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**VIA ELECTRONIC FILING**

Mark L. Johnson  
Executive Director and Secretary  
State of Washington Utilities and Transportation Commission  
1300 S. Evergreen Park Drive SW  
P.O. Box 47250  
Olympia, Washington 98504-7250

**RE: Docket U-180525: Comments of NW Natural  
Rulemaking to Modify Existing Consumer Protection and Meter Rules to Include  
Advanced Metering Infrastructure**

Dear Mr. Johnson,

Northwest Natural Gas Company (“NW Natural” or “the Company”) appreciates the opportunity to submit these comments in response to the December 21, 2018 Notice of Opportunity to File Written Comments.

In response to the questions for consideration, NW Natural provides the following:

***AMI Meter testing and accuracy requirements***

**1. What types of certification are available for meters?**

For natural gas services, NW Natural requires all diaphragm, rotary and turbine meters to meet ANSI (American National Standards Institute) standard B109. Diaphragm meters less than 500 cubic feet per hour capacity must comply with ANSI B109.1-2000 edition. 630, 800 and 1000-sized meters must comply with ANSI B109.2-2000. Rotary meters must meet ANSI B109.3-2000. NW Natural also utilizes orifice, turbine and ultrasonic meters for specialized applications. For these meters AGA (American Gas Association) Report No. 3 is used for orifice meters, AGA Report No. 7 for turbine meters and AGA Report No. 9 for ultrasonic meters.

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**2. How is meter accuracy tested?**

NW Natural utilizes testing standards specified by ANSI B109 for diaphragm and rotary meters. Guidelines from AGA (American Gas Association) Report No. 3 are used for orifice meters, AGA Report No. 7 for turbine meters and AGA Report No. 9 for ultrasonic meters.

**3. Are there concerns related to power quality that could affect performance and accuracy of the meters?**

NW Natural diaphragm, rotary and turbine meters utilize mechanical indexes which are not affected by power quality. Where unique installation cases require an orifice or ultrasonic meter, NW Natural typically includes battery backup capabilities to ensure meter accuracy in the event of a loss of power.

**4. Please refer to Attachment B. In the article, Challenges for Smart Electricity Meters due to Dynamic Power Quality Conditions of the Grid: A Review, the author states, "The understanding of the relationship between power quality and the accuracy of electricity meters is useful to evaluate the impact of including a standardized procedure to properly calibrate meters under distorted waveform. Further and continuous investigation is required to minimize the error of electricity meters under any possible working condition. The current permissible error in applicable accuracy related standards could be a cause of significant revenue losses for utilities."**

- a. Does the company know of any modification to current standards to address this issue?
- b. Do companies know of any circumstance where meter readings are not accurate? If inaccuracy of meters is known under certain circumstances, what circumstances trigger the inaccuracy? What can Companies do to correct this problem?
- c. Does the company know if the meters have been tested for current waveform distortion caused by LED, CFL, and dimmers?
- d. Are meters tested in their capability to measure accurately under distorted waveform conditions?

This question does not pertain to NW Natural.

**5. Has the company considered adopting standard ANSI C12 – Smart Grid Meter Package? Please provide the rationale for your response.**

This question does not pertain to NW Natural.

***Remote Disconnect***

6. **Do companies have restrictions in tariff or in practice for disconnecting service during times when the temperature will be low or high? If so, please describe.**

Yes. NW Natural has had a long-standing practice that it will not disconnect service to a residential customer for non-payment during the winter heating season in any area where the forecasted temperature is expected to be below 32 degrees Fahrenheit by 11am. The decision is based on the temperature forecast in place at 8:00 a.m. However, a decision may occur later than 8:00 a.m. on any given day should there be a change in the temperature forecast. Any disconnection of service that was placed on hold due to the temperature is re-scheduled for completion on the next available business day as weather and operational conditions permit.

7. **Public Counsel suggests limiting disconnections for non-payment on days that are forecast to be 32 degree Fahrenheit or less.**
- a. **What are the advantages of this limitation?**
  - b. **What are the disadvantages of this limitation?**
  - c. **Should Washington restrict disconnections during cold weather? If so, describe alternative policy recommendations.**

It is NW Natural's position that its long-standing practice of not completing residential disconnections of service for non-payment when the temperature is below 32 degrees provides health and safety benefits to the customer. The practice also allows the Company to protect its employees from having to perform certain functions in situations where the weather conditions may create road or other hazards or unsafe conditions. NW Natural has not observed or experienced any significant disadvantages as a result of this practice.

NW Natural would not oppose a regulatory imposition of a restriction on disconnections provided that it (a) is restricted to the residential customer class; (b) is restricted to disconnections for non-payment; and (c) is not overly prescriptive so as to allow each utility to establish appropriate operating practices that best meet the needs within their unique service territory.

8. **In regards to placing limitations on the time of day utility service can be disconnected remotely, what does a policy look like that would allow the customer time to resolve the reasons of the disconnection on the same day?**
- a. **Does the utility have a policy to temporally delay a disconnection, if the dispatched utility representative finds a vulnerable resident such as, but not limited to a low-income resident or a resident with a medical issue (who has not declared a medical emergency)?**

**b. On average, what percentage of utility customers are disconnected per day? Please include all disconnections, not just those directed by the utility with notice. Please provide electric and gas customer information separately.**

This question, as it relates to remote disconnection, does not pertain to NW Natural. NW Natural provides the following in response to parts a, and b:

- a. When a NW Natural technician is at a customer premise to disconnect service and observes a situation that causes him to be concerned about that individual’s welfare, the technician will leave the gas on and will call a ‘tech line’ which goes directly to the Customer Contact Center (“CCC”). The CCC will either contact an emergency contact identified on the account, if available, and/or reach out to a third party social service entity to request a welfare check.
- b. Based on historical data for 2017 and 2018, on average, approximately 0.4% of the Company’s total utility customers in the state of Washington are disconnected each day.

**9. When a customer is disconnected for non-payment, how long will the company take to remotely reconnect service after payment has been received? Will service be reconnected the same day?**

This question does not pertain to NW Natural

**10. Do you currently reconnect service 24 hours a day, seven days a week? If not, what is your practice?**

As it pertains to reconnection of service following an involuntary disconnection for non-payment, NW Natural’s service reconnection practices are as follows:

Customer Contact with Company	Service Reconnection Options	Charge
Monday-Thursday 7:00 a.m. to 6:00 p.m.	By 5:00 p.m. of the next day * Same Day after 5:00 p.m. **	\$25 \$50
Monday-Thursday after 6:00 p.m.	None ***	N/A
Friday before 3:00 p.m.	By 5:00 p.m. of the next day (Saturday) * Same Day after 5:00 p.m. **	\$25 \$50
Friday 3:00 p.m. to 6:00 p.m.	By the end of the next Business Day (Monday)* Friday after 6:00 p.m.** Saturday**	\$25 \$50 \$50
Monday-Friday after 6:00 p.m.	None***	N/A

\* Standard Reconnection. This time frame is subject to change for any cause not reasonably within the control of the Company. If the next day is a state-recognized holiday, then it will be the next Business Day

\*\* After Hours Reconnection.

\*\*\* Applicant must call on next Business Day to schedule the reconnection

***Meter testing and accuracy requirements***

11. **Should companies be allowed to collect and release, with no restrictions, aggregate load information that enables the identification of customer class consumption behavioral patterns?**

Customer class consumption data is important information that is used for many purposes, including resource planning, rate design, load forecasting, marketing, financial reporting, etc., and NW Natural would have concerns were there to be specific restrictions placed upon the Company for the collection and use of the data for these purposes. Generally speaking, when referring to the broadly defined customer classes (residential, commercial, industrial, etc.) there is likely little or no cause for concern about releasing this type of data. However, if the customer class is more granular, such as consumption data of all tenants within a specific apartment complex, or within a single commercial building, then there may be good reason to establish some conditions or restrictions around the release of such data.

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In addition to its responses to the above questions for consideration, NW Natural provides the following comments with regard to the proposed draft rules identified as “U-180525 AMI Rulemaking - Ch480-90wac Draft Discussion Rules.”

NW Natural’s suggested edits to the draft rules are attached hereto as Appendix A and changes are presented in redline format. The Company’s edits to the draft rules begin with a version that includes the acceptance of all additions and deletions shown in the initial draft.

WAC 480-90-023 Definitions. NW Natural offers some suggested edits to the “Aggregate data”, “Primary Purpose”, and “Personally Identifiable Information” definitions.

*Aggregate Data* has been edited to clarify and simplify the definition based on the position that simply stating that the information cannot be attributed to an individual customer is sufficiently clear without including the words unreadable, unusable or undecipherable.

*Primary Purpose* has been edited to simplify the introductory statement.

*Personally Identifiable information* has been edited to clarify that the definition is specific to customer data, and has been simplified to remove the inclusion of specific examples of customer data. This simplification is suggested first, because the draft definition failed to list the types of information that is most typically considered personally identifiable information - customer name, account number, service address, etc. And second, because it is likely not practical to include a comprehensive list of all

items that constitute personally identifiable information within the definition, it may be best not to attempt to include even a partial list. It is NW Natural's opinion that the definition, with our suggested edits, is sufficiently clear.

The Company suggests deleting the definition identified as "Secondary purpose" as this term does not appear to be used in any existing or proposed rule.

In addition, NW Natural suggests that the "Applicant" and "Customer" definitions be revised to clarify that any person that is named as a responsible person on an application or an active service account, even if they did not personally apply for service, is also considered an applicant or a customer.

WAC 480-90-128 Disconnection of Service. NW Natural has numerous suggested comments and edits regarding provision (4) of this rule, many of which are intended to clarify or simplify, and others that address specific concerns as discussed below.

**(4)(a)(i). First Disconnection Notice.** NW Natural disagrees with the first sentence in section (i) that reads: *"... provide the first written disconnection notice by email, text, or other electronic communication, if the utility has such contact information for the customer ..."*

This statement presupposes that the utility is able to issue a notice in that form simply because they have the information at hand. The simple fact that the utility has that information does not mean that the utility is able to provide notices in that form. In addition, it is NW Natural's position that affirmative customer consent to receive notices in an electronic form is necessary and, in its edits, NW Natural suggests that this provision be revised to reference WAC 480-90-179. We recognize that WAC 480-90-179 may also require revisions to adequately address the inclusion of electronic disconnection notices.

NW Natural would also suggest that further thought be given to the viability of using a text message to communicate a notice of service disconnection. Data and size limitations might mean that the utility is unable to include all of the information currently required to be included in disconnection notices within a text message. We are open to further discussion.

NW Natural suggests that the requirement to issue a single notice in both electronic form and by mailed/delivered notice should be eliminated. It is NW Natural's position that requiring the utility to issue duplicate notices is potentially burdensome and forces the utility to incur additional costs, or at least may preclude the utility from achieving incremental cost savings, that might arise as customers choose to fully engage in a paperless relationship with the utility. Should a customer choose not to consent to electronic notice, the default would continue to be mailed/delivered notice. NW Natural has also included suggested language to address how notice is made should an electronic notice fail.

**(4)(c). Notice Reissuance.** It appears that some of the reorganization included in the draft rule has created confusion as it pertains to the requirement to reissue a notice. Specifically, draft provisions (4)(d) and (4)(e) – the draft version of current rule (6)(b) and (6)(c) – now follow the provisions about the required second notice of disconnection. In the current rule, these provisions come ahead of the second notice of disconnection provision. If provisions (4)(d) and (4)(e) are to be moved, then the language needs to be revised to eliminate the confusion that arises from the reference in both (4)(d) and (4)(e) to the “second notice.” NW Natural proposes edits that we believe resolves this confusion.

**(6). Remote Disconnection.** While NW Natural may agree that in the current environment, a gas utility is not likely to implement a remote disconnection program, NW Natural suggests that this provision include language that provides an opportunity for a gas utility to implement a remote disconnection program should such practice become viable in the future.

WAC 480-90-133(3) Reconnecting service after disconnection. For the same reasons identified above under (6). Remote Disconnection, NW Natural finds the draft language to be overly restrictive and offers suggested revisions.

WAC 480-90-153 Protection and disclosure of private information. NW Natural offers some suggested edits that are intended to clarify or correct inconsistencies with some of the language. The Company provides additional comment as discussed below.

**(12)(a). Privacy Policy.** NW Natural suggests that consideration be given to revising this provision to require only that the utility provide access to its privacy policy. NW Natural does not currently provide customers with a written copy of its privacy policy, but the privacy policy is accessible from the Company website. NW Natural would incur added expense to accommodate this proposed requirement as drafted for the costs of printing and mailing a paper copy to customers that have not consented to electronic communications. NW Natural does have any concerns about providing a written copy upon a customer request.

**(16). Customer Access to PII.** NW Natural is unable to effectively comment on this provision as the structure is confusing. If the intent is to restrict the utility from engaging a third party to facilitate customer access to their personal information without the customer having to disclose personal information to access that data, then it may be imposing an unrealistic expectation. Any entity (including the utility) will require sufficient identification prior to releasing any information. While this may be done through a user ID and a password, these identification types may also cross the line into the definition of personally identifiable information. Further discussion about the intent and expectations of this proposed provision may be needed.

WAC 480-90-178(e) Billing requirements and payment date. NW Natural suggests some edits that take into consideration the fact that advanced metering capabilities will not be adopted by all utilities.

**(1)(e) Meter readings.** NW Natural suggest that the reference to interval readings and customer ability to access that data be removed from this provision as it is not needed, and it would appear to create a compliance obligation for the utility to provide something that may not be available, particularly in the case of a gas utility, where the gas meters are either not designed to record interval data and/or the interval data is not collected or retained by the utility.

NW Natural appreciates the opportunity to comment in this proceeding.

If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Onita R. King

Onita R. King  
Rates & Regulatory Affairs



## Appendix A

## NW Natural Suggested Revisions to the Draft Discussion Rules

WAC 480-90-023 Definitions. "**Affiliated interest**" means a person or corporation as defined in RCW 80.16.010.

"**Aggregate data**" means any customer data collected by a utility ~~personally identifiable information~~ from which all personally identifiable identifying information has been removed or modified so that the personal information ~~is rendered unreadable, unusable, or undecipherable by an unauthorized person and~~ cannot be attributed to any individual customer.

"**Applicant**" means any person, corporation, partnership, government agency, or other entity that applies for or is named as a person(s) having joint responsibility for service with a gas utility or who reapplies for service at a new or existing location after service has been discontinued.

"**British thermal unit**" (Btu) means the quantity of heat required to raise the temperature of one pound of water at 60° Fahrenheit and standard pressure, one degree Fahrenheit.

"**Business day**" means Monday through Friday, 8:00 a.m. until 5:00 p.m., except for official state holidays.

"**Commission**" means the Washington utilities and transportation commission.

"**Control**" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a company, whether through the ownership of voting shares, by contract, or otherwise.

"**Customer**" means any person(s), corporation, partnership, government agency, or other entity that applied for, or is named as a person(s) having joint responsibility, has been accepted for, and is currently receiving service.

"**Cubic foot of gas**" means a volumetric unit of measure used in sales and testing.

"**Primary Purpose**" means the business reason for which a utility uses customer information, and includes, to: ~~collection, use, or disclosure of information collected by the utility or supplied by the customer where there is an authorized business need in order to:~~

(1) provide, bill, or collect for, regulated gas service; (2) provide for system or operational needs; (3) provide services or information as required by state or federal law or as specifically authorized in the utility's approved tariff or; (4) plan, implement, or evaluate gas assistance, gas management, renewable energy, or as part of a commission-authorized program conducted by an entity under the supervision of the commission, or pursuant to state or federal statutes governing gas assistance.

**"Personally identifiable information"** means ~~customer data information collected by a utility solely by the virtue of the customer-utility relationship that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying data, information, can be directly attributed that is linked or linkable to a specific customer. individual, including information related to the quantity, technical configuration, type, destination of service or products subscribed to by a customer of a regulated utility that is available to the utility solely by the virtue of the customer-utility relationship.~~

**"Sales volume"** means a cubic foot of gas for billing purposes is the amount of gas that occupies a volume of one cubic foot under the temperature and pressure conditions existing in the customer's meter. Temperature and/or pressure recording or compensating devices may be used to reflect temperature or pressure base conditions for computing the volume sold. Temperature and/or pressure compensation factors may be used to compute the volume of gas sold as provided in the utility's tariff.

~~**"Secondary purpose"** means any purpose that is not a primary purpose.~~

**"Testing volume"** means a cubic foot of gas for testing purposes is the amount that occupies a volume of one cubic foot at a temperature of 60° Fahrenheit and pressure of 14.73 pounds per square inch absolute.

**"Gas"** means any fuel or process gas, whether liquid petroleum gas, manufactured gas, natural gas, or any mixture of these.

**"Liquefied petroleum gas"** means a gas consisting of vapors of one or more of the paraffin hydrocarbons, or a combination of one or more of these vapors with air.

**"Manufactured gas"** means any gas produced artificially by any process.

**"Natural gas"** means a mixture of gaseous hydrocarbons (chiefly methane) and nonhydrocarbons that occur naturally in the earth.

**"Subsidiary"** means any company in which the gas utility owns directly or indirectly five percent or more of the voting securities, unless the utility demonstrates it does not have control.

**"Therm"** means a unit of heat equal to 100,000 Btus.

**"Gas utility"** (utility) means any business entity (e.g. corporation, company, association, joint stock association, or partnership) or person, including a lessee, trustee, or court appointed receiver, that meets the three following conditions:

- Owns, controls, operates, or manages any gas plant in Washington state;
- Manufactures, transmits, distributes, sells, or furnishes gas to the public for compensation; and

Is subject to the commission's jurisdiction.

Terms used in this chapter and defined in the public service laws of Washington state (i.e., principally Title 80 RCW) have the same meaning here as in the statutes. Terms not defined in these rules or the applicable statutes have the meaning generally accepted in the gas industry, or their ordinary meaning if there is no meaning generally accepted in the gas industry.

**WAC 480-90-128 Disconnection of service. (1) Customer directed.** The utility may require customers to give at least three days' notice prior to the date service is to be discontinued. The customer is not responsible for usage after the requested date for discontinuance of service, provided the customer gave proper notice. If the customer moves from the service address and fails to request that service be discontinued, the customer will be responsible to pay for service taken at that service address until the utility can confirm the date either that the customer ~~has~~ vacated the premises ~~and can access the meter~~ or that a new responsible party is taking service.

**(2) Utility-directed with notice.** After properly notifying the customer, as explained in subsection (4) of this section, the utility may discontinue service for any one of the following conditions:

(a) For delinquent charges associated with regulated gas service (or, for regulated gas and regulated electric service if the utility provides both services), including any required deposit. However, the utility cannot disconnect service when the customer has met the requirements of subsection (8) of this section for medical emergencies or has agreed to or maintains agreed-upon payment arrangements with the utility, as described in WAC 480-90-143, Winter low-income payment program;

(b) For use of gas for purposes or properties other than those specified in the customer's service application;

(c) Under flat-rate service for nonmetered load, for increased natural gas use without the utility's approval;

(d) For refusing to allow utility representatives access to the customer's premises as required in WAC 480-90-168, Access to premises; identification;

(e) For violating rules, service agreements, or filed tariff(s); or

(f) For use of equipment that detrimentally affects the utility's service to its other customers.

(3) Gas service may not be disconnected for amounts that may be owed the utility for nonregulated services.

**(4) Disconnection notification requirements.** The utility must notify customers before disconnecting their service, except as described in subsection (7) of this section. Notification must include the notices described in (4)(a)(i) and (4)(a)(ii) of this section:

(a) If the disconnection notices are for nonpayment during the winter months, the utility must advise the customer of the payment plan described in WAC 480-90-138, Payment

arrangements, and WAC 480-90-143, Winter low-income payment program. Disconnection notices must include:

(i) The utility must provide the first written disconnection notice by mail or by personal delivery to the service premise, except that mailed or personal delivery is not required if the customer has consented to electronic delivery as provided under WAC 480-90-179. For purposes of this provision, a notice made by email, text or other electronic form is considered written notice. email, text, or other electronic communication, if the utility has such contact information for the customer, and by delivery of a hard copy to the service premises. ~~The notice must include a disconnection date stated on the first written notice of disconnection must be no earlier that is not less than eight business days after the date the notice is issued by the utility. If the disconnection notice is mailed from outside either delivers the notice to the service premises and attaches it to the customer's primary door or mails the notice if the utility mails the notice from inside the states of Washington, Oregon, or Idaho.~~ The disconnection date stated in the notice may must not be less no earlier than eleven business days after the date the notice is issued by from the mailing date if the utility mails the notice from outside the states of Washington, Oregon, and Idaho.

If an electronic notice is returned to the utility as undeliverable or the utility is made aware by other means that an electronic notice failed to send to the customer, the utility must reissue the notice by mail or personal delivery and the disconnection date stated in this notice must be restated to meet the minimum notice requirements above.

(ii) The second disconnection notice must be provided by ~~email, text, or other electronic communication, if the utility has such contact information, and by at least~~ one of the three options listed below:

(A) Delivered notice. ~~The utility must deliver a second~~ A delivered notice must be left at the service premises and attached to the customer's primary door. The notice must be delivered no less than two business days prior to the state a scheduled disconnection date that is not earlier than 5:00 p.m. of the second business day after the date of delivery;

(B) Electronic or Mailed notice. The utility must mail a second notice which must include be issued no less than four business days prior to the a scheduled disconnection date, that is not earlier than 5:00 p.m. of the third business day after the date of mailing if mailed from within the states of Washington, Oregon, or Idaho, or the sixth business day if the notice is mailed from outside the states of Washington, Oregon, or Idaho the notice must be issued no less than six business days prior to the scheduled disconnection date; or.

(C) Telephone notice. If telephone is the only form of second notice, ~~t~~The utility must attempt at least two times to contact the customer during regular business hours prior to the scheduled disconnection date. A log or record of the calls must be kept for a minimum of ninety calendar days showing the telephone number called, the time of the call, and details of the results of each attempted call. If the utility is unable to reach the customer by telephone, notice must then be made a written notice must be mailed to the customer by either option (A) or option (B) above and if applicable, the scheduled disconnection date will be recalculated to ensure that the minimum prior notice requirement is met. providing a disconnection date not

~~earlier than 5:00 p.m. of the third business day after the date of mailing if mailed from within the states of Washington, Oregon, or Idaho, or the sixth business day if mailed from outside the states of Washington, Oregon, and Idaho, or written notice must be personally delivered providing a disconnection date of not earlier than 5:00 p.m. of the second business day following the date of delivery.~~

For utilities billing for electric and gas service, each type of notice listed above must provide the information contained in (b) of this subsection;

(b) Each disconnection notice must include all relevant information about the disconnection action including:

(i) The cause for disconnection, the amount owed for regulated electric service; and how to avoid disconnection;

(ii) All relevant information about any charges that may be assessed; and

(iii) The utility's name, address, and toll-free telephone number by which a customer may contact the utility to discuss the pending disconnection of service;

(c) If the utility discovers ~~the an issued~~ notice ~~did not contain the~~ information required under ~~provision (4)(b), or if the information was the options in (a)(ii) of this subsection is~~ inaccurate, the utility must reissue another notice to the customer as described in (4)(a)(i) or (4)(a)(ii), whichever shall apply, and the scheduled disconnection date will be recalculated if needed to ensure that the minimum prior notice requirement is met.~~of this subsection;~~

(d) If the utility ~~provides a second notice does not disconnect service~~ within ten business days ~~from of~~ the disconnection date stated in a disconnection notice issued under required by (4)(a)(ii) of this subsection, ~~the disconnection date is extended an additional ten business days from the disconnection date of the second notice. If the utility does not disconnect service within the extended ten business day period,~~ the notice will be considered void, and the utility must restart the disconnection notice process as described in (4)(a) of this subsection, ~~unless the customer and the utility have agreed upon a payment arrangement. Upon a void notice, the utility must provide an additional notice as required in (a)(ii) of this subsection unless the customer and the utility have agreed upon a payment arrangement.~~

~~(e) If the utility provides a second notice after the ten business days of the disconnection date required by (a)(i) of this subsection, the notice will be considered void unless the customer and the utility have agreed upon a payment arrangement. Upon a void notice, the utility must provide a new disconnection notice to the customer as described in (a) of this subsection;~~

(f) Utilities with combined accounts for both natural gas and electric service will have the option of choosing which service will be disconnected;

(g) When the service address is different from the billing address, the utility must determine if the customer of record and the service user are the same party. If not, the utility

must notice the service user as described in ~~(4)(a) of this subsection~~ prior to disconnecting service;

(h) Except in case of danger to life or property, the utility may not disconnect service on Saturdays, Sundays, legal holidays, or on any other day on which the utility cannot reestablish service on the same or following day;

(i) A utility representative dispatched to disconnect service must accept payment of a delinquent account at the service address, but will not be required to give change for cash paid in excess of the amount due and owing. The utility must credit any overpayment to the customer's account. The utility may charge a fee for the disconnection visit to the service address if provided for in the utility's tariff;

(j) When service is provided through a master meter, or when the utility has reasonable grounds to believe service is to other than the customer of record, the utility must undertake reasonable efforts to inform the occupants of the service address of the impending disconnection. Upon request of one or more service users, where service is to other than the customer of record, the utility must allow five days past the original disconnection date to permit the service users to arrange for continued service;

(k) Medical facilities. When service is known to be provided to:

(i) A hospital, medical clinic, ambulatory surgery center, renal dialysis facility, chemical dependency residential treatment facility, or other medical care facility licensed or certified by the department of health, a notice of pending disconnection must be provided to the secretary of the department of health and to the customer. The department of health secretary or designee may request to delay the disconnection for five business days past the original disconnection date to allow the department to take the necessary steps to protect the interests of the patients residing at the facility; or

(ii) A nursing home, boarding home, adult family home, group care facility, intermediate care facility for the mentally retarded (ICF/MR), intensive tenant support residential property, chemical dependency residential treatment facility, crisis residential center for children, or other group home or residential care facility licensed or certified by the department of social and health services, a notice of pending disconnection must be provided to the secretary of the department of social and health services and to the customer. The department of social and health services secretary or designee may request to delay the disconnection for five business days past the original disconnection date to allow the department to take the necessary steps to protect the interests of the patients residing at the facility;

(l) Any customer may designate a third party to receive a disconnection notice or notice of other matters affecting the customer's service. The utility must offer all customers the opportunity to make such a designation. If the utility believes that a customer is not able to understand the effect of the disconnection, the utility must consider a social agency to be a third party. In either case, the utility must delay service disconnection for five business days past the original disconnection date after issuing a disconnection notice to the third party. The

utility must determine which social agencies are appropriate and willing to receive the disconnection notice, the name and/or title of the person able to deal with the disconnection, and provide that information to the customer.

(5) For purposes of this section, the date of mailing a notice will not be considered the first day of the notice period.

(6) **Remote Disconnection.** Utilities may not disconnect natural gas services remotely without prior Commission approval of a remote disconnection program.

(7) **Utility-directed without notice or without further notice.** The utility may discontinue service without notice or without further notice when:

(a) After conducting a thorough investigation the utility determines that the customer has tampered with or stolen the utility's property, has used service through an illegal connection, or has fraudulently obtained service. The utility has the burden of proving that fraud occurred. For the purpose of this section, a nonsufficient funds check or dishonored electronic payment alone will not be considered fraud.

(i) First offense. The utility may disconnect service without notice when it discovers theft, tampering, or fraud, unless the customer immediately pays all of the following:

(A) The tariffed rate for service that the utility estimates was used as a result of the theft, tampering, or fraud;

(B) All utility costs resulting from such theft, tampering, or fraud; and

(C) Any required deposit.

(ii) Second offense. The utility may disconnect service without notice when it discovers further theft, tampering, or fraud. The utility may refuse to reconnect service to a customer who has been twice disconnected for theft, tampering, or fraud, subject to appeal to the commission.

(b) After conducting a thorough investigation, the utility determines that the customer has vacated the premises;

(c) The utility identifies a hazardous condition in the customer's facilities or in the utility's facilities serving the customer;

(d) A customer pays a delinquent account with a check or electronic payment the bank or other financial institution has dishonored after the utility has issued appropriate notice as described in subsection (64) of this section;

(e) The customer has not kept any agreed-upon payment arrangement for payment of a delinquent balance after the utility has issued appropriate notice as described in subsection (6) of this section; or

(f) The utility has determined a customer has used service prior to applying for service. The utility must charge the customer for service used in accordance with the utility's filed tariff. This section should not be interpreted as relieving the customer or other person of civil or criminal responsibility;

**(8) Medical emergencies.** When the utility has cause to disconnect or has disconnected a residential service, it must postpone disconnection of service or must reinstate service for a grace period of five business days after receiving either verbal or written notification of the existence of a medical emergency. The utility must reinstate service during the same business day if the customer contacts the utility prior to the close of the business day and requests a same-day reconnection. Otherwise, the utility must restore service by 12:00 p.m. the next business day. When service is reinstated the utility will not require payment of a reconnection charge and/or deposit prior to reinstating service but must bill all such charges on the customer's next regular bill or on a separate invoice.

(a) The utility may require that the customer, within five business days, submit written certification from a qualified medical professional stating that the disconnection of gas service would aggravate an existing medical condition of a resident of the household. "Qualified medical professional" means a licensed physician, nurse practitioner, or physician's assistant authorized to diagnose and treat the medical condition without supervision of a physician. Nothing in this section precludes a utility from accepting other forms of certification, but the maximum the utility can require is written certification. If the utility requires written certification, it may not require more than the following information:

(i) Residence location;

(ii) An explanation of how the current medical condition will be aggravated by disconnection of service;

(iii) A statement of how long the condition is expected to last; and

(iv) The title, signature, and telephone number of the person certifying the condition;

(b) The medical certification is valid only for the length of time the health endangerment is certified to exist but no longer than sixty days, unless renewed;

(c) A medical emergency does not excuse a customer from having to pay delinquent and ongoing charges. The utility may require the customer to do the following within a five-business-day grace period:

(i) Pay a minimum of ten percent of the delinquent balance;

(ii) Enter into an agreement to pay the remaining delinquent balance within one hundred twenty days; and

(iii) Agree to pay subsequent bills when due.



Nothing in this section precludes the utility from agreeing to an alternate payment plan, but the utility may not require the customer to pay more than this subsection prescribes. The utility must send a notice to the customer confirming the payment arrangements within two business days of having reached the agreement;

(d) If the customer fails to provide an acceptable medical certificate or ten percent of the delinquent balance within the five-business-day grace period, or if the customer fails to abide by the terms of the payment agreement, the utility may not disconnect service without first mailing a written notice providing a disconnection date not earlier than 5:00 p.m. of the third business day after the date of mailing if mailed from within the states of Washington, Oregon, or Idaho, or the sixth business day if mailed from outside the states of Washington, Oregon, and Idaho, or by personally delivering a notice providing a disconnection date of not earlier than 5:00 p.m. of the second business day following the date of delivery;

(e) A customer may claim medical emergency and be entitled to the benefits described in this subsection only twice within any one hundred twenty-day period.

(9) Payments at a payment agency. Payment of any past-due amounts to a designated payment agency of the utility constitutes payment when the customer informs the utility of the payment and the utility has verified the payment.

(10) Remedy and appeals. Service may not be disconnected while the customer is pursuing any remedy or appeal provided by these rules or while engaged in discussions with the utility's representatives or with the commission. Any amounts not in dispute must be paid when due and any conditions posing a danger to health, safety, or property must be corrected. The utility will inform the customer of these provisions when the customer is referred to a utility's supervisor or to the commission.

[Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-128, filed 5/3/01, effective 6/3/01.]

**WAC 480-90-133 Reconnecting service after disconnection.**

(1) A gas utility must make every reasonable effort to restore a disconnected service within twenty-four hours, or other time mutually agreeable between the customer and the utility, after the customer has paid, or at the time the utility has agreed to bill, any reconnection charge, and:

(a) The causes for disconnection not related to a delinquent account are removed and the customer pays any delinquent regulated charges, plus any required deposit; or

(b) The customer has entered into an agreed-upon payment arrangement for a delinquent account, and pays any required deposit as defined in WAC 480-90-113, Residential service deposit requirement, or WAC 480-90-118, Nonresidential service deposit requirements; or

(c) The customer has paid all regulated amounts due on the account that is not a prior obligation and the customer has paid any required deposit as defined in WAC 480-90-113, Residential service deposit requirements, or WAC 480-90-118, Nonresidential service deposit requirements.

(2) The commission may require reconnection pending resolution of a bona fide dispute between the utility and the customer over the propriety of disconnection.

(3) A gas utility may not reconnect natural gas service remotely without prior Commission approval of a remote reconnection program.

[Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-133, filed 5/3/01, effective 6/3/01.]

**WAC 480-90-153 Protection and disclosure of private-customer information.** (1) A ~~gas~~ utility must safeguard all customer personally identifiable information ~~within the utility's possession or control~~ from unauthorized access or disclosure to the maximum extent possible. For purposes of this section, "safeguard" includes but is not necessarily limited to encrypting the information in a manner that meets or exceeds the National Institute of Standards and Technology (NIST) standard.

(2) A ~~gas~~ utility may only collect and retain customer personally identifiable information that is reasonably necessary ~~for the utility to~~ fulfil its primary purpose. ~~provide services to customers.~~

(3) A utility may ~~not disclose personally identifiable information to affiliates, subsidiaries, or a parent organization based solely on an existing business relationship between those entities. The utility may~~ disclose its customer's personally identifiable information to an affiliate, subsidiary or parent organization only to the extent necessary to perform duties directly relating to the utility's "primary purpose."

(4) A utility may disclose its customer's personally identifiable information to third-party vendors only to the extent necessary for the utility to fulfil its primary purpose. ~~provide service to its customers.~~ The utility must require ~~that~~ all third-party vendors that have access to its customer's personally identifiable information to have policies, procedures, and technological safeguards in place sufficient to prevent the misuse or improper or unauthorized disclosure of such information.

(5) A utility ~~is~~ ~~remains~~ responsible to ~~for the~~ safeguarding ~~of~~ all of its customer's personally identifiable information ~~the utility discloses~~ to affiliates, subsidiaries, parent corporations, or third party vendors to the same extent that the utility must safeguard that information when it is in the utility's possession.

(6) A ~~gas~~ utility may not disclose or sell private-customer customer personally identifiable information ~~or information from which a third party could reasonably deduce the~~

~~identity of the customer or customers from whom such data is collected~~ with or to its affiliates, subsidiaries, or any other third party for the purposes of marketing services or product offerings to a customer who does not already subscribe to that service or product, unless the utility has first obtained the customer's written or electronic permission consent to do so.

(7) Nothing in this rule may be construed to preclude the utility from complying with demands for personally identifiable information as required by law, such as through a warrant or subpoena.

(8) The utility must obtain a customer's prior ~~permission for each instance of~~consent to disclose or ~~sell sale of his or her its customer's~~ personally identifiable information to an affiliate, subsidiary or other third party for purposes of marketing services or products that the customer does not already subscribe to, and must maintain each consent a record ~~of each instance of permission for disclosing his or her personally identifiable information as set forth in subsection (10) of this provision.~~

(9) If a customer discloses ~~his or her their personally identifiable information gas consumption data directly~~ to a third party that is unaffiliated with, and has no other business relationship with, the utility, the utility will not be responsible for the security of that data, or its use or misuse.

(10) The utility will retain the following information for each ~~electronic instance of a customer~~ consent a customer gave to the utility to ~~for disclosure of his or her~~ personally identifiable information ~~if provided electronically~~:

- (a) The date of consent and customer confirmation of consent ~~for the disclosure of personally identifiable information~~;
- (b) ~~A list of the date of the consent and~~ the names of the affiliates, subsidiaries, or third parties to which the customer has authorized the gas utility to ~~disclosure of his or her~~ personally identifiable information; and
- (c) A ~~confirmation validation~~ that the name, service address, and account number associated with the consent exactly matches the utility record for such account.

(11) Subject to agreements with third parties, a customer has the right to revoke, at any time, any previously granted authorization to ~~transfer disclose~~ personally identifiable information to a third party.

(12) The utility must maintain and post its privacy policy on its website in a prominent location.

(a) New customers will be informed as to how they can access ~~receive a copy of~~ the privacy policy on the initiation of utility service.

(b) The utility must notify existing customers whenever the utility amends its privacy policy by whatever method the utility uses to transmit the customers' bills.

(c) The utility must provide a written copy of ~~the-its~~ privacy policy upon customer request.

(d) ~~Any n~~Notice ~~regarding of~~ the utility's privacy policy will include a customer service phone number and ~~Internet-website~~ address where customers can direct additional questions or obtain additional information.

(13) This section does not prevent disclosure of the essential terms and conditions of special contracts as provided for in WAC 480-80-143 (Special contracts for gas, electric, and water companies).

(14) This section does not prevent the utility from inserting any marketing information into the customer's billing package.

(15) The utility may disclose customer information in aggregate form for legitimate business purposes.

(16) Customers are entitled to access their own personally identifiable information within a reasonable time after the utility collects and verifies the data. The utility must make reasonable efforts to ensure that customers may choose how they receive such information without being required to share private information, including gas consumption data, with a third party.

(17) Customers should incur no additional charge for the provision of their retail gas consumption data in a timely, accessible manner to themselves or their third-party designee.

(a) If a ~~gas~~-utility contracts with a third party for a service that allows a customer to monitor his or her gas usage, the third party may not use that data for a secondary commercial purpose without the customer's consent.

(18) The utility must provide a website interface by which customers ~~with may~~ access ~~to~~ their ~~own-personally identifiable private~~ information. ~~through a convenient, user-friendly Internet website interface.~~

(19) Customers have the right to know what ~~private-personally identifiable~~ information the utility maintains about the customer and the applicable retention period of such information. The utility will make a reasonable effort to respond to requests for such information within five business days of a customer request.

(20) The utility must ensure that the information it collects, stores, uses, and discloses is reasonably accurate and complete, and otherwise compliant with applicable rules and tariffs regarding the quality of gas usage data.

(21) Each customer must have the opportunity to dispute the accuracy or completeness of the ~~private-personally identifiable~~ information that the utility has collected for that customer. The utility will provide adequate procedures for customers to dispute the accuracy of their private information, and to request appropriate corrections or amendments.

(22) The utility must take all reasonable steps to destroy, or arrange for the destruction of, personally identifiable information in accordance with its data retention practices.

(23) The utility must notify customers as soon as practicable of any security breach and the nature and extent of any actually or potentially compromised or disclosed information in accordance with RCW 19.255.010. The utility must take all reasonable measures, including cooperating fully with law enforcement agencies to recover lost information and prevent the loss of further personally identifiable information. The utility must notify the commission as soon as reasonably possible of any security breach and all measures the utility is taking to remedy the breach.

(24) The utility will perform regular reviews of the ~~an annual audit of~~ data collected ~~and review the purpose of that data collection~~ to ensure it collects only necessary data.

[Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 11-06-032 (Docket U-100523, General Order R-563), § 480-90-153, filed 2/25/11, effective 3/28/11. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 03-22-046 (Docket No. A-030832, General Order No. R-509), § 480-90-153, filed 10/29/03, effective 11/29/03. Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 01-20-059 (Docket No. UG-990294, General Order No. R-488), § 480-90-153, filed 9/28/01, effective 10/29/01.]

**WAC 480-90-178 Billing requirements and payment date.** (1) Customer bills must:

(a) Be issued at intervals not to exceed two one-month billing cycles, unless the utility can show good cause for delaying the issuance of the bill. The utility must be able to show good cause if requested by the commission;

(b) Show the total amount due and payable;

(c) Show the date the bill becomes delinquent if not paid;

(d) Show the utility's business address, business hours, and toll-free telephone number and emergency telephone number by which a customer may contact the utility;

(e) Show the beginning and ending current and previous monthly meter readings, for the current billing period, the current monthly read date, and the total amount of therms used for in the billing cycle. ~~provided that the customer bill must only provide the meter readings and read date for the final reading for the monthly billing cycle; the bill need not include interval readings, although customers must be provided access to their consumption data in accordance with WAC 480-90-153;~~

(f) Show the amount of therms used for each billing rate, the applicable billing rates per therm, the basic charge or minimum bill;

(g) Show the amount of any municipal tax surcharges or their respective percentage rates;

(h) Clearly identify when a bill has been prorated. A prorated bill must be issued when service is provided for a fraction of the billing period. Unless otherwise specified in the utility's tariff, the charge must be prorated in the following manner:

(i) Flat-rate service must be prorated on the basis of the proportionate part of the period that service was rendered;

(ii) Metered service must be billed for the amount metered. The basic or minimum charge must be billed in full;

(i) Clearly identify when a bill is based on an estimation.

(i) A utility must detail its method(s) for estimating customer bills in its tariff;

(ii) The utility may not estimate for more than four consecutive months unless the cause of the estimation is inclement weather, terrain, or a previous arrangement with the customer; and

(j) Clearly identify determination of maximum demand. A utility providing service to any customer on a demand basis must detail in its filed tariff the method of applying charges and of ascertaining the demand.

(2) The minimum time allowed for payment after the bill's mailing date must be fifteen days, if mailed from within the states of Washington, Oregon, or Idaho, or eighteen days if mailed from outside the states of Washington, Oregon, and Idaho.

(3) The utility must allow a customer to change a designated payment-due date when the customer has a satisfactory reason for the change. A satisfactory reason may include, but is not limited to, adjustment of a designated payment-due date to parallel receipt of income. The preferred payment date must be prior to the next billing date.

(4) With the consent of the customer, a utility may provide billings in electronic form if the bill meets all the requirements for the use of electronic information in this chapter. The utility must maintain a record of the consent as a part of the customer's account record, and the customer may change from electronic to printed billing upon request, as provided in this chapter. The utility must complete the change within two billing cycles of the request.

(5) Corrected bills:

(a) A utility must issue a corrected bill upon finding that an underbilling or overbilling occurred as a result of a meter failure, meter malfunction, meter with unassigned energy usage, or any other situation where energy usage was not billed or was inaccurately billed. The utility must use the rates and rate schedule in effect during the billing period(s) covered by the corrected bill. The utility must issue the corrected bill within sixty days from the date the utility discovered that an account had been underbilled or overbilled. Except as provided in subsection (7) of this section, when a utility's investigation finds that it has underbilled energy usage, it may not collect underbilled amounts for any period greater than six months from the

date the error occurred. The maximum period for which utilities are required to adjust bills for overbilling is six years.

(b) For the purposes of this rule:

(i) A meter failure or malfunction is defined as: A mechanical malfunction or failure that prevents the meter or any ancillary data collection or transmission device from registering or transmitting the actual amount of energy used. A meter failure or malfunction includes, but is not limited to, a stopped meter, a meter that is faster or slower than the metering tolerance specified in WAC 480-90-338, or an erratic meter.

(ii) An unassigned energy usage meter is defined as a meter that is installed at a valid service address and accurately records energy usage during a period of time where there was no active gas service account at that premises.

(c) A utility must develop and maintain procedures that establish practices for the prompt identification, repair and replacement of meters that are not functioning correctly and for identification of unassigned usage meters. The objective of such procedures shall be to mitigate the number of underbilling occurrences that exceed six months in duration. These procedures must address, at a minimum:

(i) Practices to prevent the issuance of corrected bills due to incorrect prorated bills, improperly assigned meters, incorrectly installed meters, incorrect billing rate schedules, incorrect billing multipliers, or any other event that may affect billing accuracy.

(ii) Processes for the investigation of meter issues include, but are not limited to, stopped, slowed, and erratic usage meters.

(iii) Processes for the investigation of meter usage from unidentified usage meters.

(6) For the purpose of this rule, a corrected bill may take the form of a newly issued bill or may be reflected as a line item adjustment on a subsequent monthly or bimonthly bill. When a corrected bill is issued, the utility must provide the following information on the corrected bill, in a bill insert, letter, or any combination of methods that clearly explains all the information required to be sent to the customer:

(a) The reason for the bill correction;

(b) A breakdown of the bill correction for each month included in the corrected bill;

(c) The total amount of the bill correction that is due and payable;

(d) The time period covered by the bill correction; and

(e) When issuing a corrected bill for underbilling, an explanation of the availability of payment arrangements in accordance with WAC 480-90-138(1) payment arrangements.

(7) Exceptions to billing correction rules:

(a) Corrected bills related to an underbilling due to tampering or interference with the utility's property, use of the utility's service through an illegal connection, or the fraudulent use of a utility's service, are exempt from the six-month restriction set forth in subsection (5)(a) of this section.

(b) Adjustments for underbilling of nonresidential customers will be limited to six months. However, the utility may extend this period for good cause if a longer period is appropriate due to circumstances such as the complexity of specific accounts, changing metering configurations, load changes of large industrial customers, special meter configuration involving current transformers, or wiring reconfigurations by the customer. Utilities must report to the commission within sixty days the reasons for any adjustments longer than six months.

(c) The utility may choose not to issue a corrected bill to recover underbilled amounts less than fifty dollars.

(8) An estimated meter read made in accordance with subsection (1)(i) of this section is not considered a meter failure or malfunction or a billing error. A bill true-up based on an actual meter reading after one or more estimated bills is not considered a corrected bill for purposes of subsection (5)(a) of this section.

[Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 16-06-038 (Docket U-144155, General Order R-586), § 480-90-178, filed 2/23/16, effective 3/25/16; WSR 11-06-032 (Docket U-100523, General Order R-563), § 480-90-178, filed 2/25/11, effective 3/28/11; WSR 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-178, filed 5/3/01, effective 6/3/01.]