

**BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

DAVID STANZAK)	
)	DOCKET NO. UE-170917
Complainant,)	
)	ANSWER OF AVISTA
v,)	CORPORATION
)	
AVISTA CORPORATION)	
)	
Respondent.)	

1 On August 31, 2017, Avista was served with a copy of the complaint filed by David Stanzak, who is the Spokane County Superior Court Administrator appointed to manage the Estate of Doreen L. Hodin, concerning electric and natural gas service for the property located at 17120 East 3rd Avenue, Spokane Valley, WA. Complainant has requested that Avista inspect the property in question, and if no hazard exists in the Company's opinion, to restore service. The property has been vacant and for more than 12 months – i.e., since September 15, 2015, and electric and natural gas service has been terminated.

I. INTRODUCTION

2 Avista Corporation, doing business as Avista Utilities ("Avista" or "Company"), at 1411 East Mission Avenue, Spokane, Washington, hereby answers the formal complaint filed by David Stanzak. Mr. Stanzak's complaint pertains to the Company's policy of requiring customers to obtain an electrical inspection prior to the Company turning on service if the service has been off for twelve months or longer.

3 The Company is willing to restore service after the completion of a satisfactory electrical inspection performed by the Washington State Department of Labor and Industries is completed, certifying that no hazard exists inside the home if service was restored. The Company offered to reimburse Mr. Stanzak for the cost of the electrical inspection in order to resolve his complaint and get power reconnected at the location in question. However, Mr. Stanzak declined the Company's offer. This complaint can be resolved by taking the simple step of completing the electrical inspection, which Mr. Stanzak has not been willing to do. The Company stands ready to act as soon as a satisfactory electrical inspection has been completed.

4 Please direct all correspondence related to this Petition as follows:

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II. BACKGROUND

5 On Wednesday June 14, 2017, the Company received an informal complaint from the Commission filed on behalf of the estate of Doreen L. Hodin, whom passed away in July of 2015. The complainant, David Stanzak, is the court-appointed administrator of the estate. Prior to filing the complaint Mr. Stanzak contacted the Company to settle any outstanding charges owed by Ms. Hodin's estate for the home located at 17120 East 3rd Avenue, Spokane Valley, WA 99016. Mr. Stanzak contacted the Company requesting the power be turned back on, at which time the Company informed Mr. Stanzak that the power to the home was turned off and had been off since September 15, 2015. It has now been over two years since the home has been

occupied and essential services been turned off. Because the power to the home had been disconnected for more than twelve-months, the Company informed Mr. Stanzak that an electrical inspection was required before it could be reconnected. The Company referred Mr. Stanzak to the Washington State Department of Labor and Industries to schedule the inspection.

6 In his prior informal complaint, Mr. Stanzak stated that he “believes Avista’s inspection requirement is a frivolous, unnecessary, redundant, unreasonable, and expensive requirement affecting thousands of Avista customers, costing probably hundreds of thousands if not millions of unnecessary spent dollars.” In response to the complaint, the Company provided Commission Staff with the information that supports its policy of requiring an inspection. After multiple communications between Commission Consumer Staff and the Company regarding the inspection policy, a conference call was held July 10, 2017, which included Commission Consumer and Energy Staff as well Avista engineers, field personnel, and regulatory staff.

7 At the conclusion of the conference call, the Company offered, at the advice of Commission Energy Staff, to provide a credit to Mr. Stanzak for the cost of the required inspection as a one-time courtesy. On July 13, 2017, Commission Staff informed the Company that Mr. Stanzak declined the Company’s offer. Staff also informed the Company that the complaint was closed with a disposition of Company Upheld.

8 On August 31, 2017, the Company received official notice from the Commission of a formal complaint filed by Mr. Stanzak. Mr. Stanzak continues to object to the Company’s inspection policy and states that “Avista Utilities in Spokane County has overstepped its authority and is abusing power by deciding to unilaterally deny service to customers that have been without power for twelve months or more.” Mr. Stanzak concludes his complaint with the following allegations:

- 1) Avista's decision to deny service to me is unlawful; it lacks Rule of Law.
- 2) Avista's presumption that such homes are hazardous is unreasonable without some evidence that a hazard exists as per WAC 480-100-123 (2)(b) and is thereby unlawful.
- 3) Avista is in violation of RCW 80.28.110 by not turning on the gas as requested back in May.
- 4) Avista is in violation of RCW80.28.110 by not turning on the electrical service without evidence of a hazard; solely based on "what if" fears a hazard might exist.
- 5) It is unreasonable and unnecessary to cause the expense of an inspection without evidence of a hazard. Avista has no research to support is position that there are a sufficient number of homes with hazards that the PUC should modify the requirements before service is reinstated.
- 6) It is redundant to perform an inspection to an intact property that is already metered and has had a lawful inspection without evidence of tampering.

Avista denies each of these allegations of the Complainant as set forth above.

III. COMPANY POLICY FOR INSPECTIONS

9 Avista's policy, as excerpted below and documented in its Electric Service Requirements (Blue Book), for requiring electrical inspections in all locations when an electric meter has been disconnected for twelve months or longer has been in place for many years.¹ The Company's policy is based on RCW 80.28.010 and WAC 480-100-123, and for the reasons described below.

10 RCW 80.28.010 provides that it is the Company's duty to "furnish and supply such service, instrumentalities and facilities as shall be safe, adequate and efficient, and in all respects just and reasonable." (emphasis added) WAC 480-100-123(2)(b) allows a utility to "refuse to provide new or additional service if, in the utility's reasonable judgement, the applicant's or customer's installation of wiring or electrical equipment is considered hazardous or such a nature that safe and satisfactory service cannot be provided." (Emphasis added) It is Avista's "reasonable judgement" that reconnecting power to a location in which service has been shut

¹ The Company does not require a natural gas inspection in all areas when service has been disconnected for twelve months or longer. However, as in the instance described herein, the Company is unable to restore gas service until the electric service is first restored.

off for twelve months or longer is not “safe”, within the meaning of RCW 80.28.110. As such, Mr. Stanzak is not “reasonably entitled” to be furnished electricity per his claim under RCW 80.28.110, until such time as the Company deems it is safe to do so.

11 The Company’s policy was designed and put in place to keep employees and customers safe. Avista will not take unreasonable risks in exposing employees or customers to the hazards that may exist when re-energizing service at a location where the power has been off for twelve months or longer, without the benefit of an electrical inspection as required by Avista in this circumstance.

12 To summarize, the Company policy for inspections is required for the following reasons, which are described in detail in the following section:

- 1) It is Avista’s duty to furnish and supply safe service per RCW 80.28.010 and ensure the safety of both employees and our customers.
- 2) WAC 480-100-123(2)(b) allows a utility to “refuse to provide new or additional service if, in the utility’s reasonable judgment, the applicant’s or customer’s installation of wiring or electrical equipment is considered hazardous or such a nature that safe and satisfactory service cannot be provided.”
- 3) Avista’s electric tariff Schedule 70, Section 9(C), states “The Company may refuse to serve an applicant if, in its judgement, said applicant’s or customer’s installation of wiring or electrical equipment is hazardous or of such character that satisfactory service cannot be provided
- 4) By way of further illustration of the reasonableness of Avista’s policy, both the City of Spokane’s municipal code and Idaho law otherwise requires an inspection when a meter has been off for twelve months or longer.²
- 5) Avista’s Electric Service Requirements (“Blue Book”), which describes the Company’s requirements for inspections, reflect the above concerns.

² City of Spokane Municipal Code 17F.050.150 and 17F.090.060 and Idaho Code 54-1005

IV. AFFIRMATIVE DEFENSES

- 13 **1) It is Avista’s duty to furnish and supply safe service per RCW 80.28.010 and ensure the safety of both employees and customers.**

Avista requires an electrical inspection to affirm that it is able to furnish and supply safe service in accordance with its duty under RCW 80.28.010. When power has been disconnected for long periods of time, the Company does not know the status of the electrical wiring of a home or building. Safety concerns the Company has seen in the past include, but are not limited to: copper theft; meter tampering; bare wires; additional structures being built around meters that do not meet access requirements; breaker panels stripped of their parts; back feed of energy from a neighboring connection; and newspapers or other combustible materials being left on stoves or appliances that were left on, which create fire hazards. If the Company were to turn service back on with any of these situations present it could lead to a hazardous situation that would put employees and/or customers at risk. In order to avoid potential hazardous situations, the Company made the policy decision in conformity with its legal obligations to require an inspection whenever electric service has been shut off for twelve months or longer.

- 14 **2) Under WAC 480-100-123(2)(b) – Refusal of Service, Avista may refuse service if, “in its reasonable judgement”, to do so would be “hazardous”.**

WAC 480-100-123(2)(b) allows the utility to refuse to provide new or additional service if “in the utility’s reasonable judgement, the applicants or customer’s installation of piping or gas burning equipment is considered hazardous or of such a nature that safe and satisfactory service cannot be provided.” It is the Company’s “reasonable judgement” to require an electrical inspection in all areas prior to reconnecting electric service that has been off for twelve months or longer. The Company believes this is reasonable given its duty to furnish and supply safe

service. This belief is supported by the fact that electrical inspections are required in the majority of areas it serves, including its largest city (Spokane) and throughout State of Idaho. The policy is predicated on concerns for safety of both the Company's employees and customers, which remain the highest priority in providing electric service.

15 **3) Avista Electric Tariff Schedule 70, Section 9(C), also allows the Company to refuse service.**

Avista's electric tariff Schedule 70, Section 9(C), is intended to mirror WAC 480-100-123, such that the Company may refuse service if in its judgement, said applicant's or customer's installation of wiring or electrical equipment is hazardous or of such character that satisfactory service cannot be provided. For the same reasons described herein, Avista's judgement is to require an electrical inspection when electric service has been disconnected for twelve months or longer.

16 **4) Avista's policy is in compliance with the City of Spokane municipal code and Idaho state law.**

As further evidence of the reasonableness of its position, Avista's policy for requiring inspections is in compliance with the City of Spokane Municipal Code. Title 17F Construction Standards, Chapter 17F.050 Electrical Code, Section 17F.050. 150 Disconnection of Service, requires the following:

(E.) A Safety inspection by a city electrical inspector will be required to approve a service for reconnection of power by the serving utility company under the following circumstances:

- a. Power has been off for one year or more
- b. When requested by the serving utility company
- c. Mixed wiring between units
- d. Extension cords discovered running between different houses or buildings
- e. Vandalized wiring discovered or other noted electrical issues

17 Title 17F Construction Standards, Chapter 17F.090 Mechanical Code, Section 17F.090.060 Inspection Following Nonuse of Gas, requires the following:

Whenever gas has not been used in premises already piped therefor for a year or more, a new permit and inspection is required for turning on gas service.

18 The City of Spokane is not alone in this regard, as the State of Idaho also requires inspections prior to electric service being energized if the service was disconnected. Idaho Code 54-1005 – Rules – Inspections – Inspection Tags and Fees requires the following:

3) Individuals, firms, cooperatives, corporations, or municipalities selling electricity, hereinafter known as the power supplier, shall not connect with or energize any electrical installation, coming under the provisions of this act, unless the owner or a licensed electrical contractor has delivered to the power supplier an inspection tag, issued by the administrator, covering the installation to be energized. Immediately after an installation has been energized, the power supplier shall deliver to the administrator or his authorized agent, the inspection tag covering such installation.

19 Based on the Company's experience, and given the requirements throughout most of its service territory, the Company instituted its policy to require an electrical inspection when service has been disconnected for twelve months or longer in all of the areas it provides electric service. The Company believes this is reasonable given that the majority of customers it serves are subject to an electrical inspection, which have been determined necessary by the applicable governing bodies of the City of Spokane and State of Idaho. A single company-wide policy is also appropriate to implement as it provides for consistency when customers request that service be turned on.

20 Concerning why Avista requires an electrical inspection before doing its own inspection, the Company is only certified to inspect its own equipment up to the point of demarcation, which is the service point (typically the weatherhead on the roof of a customer's home). A visual

inspection of the property performed by the Company, including looking through windows (not something the Company would do), does not tell the Company what the status of the electrical wiring is and does not fulfill the requirement of the electrical inspection. Any electrical wiring or circuitry requiring inspection beyond the service point, including the meter can, must be inspected by a certified inspector per the National Electric Code (NEC). Avista is prohibited from performing an inspection downstream from the service point per the NEC, as its employees do not maintain the proper certification to do so.

21 In the City of Spokane all inspections must be done by a city inspector and in Idaho all inspections must be done by the Idaho Division of Building Safety. In all other locations, the Washington Department of Labor & Industries performs the electrical inspections. Avista requires that customers first obtain the required inspection before going to the premise itself to inspect its own equipment and turning the service back on.

22 In an effort to minimize field visits to customers' premises, the Company requires the customer first obtain an inspection before it makes a visit. If the Company were to visit the Customer's premise first to inspect its own equipment, followed by the inspection beyond the meter, it would then require a second trip by the Company's field employee to reconnect the service. This additional trip would be inefficient and lead to additional costs for all customers.

23 **5) Avista's Blue Book describes the Company's requirements for inspections.**

Avista's policy for requiring electrical inspections when service has been off for twelve months or longer is documented in its Blue Book, which is available publicly to all customers upon request or it can be found on the Company website at <https://myavista.com/about-us/services-and-resources>. It reflects the Company's obligation under governing statutes, rules, and tariff provisions. In addition, the Company provides hard copies to electricians when

requested. The purpose of the Company's Blue Book is to provide a uniform set of standards that meet local, state, and federal requirements, in addition to internal Company policies.

24 A written set of standards ensures safe working and operating conditions of electrical services for the Company's employees and its customers. The requirements for inspections in the Blue Book are as follows:

1.0 GENERAL SERVICE REQUIREMENTS

These guidelines are based on the typical utility practices necessary to supply reliable and safe service. **All meter and service equipment required for the construction of new or remodeled installations as well as services disconnected for a period of one year or more and all seasonal installations must meet these guidelines.** In addition installations must conform to the rules and regulations of the inspection authorities having jurisdiction. These regulations include, but are not limited to the National Electrical Code, National Electrical Safety Code, State Rules and Regulations, City and County ordinances and codes, and rules on file with or issued by the Public Utility Commission. (Emphasis added)

1.3 CONNECTION REQUIREMENTS Avista will connect a new service meeting our requirements that has an inspection sticker posted on site. When Avista disconnects a service to allow an electrical upgrade or altered service it will be reconnected if the modifications meet our current standard requirements and;

1. If work is performed by the property owner – a final inspection approval must be posted on site
2. If work is performed by a licensed electrician - inspection requirements vary by local electrical inspection office. The electrician should call the local Avista office for current Avista standard requirements. See Contact Information in a previous section.
3. Inspection of that service and equipment is required before reconnection and service must meet current Avista standards. In some cases an official inspection by the governing agency may also be required.

4. If any service has been disconnected for a period of one year or more both an Avista inspection and a local electrical inspection by the governing agency is required. (Emphasis added)


5. 48 hour notice must be given to Avista for removal of any meter locking device.
6. Avista will not attach any services and facilities to trees.
7. Replacement of mobile homes at a service constitute a major change and require both an Avista inspection and a local electrical inspection by the governing agency.
8. Seasonal installations that are shut off for less than a year are subject to an Avista safety inspection and can be required to bring installation up to current code requirements if deemed unsafe.

25 Subsection 4 of Section 1.3 is clear that both an Avista inspection and local inspection by
the governing agency is required. For the reasons described above, the Company requires the
local electrical inspection be completed before the Company schedules a field visit to complete
its own inspection and before it reconnects service.

V. REQUEST TO DISMISS COMPLAINT

26 WHEREFORE, Avista respectfully requests that the Commission dismiss the Complaint
filed by David Stanzak, as its policy for requiring inspections is in compliance with statute,
Commission rules, applicable codes and policies, and is in the best interest of its customers and
employees. The Company rightfully required an inspection of the property located at 17120 East
3rd Avenue, Spokane Valley, WA 99016, as service had been disconnected for longer than
twelve months. Also, the Company even offered to reimburse Mr. Stanzak for the cost of the
required electrical inspection, but he declined the Company's offer. The Company has taken all
reasonable steps to resolve this issue. For these reasons the Company requests that the
Complaint be dismissed.

DATED this 18th day of September, 2017

By:  _____
David J. Meyer
Vice President and Chief Counsel for Regulatory
and Governmental Affairs

