

Agenda Date: September 8, 2004
Item Number: C1

Docket: **TG-041349**
Rulemaking to Review WAC 480-70-401, Payment options,
and WAC 480-70-396, Billing

Staff: Penny Hansen, Rulemaking Team Lead
Karen Caillé, ALD

Recommendation:

Direct the Secretary to file a Notice of Proposed Rulemaking (CR-102) with the Office of the Code Reviser in Docket TG-041349, proposing amendments to WAC 480-70-401 (Payment options), and WAC 480-70-396 (Billing), as detailed in Attachment A.

Discussion:

At the July 28, 2004, Open Meeting, the Commission granted exemptions from WAC 480-70-401 (Payment options) to five solid waste companies to allow electronic fund transfers as an accepted method of payment. Commission Staff has heard that other companies want to offer similar payment options; however, the current rule is too restrictive.

On August 4, 2004, the Commission filed a Preproposal Statement of Inquiry (CR-101) with the Office of the Code Reviser to initiate a review of the payment options and billing rules in chapter 480-70 of the Washington Administrative Code (WAC); specifically, WAC 480-70-401 and WAC 480-70-396. On August 5, 2004, the Commission mailed notice of the CR-101 to all regulated solid waste/refuse companies. The Commission has not received any comments on the CR-101.

The proposed rules would a) establish a minimum level of payment options companies must allow such as cash, certified funds (e.g., cashier check or money order), and personal checks; and b) allow companies, upon request by the customer, to offer electronic billing.

Written comments on the CR-102 Notice of Proposed Rulemaking may be submitted to the Commission Secretary by Wednesday, October 20, 2004.

Docket TG-041349

September 8, 2004

Page 2

Staff recommends that the Commission direct the Secretary to file a Notice of Proposed Rulemaking (CR-102) in Docket TG-041349 with the Office of the Code Reviser, to amend WAC 480-70-401 (Payment options) and WAC 480-70-396 (Billing) as detailed in Attachment A.

Attachment A

WAC 480-70-401 Payment options. ~~A company may accept payment by cash, money order, personal check, certified check, debit card or credit card.~~ Companies must, at a minimum, allow the following methods of payment: Cash, certified funds (e.g., cashier check or money order), and personal checks.

(b) Upon written notice to a customer, companies may refuse to accept personal checks when that customer has tendered two or more nonsufficient-funds checks within the last twelve months.

WAC 480-70-396 Billing. (1) **Billing period.** A company may bill its customers for one, two, or three months of service.

(2) **Advance billing and payment delinquency dates.** The following chart defines the maximum period allowed for advance billing and the date when a bill may be considered delinquent:

Billing period	Maximum advance billing period allowed	Delinquency date
One month's service (monthly)	No advance billing allowed	May not be less than twenty-one days after the date the bill is mailed
Two months' service	One month advanced billing allowed	May not be until the last day of the second month
Three months' service	Two months' advance billing allowed	May not be until the last day of the third month

(3) Bills issued to customers must clearly show the company's name and applicable registered trade name, business address, and toll-free telephone number where a customer may contact the company. Bills must also show:

(a) Account information, including:

- (i) The customer's name, service address, and billing address;
- (ii) Company customer identification number, if any;
- (iii) The billing period;
- (iv) The date the bill was mailed;
- (v) The date payment is due; and
- (vi) The date the bill becomes delinquent;

(b) Rate information, including:

- (i) The percentage amount or minimum charge for late payments (may not exceed one percent of the unpaid balance or one dollar, whichever is greater);
- (ii) All rates or charges billed to the customer, shown as separate line items on the bill (for example: Service and size of container; yardwaste service and size of container; recycling service and recycling commodity adjustment);
- (iii) Other tariffed services (for example: Drive-in charges, carry-out charges, and occasional extras); and
- (iv) The percentage rate and dollar amount of any government tax or fee imposed on the company and passed on directly to customers;

(c) Other information as may be directed by the commission.

(4) With the consent of the customer, a company may provide regular billings in electronic form if the bill meets all the requirements of this rule. The company must maintain a record of the customer's request, and the customer may change from electronic to printed billing upon request.

(4 5) If a customer initiates or terminates solid waste service within a month, monthly rates and charges must be prorated based on the number of pick-ups actually provided.

(5 6) The commission may allow consolidated billing for regulated and nonregulated activities.

(a) A consolidated billing must:

- (i) Disclose nonregulated activity as a separate line item; and
- (ii) Include a telephone number where the customer may contact the company providing the nonregulated activity.

(b) If a customer makes partial payment, a company must apply the payment to the regulated solid waste charges first.

(c) A company may not discontinue solid waste service if the customer does not pay for nonregulated services, but has paid in full for regulated solid waste service.

