a service worker must physically come to a home or business to make a disconnection, so even without actual notice, the utility worker's presence can serve as an important alert to a customer. Under remote disconnection, if a customer has not made a payment to an agreed-upon payment plan, he or she has absolutely no notice on the day of disconnection unless it is deliberately provided by the utility company. Section 480-90-128(4)(a)(i) of the draft rules specifies that first notice of disconnection must be delivered by email, text, or other electronic information (in addition to a hard-copy notice). We similarly request that before a utility remotely disconnects a customer who has failed to make a payment on an agreed-upon payment plan, it provide an electronic notification to inform the customer of the disconnection. This will add little to no cost to utilities, and a notification on the day of disconnection could allow a customer to make necessary arrangements, such as finding an alternative place to stay until power is reconnected, or even paying the delinquent balance before disconnection, which would also benefit the utility company.

5. A Definition of “Remote Metering” and “AMI”

We recommend that a definition of “Remote Metering” and “AMI” (advanced metering infrastructure) be added to WAC 480-90-023. We believe that a clear definition is necessary in order for customers to clearly understand all that the system encompasses. The Department of Energy defines “AMI” or “advanced metering infrastructure” as “an integrated system of smart meters, communications networks, and data management systems that enables two-way communication between utilities and customers.”⁴ We think that this, or a similar definition, would be appropriate to add into the definitions in WAC 480-90-023. A definition of AMI would provide clarity as to which rules apply to remote metering versus traditional metering, giving guidance to both utility companies and consumers.

6. Language Accessibility

A part of the UTC's mission is ensuring that utilities are accessible across a wide range of cultural experiences. To that end, we encourage the Commission to take this opportunity to expand current protections and make things truly accessible to all peoples and businesses by supporting the modern demographics of Washington. We notice that the current rule does not

⁴ See Department of Energy “Advanced Metering Infrastructure and Customer Systems,” September 2016 at page 4, https://www.energy.gov/sites/prod/files/2016/12/f34/AMI%20Summary%20Report_09-26-16.pdf



explicitly address language barriers. We believe that requiring utilities to meet ratepayer language needs will benefit both ratepayers and utilities.

We request that all materials are translated for non-English speakers, including billing information and disconnection notifications. Specifically, we suggest amending the rules entitled “Information to Consumers,” currently WAC 480-90-103 for gas utilities and WAC 480-100-103 for electric utilities, to create WAC 480-90-103(9) and WAC 480-100-103(9) respectively. These new subsections would require utilities to provide information to customers in multiple languages.

Preferably, the proposed rule would require utilities to translate all written communications to customers into all languages used in their service areas. Alternatively, the Commission could adopt a less inclusive rule that requires utilities, and their subsidiaries, to translate all written communications with customers into the five languages spoken by the largest numbers of people in their service regions who do not speak or read English. Doing so would benefit customers because all persons would be able to understand what they were agreeing to, be able to pay bills in the correct amount and on time, and have proper notice of any shut-offs. Translating the information would allow utilities to better communicate with their customers and prevent unnecessary misunderstandings.

According to WA census data,⁵ the current top six languages spoken at home other than English are Spanish, Chinese, Vietnamese, Russian, Tagalog, and Korean. The top five most common languages spoken by those who do not speak English well are Vietnamese, Korean, Other Asian,⁶ Chinese, and Khmer. Many who speak these languages are customers or potential customers who are in need of information, and deserve the same level of accessibility to their own utility information that English speakers have.

We suggest that the languages used be reassessed every five years to account for changes in regional demographics.

Another option would be to allow customers to choose which language they would like for communication from their utility company. For new customers, this question could be included in the original forms used to sign up for the service. Existing customers could be sent forms in the languages specified above and could choose which language to use in all further communication. It would be best if the original sign-up forms are also provided in all necessary

⁵ <https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF> , <https://statisticalatlas.com/state/Washington/Languages>

⁶ Based on each service region “Other Asian” should become more identifiable.



languages. This way customers are able to let utilities know from the beginning of service which language to use, and utilities can communicate more clearly with their customers. For further examples of language options, we recommend the UTC refer to the March 2017 NAACP Report on Utility Shut-Off Reform, *Lights Out in the Cold*.⁷

We also request that the utilities' websites be translatable into the top five languages of non-English speakers. We suggest the rule say something like, "Utilities' websites must have an option to translate the site into five of the top languages spoken in the service region, as referenced in 480-90-103(9) and 480-100-103(9)." Fully translated websites would allow all customers effective access to bill portals and information about the utility company servicing them.

Alternatively, utilities could provide a limited translation of the most important portions of the website. For example, a customer could click a translation button and be directed to a site with basic information about the company, and instructions on how to pay their bills and how to contact utility representatives (e.g. customer service and those in charge of medical emergency plans). This is in line with the principles of fairness the Commission strives for, which include doing what is fair for utilities and the people and businesses they serve.

We also propose that each utility provide access to a hotline so that non-English speakers can call in and ask questions in the same way English speakers can. Customer service lines are helpful for asking general questions about a bill or about the online bill portal, and when customers need to speak to someone about the medical emergency plan, the winter low-income payment program, or other payment programs.

All of the above language accessibility suggestions could be included in the amended sections 480-90-103 and 480-100-103, perhaps as section 480-90-103(9)(x) and 480-100-103(9)(x). Alternatively, the provisions could be included under section 480-90-103 as a subsection on language accessibility, and have subparts (a), (b), (c), etc., for each of the above suggestions.

We also request that the new rules include a reference to these language requirements in the sections regarding notice⁸ and billing⁹ to ensure these translations are accomplished. We request

⁷ NAACP Environmental and Climate Justice Program, *Lights Out in the Cold: Reforming Utility Shut-Off Policies as if Human Rights Matter*, https://www.naacp.org/wp-content/uploads/2017/12/Lights-Out-in-the-Cold_NAACP.pdf (2017).

⁸ Section 480-90-128(2) and section 480-100-128(2) of the draft rules

⁹ WAC 480-90-178 and WAC 480-100-178 of the current rules



these language translations and language options apply broadly to Chapters 480-90 and 480-100, including any new sections addressing data privacy and access to data information.

Thank you for considering our comments and concerns about the proposed rule changes. For additional recommendations, we request that the UTC consider the issues and options discussed in the March 2017 NAACP report, *Lights Out in the Cold*.¹⁰ We look forward to working with you on this important matter and appreciate the Commission's commitment to access and high levels of service for all utility customers. Please contact us if you have any questions or would like to discuss any of our proposed ideas.

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¹⁰ We do note that the proposed rules specify the hours of 8am-12pm for remote shutoffs (Section 400-90-128(6)b)) which is similar to the NAACP's suggestions.