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VIA FEDERAL EXPRESS AND ELECTRONIC MAIL

Carole Washburn, Executive Secretary
Washington Utilities & Transportation Commission
1300 S Evergreen Park Drive SW
PO Box 47250
Olympia, WA 98504-7250

Re: Docket No. UG-990294

Dear Ms. Washburn:

Proposed rule, WAC 480-90-XX6 addresses customer proprietary information. Adapted from a current telecommunications rule, WAC 480-90-XX6 seems intended to restrict the ability of a utility, or its affiliates, to use customer proprietary information—obtained in the course of providing some service to that customer—to market *new* services to the same customer.

The language of the first provision of WAC 480-90-XX6 is not entirely clear, however. The Northwest Industrial Gas Users (NWIGU) has some concern that the language may conflict with potential new rules addressing the public disclosure of the essential terms and conditions of special contracts. NWIGU recommends that the first provision be re-written to clearly indicate that this rule's purpose is limited to preventing utilities and their affiliates from using customer proprietary information to make new sales. Doing so will prevent any interpretation of the rule that it prohibits all disclosure of customer information, and thereby avoid potential conflict with a special contracts rule providing for the disclosure of essential terms and conditions of special contracts.

NWIGU recommends the following language changes:

A utility may not use, disclose, or permit access to customer proprietary information for the purpose of marketing service or product offerings to a customer who does not already subscribe to that service or product.

A utility may not share customer proprietary information with its affiliates to market service or product offerings to a customer who does not already subscribe to that

service or product.

Customer proprietary information means information that relates to the quantity, technical configuration, type, destination, and amount of use of service or products subscribed to by a customer of a regulated utility that is available to the utility solely by virtue of the customer-utility relationship.

This rule does not prevent disclosure of the essential terms and conditions of special contracts as provided for by WAC 480-80-335.

WAC 480-90-076 addresses “service responsibility” requirements. Section (i) addresses requirements associated with “scheduled interruptions” of delivery. This section currently provides for only “one day’s” notice in advance of scheduled interruptions. Due to the significant effect on commercial and industrial customers when service is interrupted, potentially causing businesses to shut down, NWIGU recommends that notice be given more than one day in advance. Presumably since the interruptions are “scheduled,” they are planned well in advance of twenty-four hours prior to commencing the interruption of service.

Utility tariffs typically specify that “reasonable notice” shall be given prior to service interruption. NWIGU asserts that, since utilities usually plan a scheduled interruption well in advance of its execution, twenty-four hours notice, particularly by “newspapers, radio announcements, or by other means” is not “reasonable.”

NWIGU recommends, instead, that except in case of emergency, utilities give reasonable notice, defined to be not less than one week in advance, of a scheduled interruption. Moreover, in this era of advanced communication technology, NWIGU suggests that notice to industrial and commercial customers must occur via telephone call or facsimile or, when elected by the customer, by electronic mail. Of course, the Commission may also wish to consider similar requirements pertaining to other classes of customers.

NWIGU recommends the following language changes:

- (i) Scheduled interruption – The gas utility will minimize the inconvenience to customers when it is necessary to make repairs or changes to its facilities that require the interruption of service. The gas utility must give reasonable notice, both in terms of time and manner, of a scheduled interruption to all potentially affected customers. For customers taking service under commercial, industrial and transportation tariffs, reasonable notice will be given no less than one week in advance, except in case of emergency, and will be delivered in person, by telephone or facsimile or may be given by electronic mail if the customer has specified that such notices may be given in that manner.

Thank you for your consideration of our comments.

Sincerely,

Edward A. Finklea
Counsel for the Northwest Industrial Gas
Users

cc: Jim Russell