

UG-990294 Gas Rule Making

Chapter 480-90 Gas Companies-Operations

2nd Formal Draft

Chapter 480-90 WAC

Gas Utilities - Operations

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I. General Rules:

WAC 480-90-011 Application of rules.

These rules apply to any gas utility (utility) that manufactures, transmits, distributes, sells, or furnishes gas and is subject to commission jurisdiction under RCW 80.04.010 and Chapter 80.28 RCW. These rules also include various requirements for utility customers and applicants.

Comments:

Revised based on water and other rule revisions.

Revised to reflect stakeholder comment observing these rules include various requirements of customers and applicants.

WAC 480-90-xx1 Exemptions from rules.

(1) The commission may grant an exemption of any rule in this chapter, if consistent with the public interest, the purposes underlying regulation, and applicable statutes.

(2) To request a rule exemption, a written request must be filed with the commission identifying the rule for which an exemption is sought and giving a full explanation of the reason the exemption is requested.

(3) The commission will assign the request a docket number, if needed, and schedule the request for consideration at one of its regularly scheduled open meetings or, if appropriate under chapter 34.05 RCW, in an adjudication. The commission will notify the person requesting the exemption, and other interested persons, of the date the commission will consider the request.

(4) The commission will enter an order granting or denying the request or setting it for hearing, pursuant to Chapter 480-09 WAC.

Comments:

- 1) *New rule adopted in other rulemakings.*
- 2) *¶ 2: Revised to reflect stakeholder comment that the word “person” would require definition.*
- 3) *Given the current legal case concerning waiver of rules, paragraph 4 must remain as originally drafted.*

WAC 480-90-016 Saving clause.

The commission may impose additional or different requirements on any gas utility in response to a complaint or on its own motion. These rules do not relieve any utility from any of its duties and obligations under the laws of the state of Washington.

Comments:

Rewritten for clarity and consistency with other rulemakings.

WAC 480-90-xx2 Resolving disputes about the meaning of these rules.

If the interpretation of any rule in this chapter is questioned by a utility, a customer, or an applicant, a request for clarification may be filed with the commission.

Comments:

Extracted from 480-90-011 and revised.

Revised language to address stakeholder concerns that the original draft version is too limited and is pejorative in tone.

WAC 480-100-xx3 Severability.

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

Comments:

New rule adapted from 81.80.010.

WAC 480-90-021 Definitions.

- (1) Applicant - any person who applies for service with a gas utility or who reapplies for service at a new or existing location after service has been discontinued.
- (2) British thermal unit (Btu) - the quantity of heat required to raise the temperature of one pound of water at 60° Fahrenheit and standard pressure, one degree Fahrenheit.
- (3) Business day - Monday through Friday, 8:00 a.m. until 5:00 p.m., except for official

state holidays.

(4) Commission - the Washington utilities and transportation commission.

(5) Customer - any person, cooperative organization, business entity, or government entity that applies for, has been accepted, and is currently receiving service.

(6) Cubic foot of gas - a volumetric unit of measure used in sales and testing.

(a) Sales - 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.

(b) Testing - a cubic foot of gas for testing purposes is the amount that occupies a volume of one cubic foot at a temperature of sixty degrees Fahrenheit and pressure of 14.73 pounds per square inch absolute.

(7) Gas - any fuel or process gas, whether liquid petroleum gas, manufactured gas, natural gas, or any mixture of these.

(a) Liquefied petroleum gas - 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.

(b) Manufactured gas - any gas produced artificially by any process.

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

(8) Therm - a unit of heat equal to 100,000 Btu's.

(9) Gas Utility (Utility) - 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:

(a) Owns, controls, operates, or manages any gas plant in Washington State;

(b) Manufactures, transmits, distributes, sells, or furnishes gas to the public for compensation; and

(c) 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.

Comments:

1) Rule rewritten for clarity and updating.

2) Term no. 7 (Gas), is expanded to include "process" use in addition to "fuel" use.

3) Eliminate terms 5 and 7- 11 from the glossary. These terms are used in connection with only one or two rules and those terms can be defined within those rules. The glossary should contain only terms that are used repeatedly and scattered throughout the chapter.

4) Add new term no. 3 (business day) per suggestion. Renumber to reflect additional term.

A gas utility must publish its rate schedules and rules and regulations governing service, and file special contracts, in accordance with chapter 480-80 WAC Utilities General - Tariffs, Price Lists, and Contracts.

Comments:

Rule rewritten for clarity.

WAC 480-90-061 Written contracts.

A written contract may be required whenever the classification of service under which a customer or an applicant is to be served requires that such service be taken for a specified minimum period, or otherwise as provided by tariff. The utility must submit to the Commission a sample copy of each typical contract form currently in use.

Comments:

(1) Rewritten for clarity

(2) Revised to recognize stakeholder observation that a written contract may be required in circumstances other than in connection with specified minimum periods for service.

(3) This rule will most likely be moved to Chapter 480-80 Utilities General - Tariffs, contracts, and price lists.

WAC 480-90-066 Distribution line extension tariff.

Each gas utility must file, as a part of its tariff, a distribution line extension rule setting forth the conditions under which it will extend its facilities to make service available to an applicant.

Comments:

Rewritten for clarity.

II. Consumer Rules:

WAC 480-90-041 Information to consumers.

(1) A gas utility must provide information regarding rates, rules, and regulations needed for its customers and applicants to obtain adequate and efficient service. The information must be available at each of the company's listed business offices.

(2) The utility must provide to each applicant relevant rate information and a brochure that explains the rights and responsibilities of a utility customer. The brochure must include, at a minimum, information about the utility's regular business hours, the utility's mailing address, the utility's toll-free number, the 24-hour emergency number(s), and an explanation of the utility's processes to establish credit, deposits, billing, delinquent accounts, disconnection of service

initiated by the utility, cancellation of service by the customer, the dispute process, and the commission's informal complaint procedures to be followed if the customer remains dissatisfied with the utility's dispute process.

(3) At least once each year the utility must directly advise each of its customers how to obtain: {COMMENT: PSE supports the proposal to require advising customers how to obtain information rather than sending a form for customers to request information.}

(a) A copy of the consumer brochure described in subsection 2 of this section;

(b) A copy of the customer's applicable rate information;

~~(c) A copy of the gas rules, chapter 480-90 WAC; and~~

~~(d) A copy of the utility's current rates and regulations.~~ {COMMENT: (c) and (d) are new requirements for information that the overwhelming majority of customers will not care to obtain. Requiring advisement of where to obtain copies of these documents, however, may increase the cost of implementing the new, streamlined process.}

(4) The utility must provide an applicant, upon request, the high and low bills for the requested service premise during the prior calendar year. . {COMMENT: PSE supports this revision.}

(5) The utility must provide a customer, upon request, a detailed account of the customer's actual natural gas usage at the service premise for the previous twelve month period.

(6) The utility must provide the commission with either electronic or hard copies of all pamphlets, brochures, and bill inserts of regulated service information prior to the delivery of such material to its customers. {COMMENT: PSE understands the difficulty for Staff when customers call the WUTC with questions about inserts that are not in Staff's possession. However, it may not always be possible to mail the WUTC hard copies of these documents in advance, as printing or processing time may not allow it. PSE's recommendation to add language clarifying that electronic copies are sufficient to addresses this issue and may also provide for a more efficient filing and handling system for Staff. With this clarification, PSE supports this provision.}

Comments:

1) Reformatted the information companies should provide to customers and applicants and how to obtain this information.

2) Added that the companies must provide usage information to applicants and customers upon request.

3) Added that the utility must provide commission with copies of pamphlets, brochures and bill inserts it provides to customers.

4) Para 4 - Changed requirement for providing applicant's consumption information.

5) Para 6 - Clarified commission requires information only on regulated services and prior to the delivery of such info. to consumers.

WAC 480-90-046 Application for service.

(1) When an applicant orders service from the gas utility, the applicant will be responsible to conform to the rules and regulations that are in effect and on file with the commission.

(2) The utility may require the following information when an applicant applies for service:

(a) The applicant's name, address, and telephone number, and an alternative contact

- telephone number, if applicable, of the responsible party at the service premise;
- (b) The date the service is requested to be effective;
 - (c) The type of service requested, such as residential or commercial service, and the type of equipment to be served at the service premise;
 - (d) Proof of identification. The utility must allow the applicant to choose from a list, provided by the utility, of at least five sources of identification. The list must include a current driver's license or other picture identification; and
 - (e) Any additional information the utility may reasonably require for billing, service, and determining deposits.

(3) The utility must provide the following service dates to the applicant:

(a) For service at a location where utility service facilities exist and will not have to be modified in any way to serve the applicant, the utility must provide a service date at the time of application. If the utility becomes aware that the service date cannot be met, it must notify the customer prior to the service date.

(b) For service at a location where utility service facilities do not exist or require modification, the utility will provide the following service dates:

(i) Upon request by the applicant, prior to signing a service agreement, the utility must provide a range of dates that service could be made available.

(ii) Upon signing a service agreement with the applicant, the utility must provide a date by which service will be made available. If the utility becomes aware that the service date cannot be met, it must notify the applicant on or prior to the service date.

(4) Under no circumstances will gas be remetered or submetered by a customer for resale to another or others.

Comments:

1) "Application" is not addressed in draft rule since companies do not always require applications. In most cases, the companies take orders by telephone.

2) Eliminated the sentence referring to flat rate service.

3) Moved the sentence referring to "customer using service prior to ordering" to the Disconnection of service rule, WAC 480-90-071 (2)(e).

4) Added company must provide service date and if it cannot commit to that date it must advise the customer.

5) 2d and e - Changed language to clarify types of identification and other kinds of information company can require a customer to provide at time of application.

WAC 480-90-051 Deposit requirements.

(1) Deposit Criteria for Residential Applicants and Customers - A gas utility may not collect a deposit if an applicant or customer for residential service:

(a) Has had residential service with the utility within the prior twelve months for at least six consecutive months, ~~unless during any six consecutive months:~~

(i) The applicant or customer received more than one ~~three or more~~ delinquency notices; or

(ii) The applicant's or customer's service for a similar class of service was disconnected for nonpayment; {COMMENT: PSE's recommended revision

retains the clarifying nature of Staff's proposal while retaining the credit standards in (1) (a) of the current rule. Adopting Staff's proposal that results in loosening credit standards for applicants would likely increase uncollectable expenses. It would be helpful if Staff clarified whether this change was intentional and if so, what has changed such that the current standards are no longer fair, just, and reasonable. }

(b) Can furnish a satisfactory guarantor. A guarantor will be considered satisfactory if the guarantor has at least established credit with the utility as outlined in this section had service with the utility for at least the previous 12 months with no late payments.

{ COMMENT: Even if Staff proposes to adopt PSE's recommendation above in (1) (a), it seems reasonable that a customer eligible to adopt risk for another should meet a higher credit standard than the applicant him/herself, as the guarantor is taking on an additional debt responsibility. A standard that requires the potential guarantor to have had 12 months of service with payments on time seems like a reasonable requirement. }. A utility may, at its discretion, accept a guarantor that does not meet the requirements of this section. If the customer has been disconnected, the guarantor is responsible for the amount stated on the disconnect notice, not to exceed the amount of the deposit as defined in subsection (5) of this section, unless the guarantor has agreed to guarantee an additional amount as specified in subsection (9) of this section; or

(c) Has notified the utility of the inability to pay a deposit as provided in WAC 480-90-xx5, Winter low-income payment program.

(2) Other deposit criteria applicable to residential applicants - The utility may not collect a deposit from a residential applicant who:

(a) Can demonstrate they have met the criteria stated in subsection (1)(a) of this section with another electric or gas utility provided the credit reference can be quickly and easily checked, and in writing, if requested by the utility;

(b) Can demonstrate consecutive employment during the prior twelve months with no more than two employers and that the applicant is currently employed or has a regular source of income; or

(c) Owns or is purchasing the premises to be served.

(3) Deposit collection from residential applicants and customers - The utility may collect a deposit from a residential applicant or customer where:

(a) There is a prior customer living at the residence who owes a past due bill to the utility at that address; or

(b) The applicant or customer has an unpaid, overdue balance owing to any electric or gas utility for a similar class of service.

(4) Deposit Criteria for Non-Residential Applicants and Customers - A non-residential applicant or customer for gas service may be required to demonstrate that it is a satisfactory credit risk by reasonable means appropriate under the circumstances.

(5) Deposit Amount - Required deposits for an applicant or customer may not exceed:

(a) Two-twelfths of the customer's ~~service location's most recent twelve month billings for utilities billing monthly or two-twelfths of an estimated of annual billings if actual service did not exist;~~ or

(b) Three-twelfths of the customer's estimated annual billings ~~service location's most recent twelve month billings for utilities billing bi-monthly or three-twelfths of an estimate of annual billings if actual service did not exist.~~ { COMMENT: PSE's suggested revisions return the rule to its existing requirement. There are several situations where it may not be reasonable to base an applicant's deposit on usage at the same address. One

example is that an apartment (or house) may have been vacant for a few months, though service was still in the former customer's name with minimal usage which would bias calculation of the deposit downward. Another example is that in rental properties, it is common for service to be transferred to the landlord between tenants rather than disconnected, which would again bias calculation of the deposit. Additionally, even without any kind of vacancy within the last 12 months, it may be reasonable for the utility to believe an applicant will use a considerably different amount of energy than the prior resident if the prior resident's usage was abnormally high/low or if the applicant's usage history is known to be significantly different than typical usage levels. Overall, PSE suggests changing the rule to require use of actual historic consumption is not necessary and will result in less reasonable deposit requirements than the existing rule—the burden of which will be born by both customers and utilities.

(6) Deposit Payment Arrangements - When an applicant or customer is required to pay a deposit but is unable to pay the entire deposit in advance of connection or continuation of service, the utility must allow the applicant or customer pay fifty percent of the deposit to make payment arrangements of fifty percent of the deposit prior to service. ~~The applicant or customer must then pay the remaining balance in equal amounts over the next two months on the dates mutually agreed upon between the applicant or customer and the utility. The utility and applicant or customer may make other mutually acceptable deposit payment arrangements.~~ {COMMENT: PSE suggests this language clarifies that the payment arrangements apply to the fifty percent of the deposit not paid in advance; i.e., 25% in each of the next two months. As written, Staff's language requires arrangements for the 50% where the current rule requires payment of the 50%. Because this issue is not addressed in the comment section below, PSE assumes Staff did not intend to change this provision.}

(7) Alternative to Deposit - The utility must allow any customer or applicant who is required to pay a deposit but who is unable to pay the deposit, to prepay any service initiation fees and reasonably estimated regular service charges or budget billings at periods corresponding to the utility's regular billing period for the length of time during which a deposit would ordinarily have been required. The utility must then bill the applicant or customer in a normal fashion.

(8) Transfer of Deposit - When a customer moves to a new address within the utility's service territory the deposit, plus accrued interest and less any outstanding past-due balance owing from the old address, must be transferred or refunded.

(9) Additional Deposit - If a deposit or additional deposit amount is required after establishment of service the reasons must be specified in writing to the customer. Any request for a deposit or additional deposit amount must comply with the standards outlined in this section. If the original deposit was secured by a guarantor and the customer does not demonstrate the guarantor's agreement to ~~guarantor does not agree to~~ be responsible for the additional deposit amount the customer will be held responsible for paying the additional deposit. {COMMENT: By requiring the customer to secure the guarantor's agreement, this revision ensures the utility will not be required to disclose a customer's account information to a third party.}

(10) Deposit Payment Date - Any deposit or additional deposit amount required after service is established is due and payable no sooner than 5:00 p.m. of the sixth business day after notice if the deposit requirement is mailed from within the state of Washington or the ninth business day if mailed from outside the state of Washington. If the utility delivers the notice in person to the customer the deposit or additional deposit amount is due and payable no sooner than 5:00 p.m. of the sixth business day from the date of delivery.

(11) Interest on Deposits - Interest on deposits collected from applicants or customers

must:

- (a) Accrue at the rate calculated as a simple average of the effective interest rate for new issues of one-year treasury bills, computed from December 1 of each year through November 30 of the following year. The commission will advise the utility each year of the specific rate;
- (b) Earn the calculated interest rate during January 1 through December 31 of the subsequent year;
- (c) Be computed from the time of deposit to the time of refund or when applied directly to the customer's account; and
- (d) Be compounded or paid annually.

(12) Refund of Deposit - Deposits plus accrued interest must be applied to the customer's account or refunded at the customer's request when there has been satisfactory payment or upon termination of service.

(a) Satisfactory payment - Satisfactory payment is established when the customer has paid for service for twelve consecutive months in a prompt and satisfactory manner as evidenced by the following:

(i) The utility has not initiated disconnection proceedings against the customer; and

(ii) The utility has sent no more than two notices of delinquency to the customer.

(b) Termination of service - Upon termination of service, the utility must return to the customer the deposit amount plus accrued interest, less any amounts due the utility by the customer.

(13) How Deposits are Refunded - Any deposit plus accrued interest must be made available to the customer no later than fifteen calendar days following completion of twelve months of satisfactory payment or the cancellation of service by one of the following methods:

(a) Applied to the customer's account for service beginning in the thirteenth month; or

(b) At the customer's request, in the form of a check delivered either by mail or in person at the utility's local business office.

Comments:

1) *Reformatted Sections (1) and (3)*

2) *Changed the requirement of delinquent notices*

3) *Changed employment requirement to "full-time" consecutive employment*

2b - *Eliminated the requirement for "full-time" consecutive employment.*

4) *Clarified qualifications and responsibilities of the guarantor*

5) *Clarified how deposits are calculated*

6) *Eliminated the option of the customer providing credit cards as a means of establishing credit*

7) 13- *Clarified language regarding how deposits are refunded.*

WAC 480-90-056 Refusal of service (comb. w /121 Resp. for del. accts).

(1) The utility may refuse to provide service if:

(a) Providing service will cause an adverse affect to other customers or does not comply with government regulations or accepted natural gas industry standards;

(b) In the utility's judgment, there are hazardous conditions at the premise or the applicant's or customer's piping or gas burning equipment is hazardous or of such nature

that safe and satisfactory service cannot be provided;

(c) The applicant or customer does not comply with the utility's request to provide protective devices to protect the utility's or other customers' properties from theft or damage;

(d) The utility is unable to obtain all necessary rights-of-way, easements, approvals, and permits;

(e) It is not economically feasible to provide service; or

(f) The customer is known by the utility to have fraudulently obtained service as described in WAC 480-90-071, Discontinuance/Disconnection of service.

(2) The utility may not refuse to provide service to an applicant or customer because there are outstanding amounts due from a prior customer at the same premise unless the utility can determine, based on objective evidence, that a fraudulent act is being committed, such that the applicant or customer is acting on behalf of the prior customer with the intent to avoid payment.

(3) A utility may not refuse service to an applicant or customer that has two or fewer prior obligations during the most recent 12 months that the applicant or customer received service from the utility. When an applicant or customer has had more than two priors during the most recent 12 months that the applicant or customer received service, the utility may not refuse service to the applicant or customer if such applicant or customer pays all prior obligations in full and a deposit if applicable as described in WAC 480-100-051. ~~The utility may not refuse service to an applicant or customer who has two or less prior obligations in any one calendar year. A prior obligation is the dollar amount the utility has billed to the customer and for which the utility has not received payment at the time service has been disconnected. {COMMENT: The intent of Staff's proposal appears reasonable. There are two parts to the revisions suggested above. First, as written, Staff's proposal may be interpreted to mean that a utility may not refuse service to a customer if there has ever been a year where the customer had less than three priors. The first sentence of PSE's alternative language is intended to clarify Staff's proposal. The second sentence was included to ensure preservation of the WUTC's policy that service cannot be permanently denied; thus, if the customer pays the outstanding balance and deposit, service must be reinstated.}~~ ~~The utility must allow the applicant or customer a minimum of two prior obligations in any one calendar year. {COMMENT: It appears the previous language already clearly states this same issue, so this provision may be redundant.}~~

Comments:

1) Combined with WAC 480-90-121 Responsibility for Delinquent Accounts.

2) Combined Sections 2-6 under Section 1.

3) 3 - Added a minimum number of times prior obligation may be offered to applicants or customers.

WAC 480-90-071 Discontinuance\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 either confirm that the customer has vacated the premise and can access the meter or that a

new responsible party is taking service.

(2) 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 its 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 non-sufficient 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 applicable 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 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 (6) 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.

(3) Utility-directed with notice - After properly notifying the customer, as explained in subsection (6) of this section, the utility may discontinue service for any one of the following conditions:

(a) For delinquent regulated charges as billed under WAC 480-90-106, Billing requirements and payment dates, including any required deposit, except that the utility cannot disconnect service when the customer has met the requirements of subsection (5) of this section for medical emergency or has agreed to or maintains agreed upon payment arrangements with the utility, as described in WAC 480-90-xx5, 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 non-metered load, for increased natural gas use without the utility's approval;

(d) For refusing to allow the utility access to the customer's premise as required in WAC

480-90-091, Access to premises;

(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.

(4) Combination utilities - Gas service may not be disconnected for any amounts owing for regulated electric services or for any amount owing for non-regulated services. {COMMENT: While we offer no revised language here, please see comments below in 480-90-072 (1). Additionally, please note by including the last phrase in this rule, it may create a legally valid implication that a non-combination utility is allowed to disconnect for nonpayment of non-regulated services.}

(5) 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 within four hours if the customer contacts the utility between 8:00 a.m. and 5:00 p.m., unless the customer requests service be reinstated the following morning by 10:00 a.m.. If the customer contacts the utility after 5:00 p.m. 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 will bill all such charges on the customer's next regular bill.

{COMMENT: With this language, if a customer contacts the utility toward the end of afternoon and service must be reinstated within four hours, the utility may be required to assess an after hours reconnection charge. As written, this rule would not allow the customer to request service be reinstated in the morning, but require them to pay the after hours charge. The recommended revisions provides customers with the alternative of avoiding the after hours reconnection charge.}

(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 require not more than the following information:

(i) Residence location;

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

Name and relationship of patient to customer, {COMMENT: This is an important existing provision as it avoids confusion when the customer of record is not the resident that has the medical condition.}

(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 the 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;

(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 state of Washington or the sixth business day if mailed from outside the state of Washington 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.

(6) Disconnection notification requirements - The utility must notify customers before disconnecting their service except as described in subsection (2) of this section. Notification consists of the following requirements:

(a) The utility must serve a written disconnection notice on the customer either by mail or by personal delivery to the customer's address with notice attached to the primary door. If the disconnection notice is for nonpayment during the winter months the utility must advise the customer of the payment plan described in WAC 480-090-072, Payment arrangements, and WAC 480-90-xx5, Winter low-income payment program. Each disconnection notice must include:

(i) A disconnection date that is not less than eight business days after the date of personal delivery or mailing ~~if mailed from inside the state of Washington or a disconnection date that is not less than eleven business days if mailed from outside the state of Washington;~~ {COMMENT: It is not clear that out of state mailing of notices is slower than in state mailing. If Staff has some information to the contrary, it would be helpful to share with the interested parties. }

(ii) All relevant information about the disconnection action including the cause for disconnection, the amount owing, and how to correct the problem;

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

(iv) 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;

(b) If the utility discovers the notice information is inaccurate, the utility must issue another notice to the customer as described in (a) of this subsection;

(c) In addition to the notice required by (a) of this subsection, a second notice must be provided by one of the three options listed below:

(i) Delivered notice - The utility must deliver a second notice to the service premise and attach it to the customer's primary door. The notice must state a scheduled disconnection date that is not earlier than 5:00 p.m. of the second business day after the date of delivery;

(ii) Mailed notice - The utility must mail a second notice which must include 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 state of Washington or the sixth business day if mailed from outside the state of Washington; {COMMENT: Same as above.}~~ or

(iii) Telephone notice - The utility must attempt at least two times to contact the customer during regular business hours. 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. When the utility has been unable to reach the customer by telephone, a written notice must be mailed to the customer 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 state of Washington or the sixth business day if mailed from outside the state of Washington or 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;~~ {COMMENT: Same as above.}

(d) If the utility has not disconnected service within ten business days of the disconnection date stated in subsection (6)(a)(i) of this section, the disconnection 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;

(e) 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 (a) of this subsection prior to disconnecting service;

(f) 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;

(g) 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 over-payment 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;

(h) 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 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;

(i) Medical facilities - When service is known to be provided to: {COMMENT: PSE does not oppose adding the various new facilities Staff is proposing to cover under this section, but it may not be possible for a utility to identify all of those listed, especially the "other" category. This can be remedied by inserting the recommended language above. With this language, the WUTC could inform the department of health about the expansion of this rule, which could then inform all affected facilities to contact the utility.}

(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 service, 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;

(j) Any customer may designate a third party to receive a disconnection notice or other matters affecting the customer's service. The utility will 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 will consider a social agency to be the 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 will 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.

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

(8) 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.

(9) 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.

Comments:

1) The requirement that the bills be paid within a minimum of 15 days has been moved to WAC 480-90-106, Billing requirements and payment date (Form of Bills).

Utility disconnecting service without notice:

2) Reformatted text addressing reasons when the utility can disconnect with and without notice to customers.

a. Clarifies companies are not required to provide disconnect notice if, after a thorough investigation, it has determined the customer has tampered with or vacated the property.

2a - Combined language addressing obtaining service fraudulently (2g) with tampered or stolen service (2a).

b. Allows companies to disconnect without notice if a person is using service prior to ordering service.

Utility disconnecting service without further notice:

3) Added “electronic payment” to 2c, when a customer pays with a check or electronic payment that has been dishonored by a financial institution.

Customer disconnecting service:

4) Customers must provide the date service is to be disconnected.

1 - Added language allowing the utility to require the customer to provide at least 3 days notice for service disconnection.

5) Customers are not responsible for service after the requested date for disconnection.

6) If the customer moves without notifying the utility to disconnect service, the customer will be responsible to pay for service until the utility can either confirm the customer has vacated the premise or that a new responsible party has moved in.

Medical Emergency:

7) Moved the section for medical emergencies (section 2h of existing rule) to follow reasons for disconnection.

8) Requires companies to restore disconnected service within four hours after being notified of medical emergency situation. 5-Clarifies when the utility is required to restore service.

9) Lengthened time of medical certificate from 30 days to 60 days.

10) Restricted customers who delay disconnection of service via for medical emergencies from no limited amount of times to two times within 120 days.

11) If utility does not receive medical certificate or ten percent payment of delinquent balance within 5 business days, the utility can disconnect service upon mailing a 3-day notice or personally delivering a notice allowing one business prior to disconnecting service.

12) If the customer fails to abide by the payment agreement of the medical emergency, the utility can disconnect service upon mailing a 3-day notice or personally delivering a notice allowing one business prior to disconnecting service.

13) 5e-Combined language with 5d.

Notice procedures:

14) When the utility mails a notice of disconnect from outside of Washington State, it must add three business days to the notice due date.

15) Reformatted the procedures for disconnection.

16) Utility is no longer required to mail notices; personal delivery is now another option with same due date as if mailed.

17) Utility is allowed the option of mailing an additional notice or personally delivering a notice if it cannot reach the customer by telephone prior to disconnecting service.

18) Updated information as to when and how the companies should provide notice to medical facilities and relevant state offices.

Utility-directed with notice -

19) 3d - Deleted reference to disconnecting service due to willful waste of service.

20) 4- Added language that gas service may not be disconnected for any amount owing for regulated electric service or for any non-regulated service.

WAC 480-90-xx4 Reconnecting service after disconnection.

(1) A gas utility must restore a disconnected service within one business day 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 all delinquent regulated charges, including any required deposit; or

(b) The customer has entered into an agreed upon payment arrangement for a delinquent account, and any required deposit; or

(c) The delinquent account is a prior obligation account as defined in WAC 480-90-056, Refusal of service, and the customer has paid or made arrangements for a deposit.

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

Comments:

(1) *New rule created out of current WAC 480-90-072 Discontinuance of service (4).*

(2) *Added that the commission may order reconnection pending resolution of a bona fide dispute over disconnection (current rule language).*

WAC 480-90-072 Payment arrangements.

(1) If a residential customer is billed for both gas and electric service and pays a portion of the total amount billed, the gas utility may first allocate payment to outstanding balances, after which the utility must allow the customer the option of applying the payment to the service of their choice. If the customer makes a partial payment and does not choose to which service the payment will apply, the utility must apply the payment to both services on a prorated basis according to the amounts billed for each service. {COMMENTS: A combined utility provides delivery of energy. One of the reasons combined utilities have been authorized by the Commission is the efficiency of providing both services. If a customer does not pay a portion of their bill, they have not paid for the delivery of energy. PSE urges Staff to acknowledge that disconnecting and reconnecting electrical service rather than gas service (or both services) when a customer has not paid their energy bills is safer, more cost effective, and more convenient both for the customer and utility, and therefore should be the Commission's preferred approach.}

(2) If the utility is delayed in billing a residential customer, the utility must offer payment arrangements that are equal to the length of time the bill was delayed.

(3) The utility must offer all residential customers the option of an equal payment plan.

(a) An equal payment plan allows the customer to pay the same amount each month based on historical usage. If historical information is not available, the utility will base the amount on projected usage.

(b) The utility may refuse to offer the equal payment plan to customers who have been removed from the equal payment plan for nonpayment within the past six months or have more than a two month past due balance on their current account. However, the utility may offer the equal payment plan to any customer when the utility believes this would be in the best interest of all parties concerned.

(4) When a residential customer contacts the utility regarding a delinquent account or to avoid a delinquent account, the utility must offer extended payment arrangements appropriate for both the customer and the utility.

~~_____ (a) The customer may enter into one six-month payment arrangement prior to disconnection of service during the customer's total service time with the utility.~~

~~_____ (b) If the customer does not choose to enter into a six-month payment arrangement, then the customer and utility may make arrangements appropriate to both the customer and utility. If the customer does not propose payment arrangements acceptable to the utility, the utility will advise the customer of the payment plan described in WAC 480-90-xx5,~~

Winter low-income payment program, if appropriate. {COMMENT: It is in a utility's best interest to strive to make reasonable payment arrangements with customers and we are typically successful at such negotiations with customers. If there is some basis for the need to introduce this new proposal, including the number of customer complaints Staff addresses associated payment arrangements and the number resolved through six month arrangements, it would be helpful for Staff to share that information with other parties. Additionally, while we appreciate Staff's proposal to limit how many times a customer can use a six-month arrangement, it may not be reasonably possible for a utility to track this information on individual customer for their entire life. While on rare occasions customers may involve the WUTC Staff, the current ability to negotiate flexibly with customers is probably a more efficient approach for society as a whole. }

(5) The utility must provide a receipt to customers for all payments made in cash.

Comments:

(1) Moved Sections (3) and (4) of existing rule to separate new rule.

(2) Added that if the utility delayed billing to the customer, it must allow the customer to make payment arrangements equal to the length of time the customer waited for the bill.

(3) Added that utilities who provide both electric and gas service, must prorate payments to each service if the customer has not designated which service should be paid.

(4) Added that the utility must provide receipts for all cash payments.

(5) Added that the customer may enter into a six month payment arrangement on a delinquent account one time prior to disconnection of service.

(6) Clarified how budget payment plans are calculated.

(7) Clarified that rule pertains to residential customers.

WAC 480-90-xx5 Winter low-income payment program.

(1) During the winter months, between November 15 and March 15, the gas utility may not discontinue residential space heating service if the customer does all of the following:

(a) Notifies the utility of the inability to pay the bill and any required deposit. This notice should be provided within five business days of receiving a delinquent notice unless there are extenuating circumstances. If the customer does not notify the utility within five business days and service is disconnected, the customer can receive the protections of this chapter by paying reconnection charges, if any, and by otherwise fulfilling the requirements of this section;

(b) Provides self-certification of household income for the prior twelve months to a grantee of the Department of community, trade, and economic development. For the purposes of this section, the grantee is a contractor operating low income energy assistance programs for the Department of community, trade, and economic development, or its successor. The grantee will determine that the household income is not higher than the maximum allowed for eligibility under the state's plan for low-income energy assistance. The grantee will also provide a dollar figure to the company that is seven percent of the household income within thirty days of the date on which the utility was notified of the customer's inability to pay. {COMMENT: This statement appears in the current rules. Since there is no comment below on why it was dropped, PSE assumes omitting this language was unintentional. It is important for a utility to receive timely

verification of information from the grantee, to ensure this provision will be applied smoothly.}. For the purposes of this section household income is defined as the total income of all household members as determined by the grantee. The grantee may verify information provided in the self-certification;

(c) Applies for home energy assistance from appropriate government and/or private sector organizations and certifies that any assistance received will be applied to the customer's current and future utility bills;

(d) Applies to the utility or other appropriate agencies for low-income weatherization assistance if such assistance is available for the dwelling;

(e) Agrees to and abides to that agreement to:

(i) Pay all amounts owed to the utility by the following October 15 and pay for continued service; and

(ii) Pay a monthly payment during the winter period . The utility will not require payment of more than seven percent of the customer's monthly income. In addition, the customer must pay one-twelfth of any billings from the date application is made through March 15. A customer may agree to pay a higher percentage of income during this period, but the customer's account will not be considered past due unless payment during this period is less than seven percent of the monthly income plus one-twelfth of any past due amounts accrued from the date application is made and thereafter. If the customer does not pay the past due bill by the following October 15, the customer will not be eligible for protections under this section, until the past due bill is paid;

(f) Notifies and provides documentation to the utility, if requested, that the customer has received any home heating assistance payment from government and/or private sector organizations after being approved for the plan. When the utility receives this information it must recalculate the payments for the customer; and

(g) Pay all amounts owed even if the customer moves.

(2) The utility will:

(a) Assist the customer in fulfilling the requirements under this section;

(b) Be required to transfer an account to a new residence when a customer who has established a plan under this section moves from one residence to another within the same utility's service area;

(c) Be allowed to disconnect service in accordance with WAC 480-90-071, Discontinuance/Disconnection of service, if the customer has not kept the payment arrangements as described in subsection (1) of this section. The utility must also include in the customer's disconnection notice:

(i) A description of the customer's duties outlined in subsection (1) of this section; and

(ii) An explanation that the utility will restore service if the customer contacts the utility and satisfies the other requirements of this section;

(d) Be allowed to disconnect service for practices authorized by law other than for nonpayment as stated in this section;

(e) Allow customers who qualified under subsection (1) of this section and who default on their payment plan and are disconnected in accordance with WAC 480-090-071, Discontinuance/Disconnection of service, to reconnect and maintain the protection afforded under this chapter when they:

(i) Pay any reconnection charges; and

(ii) Pay all amounts that would have been due and owing on the date the service is

reconnected; and

(f) Provide a written copy of the extended payment plan to the customer.

(3) Any customer who has a past due amount owing under this payment plan will not be eligible to reapply for a new extended payment plan unless authorized by the utility.

Comments:

(1) This rule is moved from WAC 480-90-072, Payment Arrangements, Sections (3) and (4).

(2) Reformatted rule to more closely parallel with RCW 80.28.010 (4) and (5).

(3) Moved definitions of energy assistance grantee and household income from WAC 480-90-021

(5) and (6) to section (1) (b) of this rule.

WAC 480-90-076 Service responsibility.

(1) Customer responsibility: The customer will notify the gas utility, in writing, prior to all changes to their equipment or usage that will materially affect the service to be rendered. The customer will give such notice within a reasonable time so the utility can provide the necessary facilities and acquire additional gas supplies if required. The charge for such necessary facilities, if any, will be in accordance with the utility's filed tariff.

(2) Gas utility responsibility:

(a) The gas utility will install and maintain at appropriate locations within its system such equipment that may be necessary to determine the operating characteristics of the system. The Commission may require the utility to provide additional equipment in connection with performing special investigations, if economically feasible.

(b) Each gas utility will promptly notify all affected customers of a change to the system that would affect the efficiency of operation or the adjustment of the customer equipment. If an adjustment to the customer's equipment is necessary, the cost will be recovered in accordance with the utility's tariff, except that, when the customer has been notified of a change in service prior to receiving service or when the change is required by law the customer must bear all cost in connection with making such changes.

(c) Each gas utility must adopt and maintain as constant as practical a standard pressure of gas measured at the outlet of any customer's meter and/or regulator in cases of a high pressure system. The standard pressure adopted will be filed with the commission as part of the gas utility's schedule of rates, rules, and regulations. Pressures other than standard may be furnished to a customer upon mutual agreement between the utility and customer, and provided that such pressure can be maintained without adversely affecting the service being provided to other customers on the system.

(d) Each gas utility must maintain its gas system in a condition that will enable it to furnish safe, adequate, and efficient service and meet applicable state and federal standards. {COMMENT: Staff is proposing to add "safe" and "efficient" to this section. It would be helpful if Staff explained its intentions and reasons for revising this section to include these new words.}

(e) Interruption of service - The term "interruptions" as used in this rule refers to the temporary discontinuance of gas flow to any customer(s) due to accident, required repairs or replacement, or to the actions of municipal or other agencies. It does not refer to the discontinuance of gas flow to those customers receiving service under an interruptible service schedule. The gas utility will make a reasonable effort to avoid interruption of service and, if an

interruption occurs, will endeavor to reestablish service with the shortest possible delay.

(i) Scheduled interruption – When it is necessary for a utility to make repairs to or change its facilities, the utility may, without incurring any liability, interrupt service for a period that is reasonably necessary to complete the repairs or changes in a manner that minimizes the inconvenience to customers. ~~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 notify all customers affected by a scheduled interruption in person or through newspapers, radio announcements, or by other means at least one day in advance of the scheduled interruption. {COMMENT: Staff’s draft is missing the clarification that utilities will not incur liability for service interruptions to repair or change facilities. Because this issue is not addressed in the comment section below, PSE assumes this revision was unintentional, thus recommends including the language.}

(ii) Forced (emergency) interruption - The company may ~~interrupt~~curtail firm gas service in the event of an emergency or when forces beyond the control of the utility require interruption. The utility will not interrupt service to firm customers in an affected area unless all interruptible customers that could affect the area are ordered to cease consuming all interruptible volumes. ~~No curtailment of firm customers will be allowed until all interruptible customers have been curtailed in the affected area.~~ {COMMENT: PSE offers this revision just to clarify Staff’s proposal. As written, Staff’s proposal might be interpreted in a sequential manner, that the last interruptible customer be off before the first firm customer is interrupted. In an emergency situation where load must be shed, it may not be possible to ensure all interruptible customers are off first, and if some interruptible customers choose not to comply, for the utility to physically interrupt service before shedding firm load.}

(iii) The utility will individually notify police and fire departments affected by an interruption of service.

(f) ~~Each gas utility must keep a record of all interruptions of service affecting its customers, including in such record the location, the date and time, the duration, and as accurately as possible, the cause of each interruption. Utilities must submit copies of such records to the commission upon request.~~ {COMMENT: The existing rule is looser than the existing reporting requirement in the gas safety rules under WAC 480-93-210. Since this is a pipeline safety requirement and the existing pipeline safety rule is more stringent, PSE suggests this section of 90-076 should be dropped. Since it was not addressed in the comment section below, PSE is not sure if Staff intended to drop the existing requirement (both in 90-076 and 93-210) for 25 customers. If Staff did intend to drop the reference to 25 customers, PSE suggests this issue would be better addressed in the review of WAC 480-93.}

Comments:

Rule rewritten for clarity.

This rule was renumbered to include paragraph four.

Included definition of “interruption” in paragraph 6 that is included in current rule language.

480-90-xx6 Customer proprietary Information.

(1) A utility may not disclose, permit access to, or use customer proprietary information to market non-authorized, non-regulated, non-utility service or product offerings to a customer

who does not already subscribe to that service or product without prior permission from the commission or customer. {COMMENT: This language ensures utilities can use their customer's information to market regulated products and services to its customers. PSE assumes Staff did not intend to limit a utility's ability to target tariffed services, such as targeted conservation programs, time-of-use rate programs, etc., that have been approved by the WUTC. The "without prior commission approval" language is included to allow for circumstances the WUTC may find are in the public interest to use this information including marketing new technologies necessary to make a new, more environmentally beneficial regulated services possible, for example special control technologies for back-up fuel supplies. Additionally, it seems reasonable that if the customer provides specific approval to use their information to receive information about new products and services, the utility should be allowed to do so.}.

(2) A utility may not share or sell customer proprietary information with or to its affiliates or any third party to market non-authorized, non-regulated, non-utility service or product offerings to a customer who does not already subscribe to that service or product without prior permission from the commission or the customer. {COMMENT: These changes are suggested to preserve a utility's ability to utilize third parties (including possibly affiliates) to handle or process proprietary information and possibly to assist the utility with more efficiently providing new or existing regulated services. Please see comment above for prior approval language.}.

(3) Customer proprietary information means information that related to the quantity, technical configuration, type, destination, and/or amount of use of service or products consumed, purchased, or contracted for subscribed to by a specific customer of a regulated utility when that information is available to the utility solely by virtue of the customer-utility relationship {COMMENT: PSE suggests "technical configuration" may be applicable in telecom where the telecom utility may know a great deal about the customer's specific network, but is probably not applicable in the energy sector. Also, destination seems more associated with telecom where customers may purchase foreign exchange-type service. PSE suggests those two should be dropped. The other suggested revision is to clarify that what Staff is trying to avoid is a utility revealing specific details about a specific customer, not preventing the utility from disclosing gross statistics such as residential therm sales; rather, it appears Staff is trying to prevent disclosure of a specific customer's gas consumption, firm contract demand, etc..}:-

Comment:

New rule adopted from current telecommunication rules (WAC 480-120-151)

WAC 480-90-081 Service connections.

(1) The gas utility will furnish, install, and maintain piping and other fittings to the customer's fuel line up to the point of delivery. As of the effective date of this rule, the point of delivery will be at the outlet of the meter or at the connection to a customer's piping, whichever is farther downstream.

(2) The customer may be required to pay for or install any service connection such as pipes and fittings in compliance with the gas utility's standards and filed tariff(s). The service piping and fittings up to the point of delivery will become the property of the utility who will accept all responsibility for future maintenance and operations in accordance with its filed tariffs.

Comments:

Currently, the rule does not define the point of delivery. The changes to the rule now specifies where that point of delivery will be for all new gas systems.

WAC 480-90-086 Service entrance facilities.

A gas utility may require customers to:

- (1) Provide entrance facilities at the easiest access point to the utility's distribution system; and
- (2) Comply with reasonable requirements to keep those facilities free from tampering or interference.

Comments:

No changes were made to this rule.

WAC 480-90/100-091 Access to premises.

(1) Authorized representatives of a gas utility have the right to enter a customer's property during reasonable hours to perform meter reading, maintenance, testing, installation, or removal of the utility's property. Gas utility representatives must provide a means of identification upon request.

(2) When performing maintenance, testing, or installing or removing the utility's property, the utility must restore the customer's property as close as reasonably practicable possible to the condition prior to the utility's action unless otherwise defined in the utility's tariff or make other such arrangements as agreed to with the customer. {COMMENT: It is important to note that when customers place extravagant landscaping or buildings that block access to a utility's facilities, all customers will pay the restoration costs. The only individual that can influence the cost of restoring property is the individual customer who makes landscaping, construction, and other decisions. It seems that there should be some reasonable limit. PSE suggests allowing utilities to elaborate in tariffs is reasonable to allow for variations between what might be considered reasonable among the different utilities. }

Comments:

1) Revised per water rule and stakeholder comments

WAC 480-90-096 Gas utility's responsibility for complaints and disputes.

(1) When a gas utility receives a complaint in any form from a customer or an applicant for service it must acknowledge receipt of the complaint and

(a) Upon request, identify ~~Provide the name of~~ the utility's contact to the complainant; {COMMENT: As discussed in the workshops, requiring utility representatives in the call center to give their name is not necessary, as long as the customer can identify the rep to her/his

supervisor. Some call center staff may not be comfortable providing their names to the general public as it may expose them to real or perceived personal risk. Changing the requirement to identify alleviates our concern. If Staff receives complaints from customers because the utility rep would not provide their name, it would be most helpful for Staff to share this information with other parties. }

(b) Investigate the complaint promptly as required by the particular case; {COMMENT: This is existing language that was left out of this draft, though was not commented on below. PSE suggests retaining this language is reasonable, to allow utilities to prioritize investigation of complaints.};

(c) Report the results of the investigation to the complainant;

(d) Take corrective action, if warranted, as soon as possible under the circumstances; {COMMENT: PSE supports Staff's inclusion of the phrase "...as soon as possible under the circumstances."}

(e) If the complainant is dissatisfied with the results or decision, the utility's representative must inform the complainant that the decision may be appealed to a supervisor at the utility and must provide the name or department of such supervisory personnel and a telephone number by which the supervisor may be contacted; and {COMMENT: Staff's proposal is a clear change from the existing rules, but since this is not addressed in the comment section below, PSE assumes Staff's revision was unintentional. Rather than using the internal appeal process as a contingency for when customers are dissatisfied, Staff's language would require the rep to offer an appeal in every circumstance. Requiring an appeal of every decision will needlessly result in more appeals, increasing costs for utilities and the Commission (if the rest of this proposed rule is adopted) which will be born by all customers. Additionally, requiring an appeal in cases where customers are satisfied will also create unrealistic expectations for customers, as they may begin expecting different results by appealing in situations where the resolution was reasonable. }

(f) If ~~inform the~~ a complainant ~~of~~ remains dissatisfied with the utility's decision and remedy, if applicable, after talking with a supervisor, the supervisor must inform the complainant of their:

~~_____ (a) The complainant's right to speak to a supervisor; and~~

~~_____ (b) The complainant's right to file a complaint with the commission and provide the commission's address and toll-free telephone number. . {COMMENT: First, (f) (i) is redundant to (e). Second, the existing rule requires a supervisor to advise complainants of their ability to appeal to the WUTC only if the complainant remains dissatisfied. Staff's proposal would have the rep inform all complainants of their right to appeal to the WUTC; again, since the comment section below does not address this change, PSE assumes it was unintentional. PSE suggests the current process where if the customer is not satisfied with the rep they talk to the supervisor, then if still not satisfied they are informed of their ability to go to the WUTC is more reasonable. It allows the utility a reasonable opportunity to solve issues with customers. }~~

(2) Applicants, customers, or their representatives may file with the commission:

(a) An informal complaint as described in WAC 480-09-150 Informal complaints; or

(b) A formal complaint against the utility as described in 480-09-420 Pleadings and briefs - Applications for authority - Protests.

(3) When the commission refers an informal complaint to the utility, the utility must:

(a) Investigate and report the results to the commission within two business days. The

commission may grant an extension of time for responding to the complaint if requested and warranted;

(b) Keep the commission informed of progress toward the solution and the final result; and

(c) Respond to the commission's request for additional informal complaint information, provided such information exists, within a reasonable amount of time depending on the nature of the underlying informal complaint. ~~three business days of the request or at a date specified by the Commission.~~ { COMMENT: PSE understands Staff's desire to establish some reasonable standards for responses to informal data requests associated with informal complaints. Three days, however, is probably not a reasonable standard in non-emergency situations. PSE suggests its proposed language above is flexible enough to allow for different time lines depending on the relative importance of the issue while providing Staff the language it desires to push a utility, if the utility is unreasonably delaying its responses. Additionally, the statement that the information must exist is to clarify that Staff would not be requesting the utility to perform new studies or analysis that do not exist, which is a legal standard typically observed by Staff. }

(4) Each gas utility must keep a record of all complaints for at least three years and, upon request, make them readily available for commission review. The record must contain:

(a) The complainant's name and address;

(b) The date and nature of the complaint;

(c) The action taken;

(d) The final result; and

(e) All correspondence and official documents ~~records~~ regarding the complaint.

{ COMMENT: (a)-(e) define the record, so PSE suggests using the phrase "official documents" instead of record, to avoid creating a circular definition. }

Comments:

(1) added requirement (a) to section (1),

(2) added requirement (c) to section (3), and

(3) changed record keeping requirement for all complaints from one to three years.

(4) 4 - Added the company's complaint record must include all correspondence and records regarding the complaint.

(5) 2b - Corrected applicable rule.

WAC 480-90-106 Billing requirements and payment date.

(1) Customer bills must:

(a) Be regularly scheduled for ~~issued at~~ intervals not to exceed two one-month billing cycles; { COMMENT: PSE's suggested revision will ensure that utilities are not found to be in violation of the rules when a bimonthly bill is held for investigation. }

(b) Show the total amount due and payable;

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

(d) Include 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 current and previous meter readings, the current read date, and the total amount of therms used;

(f) Show the amount of therms used for each billing rate, the applicable billing rates per therm, the basic charge or minimum bill, and any other applicable tariff charges;
(g) Compare energy usage information for the current month and the same billing month of the previous year for the following:

- (i) Number of days in billing period;
- (ii) Therms used;
- (iii) Average therms used per day;

(h) Show the amount of any municipal tax surcharges and their respective percentage rates.

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

- (i) Flat rate service will be prorated on the basis of the proportionate part of the period that service was taken.
- (ii) Metered service will be billed for the amount metered. The basic or minimum charge will be billed in full.

(j) 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 on file with the commission.

~~(ii) The utility may not estimate for more than two consecutive billing cycles, unless the cause of the estimation is due to inclement weather, terrain, or a previous arrangement with the customer.~~ {COMMENT: It is not clear why Staff believes this new rule is necessary. PSE again suggests this provision be dropped because it is not needed. If Staff believes energy utilities' estimated meter reading practices have been abusive or in some manner unreasonable or unacceptable, it would be most helpful if Staff provided a detailed explanation. }

(k) Clearly identify determination of maximum demand. Utilities providing service to any customer on a demand basis must detail in their 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 within the state of Washington, or eighteen days if mailed outside the state of Washington.

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

Comments:

(1) Added total amount owed will be listed on bill.

(2) Added that utility must include business address, toll-free telephone number, business hours and emergency telephone number on bill.

(3) Added information to be included on bill in order to calculate bill amount.

(4) Changed what information is to be provided in order to compare bill with previous year's usage.

(5) Clarified tax information to be included on bill.

(6) Added utility may not estimate bill for more than two consecutive billing cycles.

Clarified when estimations for more than two consecutive billing cycles can occur.

(7) Added three days to bill due date if bill is mailed outside of the state.

(8) Added when a customer requests a preferred payment date, it must be requested prior to the

next bill date.

(9) Moved reference of the 15-day minimum for billing from WAC 480-90-071 (1)(a), Disconnection of service.

(10) Added method of estimation of bills must be detailed in the utility's tariff.

(11) 1a - Changed issuing bills from "two months" to "two one-month billing cycles."

(12) 1f - Require the company to provide usage comparison for the "current month" in addition to the same billing month of the previous year.

(13) Eliminated the requirement, in 1st draft, to include the average temperature per day on the bills.

WAC 480-90-161 Complaint meter test (combined rule).

WAC 480-90-161 Complaint Meter Test

WAC 480-90-156 Dispute as to meter accuracy

WAC 480-90-116 Refund for inaccurate metering

(1) The gas utility must initiate a test of and report to the customer the accuracy of a meter within ~~ten~~^{fifteen} business days after receiving a request from a customer and report results to the customer upon completion of the test. {COMMENT: PSE's recommendation returns the language to its existing requirement that utilities initiate the test within 10 days. PSE supports the current standard. If Staff has some evidence that indicates the current rule is not fair or reasonable, or that customers are somehow harmed by the current rule, it would be most helpful if Staff could provide a written explanation with supporting material such as customer complaint counts, so we could understand why Staff is proposing such a significant change. Additionally, PSE suggests it may appear unreasonable to require the same timing on gas and electric meter tests when gas meters must be removed and shipped back to the meter shop and electric meters are typically tested on site.}. The utility must allow the customer to order one meter test free of charge during a twelve month period. If the customer is disputing the accuracy of the meter, the customer must allow the utility access for meter testing.

(2) The customer may, at the customer's option, either witness the meter test or designate a representative to witness the test. The customer may require the meter to be sealed upon removal in the customer's or the customer representative's presence. The seal must not be broken until the test is made in the customer's or the customer representative's presence, or until permission to break the seal has been granted by the commission. The utility must report the results of the meter test to the customer.

(3) A customer may request the utility to perform additional meter tests within twelve months of the last meter test, but the additional meter test will not delay disconnection of service under WAC 480-90-071 (9). {COMMENT: The current rule provides the utility with the option of refusing to perform the test. Part of the reason this language probably exists so that customers cannot indefinitely delay disconnection by requesting (and paying for) meter tests. PSE does not object to dropping the utility's right to refuse additional meter tests as long as three provisions added. First is that meter test charge applies, as included in Staff's proposal. Second is that the additional meter test will not delay disconnection. Third is that the language below that states the utility must initiate the test within 10 days, rather than complete it within 15 days. While the current language on extra meter tests requires the extra test to be completed, the existing language also allows the utility to refuse to perform it. Thus, in order to avoid wasting resources,

a utility can now refuse the extra test. Changing this language to “initiate” rather than “complete” allows utilities to retain some flexibility to manage its resources. }. The utility must immediately inform the customer of any additional meter test charges. If the customer elects to have the meter test performed, the utility will initiate perform the test and report the test results to the customer within ~~ten~~^{fifteen} business days and report results of the test to the customer as soon as possible upon completion of the test, ~~not including transit time if the meter is shipped by a third party carrier to the utility’s shop.~~ If the additional meter test results show the meter is performing accurately as described in WAC 480-90-151, Metering tolerance, the utility may charge the customer for performing the additional meter tests. The charge of the meter test must be listed in the utility’s tariff. The utility may not charge the customer for any additional meter test that shows the meter is performing outside acceptable tolerance levels as defined in WAC 480-90-151, Metering tolerance.

(4) If the customer disputes any meter test result, the utility or the customer may contact the commission to review the complaint. When the commission has notified the utility that a complaint has been received regarding the customer’s meter, the utility will not change the meter set assembly in any manner unless authorized by the commission. If the utility violates this provision, the commission may consider it as supporting the customer’s dispute since the change might affect the proof of the dispute. The commission may require the utility to perform an additional test and report the test results to the commission within ten business days.

(5) If a meter test reveals a meter error greater than that specified as acceptable in WAC 480-90-151, Metering tolerance, the utility must repair or replace the meter at no cost to the customer. The utility must adjust the bills to the customer based on the best information available to determine the appropriate charges.

(a) The utility must refund the customer back to the date the customer’s usage was measured by a defective meter, limited to a maximum correction period of six months.

(b) In cases where the customer will be billed for additional meter usage, the utility must bill the customer back to the date the customer’s usage was measured by a defective meter, limited to a maximum correction period of six months. The utility will offer payment arrangements in accordance with WAC 480-90-072, Payment arrangements.

(6) Reports - the commission may require the utility to provide meter test results to the commission in response to a customer’s complaint. These reports must contain the name and address of the customer, the meter manufacturer’s name, the manufacturer’s or utility’s meter number, the size or capacity of the meter, the date the meter was tested, the reading of the meter when tested, the accuracy of the meter as found, and the accuracy of the meter after adjustment.

Comments:

(1) Staff suggest combining the following rules into one:

WAC 480-90-161 Complaint Meter Test

WAC 480-90-156 Dispute as to meter accuracy

WAC 480-90-116 Refund for inaccurate metering

(2) Deleted utility option of refusing meter test

(3) Deleted “initiate” in section (1) and changed to must test and report results to customer within ten business days. Extended timeframe for testing the meter and reporting to the customer from 10 days to 15 days and allowed time for shipping meter from third party carrier.

(4) Moved WAC 480-90-156 and 480-90-116 to this rule.

(5) Added if the customer requests additional meter tests, the utility must inform the customer of

the meter test charges.

(6) Clarified that utility may use “best information available” to adjust bills due to meter inaccuracy.

(7) Clarified customer will not be billed for more than six months for additional meter usage as well as limiting refunds to six months.

(8) 1- Added language stating if customer is disputing the accuracy of the meter, the customer must allow the company access to the meter.

WAC 480-90-211 Payment locations.

(1) The gas utility must provide payment agencies in locally accessible locations where applicants and customers can cash payments ~~make payments at no charge to the applicants and customers as needed to receive service~~ { COMMENT: Staff’s proposal to include a new provision that pay stations cannot charge a fee may not, all things considered, be an optimal balancing of interests among customers. Pay station services are not free to utilities and customers, yet Staff’s proposal would require telling customers it costs less to use a pay station than to purchase a stamp. This is not true. Staff’s rule would result in the large majority of our customers that choose the more efficient process of paying their bills by mail to subsidize the small minority of our customers that choose to utilize pay stations. While Staff’s intentions are understandable, it does not seem fair to require this subsidy. Additionally, it might be necessary for some pay stations to charge service fees to ensure wide coverage. Therefore, PSE suggests this statement be omitted. However, if Staff believes some language is necessary, the following statement could be included: “If a payment agency charges a service fee, such fee must be reasonable.” In general, pay stations could not charge more than the cost of a money order and stamp, which is reasonable. } ~~Payment agencies must clearly post and maintain regular business hours.~~ { COMMENT: PSE will not object to this requirement, but we suggest (as in our prior comments) it is not necessary for the Commission to try and impose a rule telling competitive businesses to post business hours. }

(2) The utility and its payment agencies must provide receipts for any cash payments made by the applicants or customers.

~~(3) The utility must provide, at a minimum, a toll-free telephone number for applicants and customers to use during business hours in order to receive information relating to services and rates, to accept and process orders for service, to explain charges on customer bills, to adjust charges made in error, and to generally act as representatives of the utility. { COMMENT: PSE supports the revisions to this section, but suggests this section does not appear to address payment location issues, which is the title of this section. We suggest moving it to 041-Information to Consumers. }~~

(4) The utility must establish and maintain reasonable methods for customers to locate current payment agencies. Acceptable methods are: ~~provide written notice to its affected customers and to the commission at least thirty days prior to the closing of any business office, customer service center, or payment agency. In the event a payment agency is closed on less than thirty days notice, written notification is required as soon as the utility becomes aware of the closure. At a minimum, the following information is required:~~

- ~~(a) The communities affected by the closing;~~
- ~~(b) The date of the closing;~~
- ~~(c) A listing of other methods and facility locations available for payment of cash or~~

~~urgent payments; and~~

~~(d) A listing of other methods and locations for obtaining business office and customer service center services.~~

Standard Method—The utility must maintain and notify customers of a toll-free telephone number that lists payment agencies by community and one of the following:

Identify payment agencies by community in a conspicuous location on the utility's website; or

Mail customers a quarterly bulletin listing payment agencies by community.

Alternative Method—The utility may submit an alternative plan to the Commission for approval. The utility must receive Commission approval prior to implementing the alternative method.

{ COMMENTS: There are two primary components to PSE's suggestion on this rule. First addresses the existing language that requires 30 days notice to the Commission prior to closing a pay station. PSE suggests our listing of pay stations on our website and on our Voice Response Unit addresses Staff's need to be informed regarding locations of our payment agencies. Staff's access to this information through these means is much more efficient than receiving, processing, and maintaining routine informational filings and also probably provides Staff with more updated and accurate information. Therefore, PSE suggests the proposed language is an improvement over the existing rule. Second, PSE's language addresses Staff's concern that customers be able to identify the location of payment agencies. Informing customers of a toll-free telephone number to call for current payment agencies **and** listing the information on a website is a more efficient means to get information to customers that use paystations than a notice. }

Comments:

1) *Changed title of section*

2) *Deleted definition of urgent payment*

3) *Changed "reasonable access" to "convenient location" in section 1.*

1-Changed "convenient" to "locally accessible."

4) *Deleted business office designation*

5) *Deleted requirement that business offices be accessible in person.*

6) *Added company must notify customers of payment agency closures.*

7) (1) - *Added that payment agencies should not charge customers to take payments.*

480-090-XX7 Gas customer notification requirements

A gas utility must notice its customers once, either prior or after commission action, depending on the type of filing.

(1) Customer notice prior to commission action:

(a) Each affected customer must receive at least thirty days notice prior to the requested effective date when a gas utility proposes to:

(i) Increase recurring monthly rates;

(ii) File a general rate increase that will be:

(A) Addressed in an open meeting; or

(B) Addressed in a formal hearing process (see WAC 480-80-125, Notice by utility to customers concerning hearing, for content of notice);

(iii) Restrict access to services (e.g., discontinuing a service, limit access to

- service by imposing a new usage level on existing services, etc.);
- (iv) Change the ownership or control of the operating company (see WAC 480-143-210, Transfer customer notice requirements, for content of notice);
- (b) At a minimum, a gas utility must notify:
- (i) Each customer that will be affected by the company's proposal; and
- (ii) The public affairs section of the commission.
- (c) Content of notice for rate change (informal process). Each customer notice must contain, at a minimum:
- (i) Date the notice is issued;
- (ii) Utility name and address;
- (iii) A clear explanation of the proposal that ensures customers understand the proposed change and the impact of the change;
- (iv) The utility's reasons for the change (use examples as needed);
- (v) A comparison of current and proposed rates by service;
- (vi) An example of the proposal based on an average customer's use (for example: an average residential customer uses x therms per month. Usage multiplied by proposed rate = \$ per month.)
- (vii) When the rates will be billed (i.e., monthly or bi-monthly);
- (viii) Date the change would go into effect;
- (ix) An explanation that the commission has the authority to set final rates that may vary from the utility's request and may be either higher or lower, depending on the results of the investigation;
- (x) A description of how and where the customers may contact the utility if they have specific questions or need additional information about the proposal; and
- (xi) The utility must include public involvement language in the notice. A utility may chose from either (A) or (B), below.

(A) All comments to the Commission must be submitted in writing or presented at the public meeting on this case. If you have questions or you would like to be added to the mailing list for this case, you may contact the Washington Utilities and Transportation Commission at P.O. Box 47250, Olympia, WA 98504-7250; 1-800-562-6150; comments@wutc.wa.gov; or 360-664-3604(fax); or

(B) A utility may use language of its own. The following information must be included if this option is chosen:

(I) A brief explanation of how to participate in the commission's process by attending an open meeting, writing a letter, e-mail, or fax;

(II) How to contact the commission for process questions or notification of the scheduled open meeting date; and

(III) The commission's mailing address, voice and fax number, and e-mail address.

(d) Methods of notice permitted - Notice may be accomplished by bill insert, bill message, printing on back of the billing envelope, or a separate mailing to all affected customers.

(2) Customer notice after commission action:

- (a) Each affected customer must receive notice on the first bill after commission decision when a utility increases rates for:
 - (i) Non-recurring charges (e.g., late payment fees, NSF fees, etc.);
 - (ii) Local taxes;
 - (iii) Purchase gas cost adjustment; or
 - (iv) Conservation program rates.
- (b) At a minimum, a utility must notify:
 - (i) Each customer affected by the utility's proposal; and
 - (ii) The public affairs department of the commission.
- (c) Content of notice: At a minimum, after commission action notice must include the effective date, a clear description of changes to rates or services and a utility contact number where customers may seek additional information.
- (d) Methods of notice permitted - In addition to the methods permitted in subsection (1)(d) of this section, notice after commission action may be accomplished by publication in the utility's newsletter.

(3) Commission assistance on customer notice. The commission's public affairs section is available to assist utilities with customer notice questions. The public affairs department will also review and offer suggestions on draft customer notice language. If a utility would like assistance, the utility should submit the notice for review at least one week prior to the planned notice printing date.

(4) Other customer notice. The commission may require notification to customers other than described in this section when the effect of a utility's proposal is such that there is a significant impact on customer rates, access to services, or when customer education is needed. (E.g., education on what a PGA filing is).

Comments:

(1) This rule is designed to ensure that customers of a regulated natural gas company proposing a change in its rates or services receive adequate information to understand the change and the affects on them and to determine whether or not to become involved in the commission's decision-making process. A good customer notice meets three basic ideas: to notify intent, to educate, and to involve consumers. Currently, customer notice requirements are contained in WAC 480-80-120 Notice to the public of tariff changes, and WAC 480-80-125 Notice by utilities to customers concerning hearing, governed by 80.28.060 RCW. It is staff's intent (this chapter is currently opened for review) to repeal 480-80-120 and replace that requirement with the new proposed customer notice rules. In WAC 480-80-125, the formal hearing notice, staff will update the language and will recommend that it remain within chapter 480-80.

(2) Please see "Principles underlying customer notice practices".

III. Records and Reporting Rules:

WAC 480-90-031 Accounting system requirements.

(1) Gas utilities in the state of Washington must use the uniform system of accounts applicable to major and non-major gas utilities as published by the Federal Energy Regulatory

Commission (FERC) in the Code of Federal Regulations.

(2) Gas utilities having multi-state operations must maintain records in such detail that the costs of property located and business done in this state in accordance with geographic boundaries can be readily ascertained.

(3) Any deviation from the uniform system of accounts, as prescribed by the FERC, will only be accomplished after due notice and order of this commission.

Comment:

This revision separates accounting aspects of rule -031 from the reporting aspects. The language is re-written for clarity.

WAC 480-90-xx8 Financial reporting requirements.

(1) Annual Reports:

(a) Gas utilities must use the annual report form (FERC Form No. 2) promulgated by the Federal Energy Regulatory Commission for purposes of annual reporting to this commission. Data required by RCW 80.04.080, Annual Reports, but not included in the FERC Form No. 2, must also be submitted with the annual report. Utilities must submit the annual report for the preceding calendar year, along with the regulatory fee, by May 1st of each year.

(b) Utilities with multi-state or multi-service operations must also submit to this commission a supplement to its annual report which includes the amount of property, revenues, expenses, taxes, depreciation, etc., necessary to furnish utility service to its customers in the state of Washington. The supplement to the annual report must include the average customer count and total unit sales per customer class for the calendar year.

(c) Combination and multi-state utilities must submit their cost allocation methods necessary to develop the results of operations for the state of Washington with the annual report. Approval of cost allocation schemes for rate making purposes is only accomplished by commission order.

(d) The total gas utility results of operations reported by each utility in its annual report to the commission must agree with the results of operations shown on its books and records.

(2) Commission Basis Reports (Annual):

(a) The intent of the "Commission Basis" report is to depict the gas operations of a utility under normal temperature and gas supply conditions during the reporting period. The commission basis report includes the following:

(i) Utilities must report booked results of gas operations and rate base along with the necessary adjustments as accepted by the commission in the utility's most recent general rate case or subsequent orders;

(ii) Utilities must adjust their actual results of operations for out of period items, non-operating, non-recurring, extraordinary items, or any other item that materially distorts reporting period earnings and rate base;

(iii) Utilities must adjust booked revenues and gas supply expenses to reflect operations under normal temperature and gas supply conditions before the achieved return on rate base is calculated; and

(iv) Commission basis reports should not include adjustments that annualize price, wage, or other cost changes during a reporting period, nor include new theories or approaches which have not been previously addressed and resolved by the Commission.

(b) Utilities must submit the basis of any cost allocations and the allocation factors necessary to develop the commission basis results of gas operations for the state of Washington.

(c) Commission Basis reports are due within four months of the end of a utility's fiscal year.

(3) Quarterly Reports - Gas utilities must file a report of actual results for Washington operations within forty five days of the end of each quarter. The results of operations report must contain each of the three monthly balances and the latest twelve months ending balance for all accounts of the uniform system of accounts. The report must include the average customer counts and total unit sales per customer class for each reported period.

(4) Additional Reporting - This section will not supercede any reporting requirement specified in a commission order or limit the commission's ability to request additional information.

Comments:

(1) This revision separates reporting aspects of rule -031 into a separate rule. The Commission basis report is changed to an annual filing. The monthly report is changed to a quarterly filing with specific required contents. Other language is re-written for clarity.

(2) Account 191 reporting requirement has been moved to the PGA Rule.

WAC 480-90-032 Expenditures for political activities.

(1) The commission will not allow either direct or indirect expenditures for lobbying, political information, political education, or political advertising for ratemaking purposes.

(2) Political information, education, and advertising activities include, but are not limited to:

(a) Encouraging support or opposition to ballot measures, legislation, candidates for an office, or current public office holders.

(b) Soliciting support for political action committees.

(c) Gathering data for political mailing lists.

(d) Soliciting political contributions or recruiting political volunteers.

(e) Advertising to influence public opinion with respect to legislative, administrative, or electoral matters, or any controversial issue of public importance.

Comment:

Organizes all political expenditures into one rule. Item (e) is from 480-90-043.

WAC 480-90-036 Securities, affiliated interests, and transfers of property.

(1) Before a gas utility issues securities it must file with the commission a statement in accordance with chapter 80.08 RCW and chapter 480-146 WAC.

(2) Before a gas utility enters into an arrangement with an affiliated interest it must file with the commission a verified copy of the contract or arrangement in accordance with chapter 80.16 RCW and chapter 480-146 WAC.

(3) Before a gas utility transfers property it must apply for, and obtain, commission

approval in accordance with chapter 80.12 RCW and chapter 480-143 WAC.

Comments:

Rewritten for clarity and consistency with other rule makings.

WAC 480-90-043 Promotional advertising.

(1) The commission will not allow expenses for promotional advertising for ratemaking purposes.

(a) The term "promotional advertising" means advertising to encourage any person or business to select or use the service or additional services of a gas utility, to select or install any appliance or equipment designed to use the gas utility's service, or to influence consumers' opinions of the gas utility.

(2) As used in this rule the term "promotional advertising" does not include:

(a) Advertising which informs customers how to conserve energy or how to reduce peak demand for energy;

(b) Advertising required by law or by regulation, including advertising under Part 1 of Title II, of the National Energy Conservation Policy Act;

(c) Advertising regarding service interruptions, safety measures, or emergency conditions;

(d) Advertising concerning employment opportunities with the gas utility;

(e) Announcements or explanations of existing or proposed tariffs or rate schedules;

(f) Notices of meetings or commission hearings concerning gas utility rates and tariffs.

Comments:

Restricts rule to just promotional advertising; maintains prohibition on allowing promotional advertising in rates.

WAC 480-90-181 Retention and preservation of records and reports.

(1) The gas utility must retain all records and reports for three years unless otherwise specified by the publication referenced in subsection (2) of this section. No records may be destroyed prior to the expiration of the time specified by the publication referenced in subsection (2) of this section.

(2) The *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies*, published by the National Association of Regulatory Utility Commissioners is prescribed as the requirement for the state of Washington. This document is available at the commission's branch of the Washington state library. The commission secretary will provide a copy of the document on request, subject to any charge, or a copy may be ordered directly from the National Association of Regulatory Utility Commissioners.

Comments:

Rewritten for clarity.

WAC 480-90-xx9 Purchased gas adjustment.

(1) A purchased gas adjustment (PGA) clause is an accounting and rate adjustment procedure that gas utilities use to recover actual gas costs. Gas utilities must file with the commission for recovery of expected gas cost changes and amortization of accumulated book balances.

(2) A gas utility must include its PGA procedures in its tariff.

(3) A gas utility must make a PGA filing at least annually. If the utility believes that a PGA filing is unnecessary in any given year, then it must file supporting documents demonstrating why a rate change is not necessary.

(4) A gas utility must file a monthly report of the activity in account 191, Unrecovered Purchased Gas Costs, for Washington within 30 days after the end of each month. The report must show the beginning balance, monthly entry and ending balances for each Washington sub-account included in account 191, Unrecovered purchased gas costs. PGA incentive amounts must be shown separately.

Comments:

New rule to codify existing procedures and to require at least an annual filing (or an explanation).

Deleted the PGA reporting requirement in 480-90-03x and included a monthly reporting requirement here (paragraph 4) in its place.

IV. Metering & Standards Rules:

WAC 480-90-101 Heating value of gas.

(1) A gas utility must state in its tariff the minimum heating value of gas delivered to customers. The minimum heating value of the gas must be sufficient to uniformly operate an appliance.

(2) Test Equipment - If a gas utility provides and maintains its own gas calorimeter, the calorimeter and accessories must be installed in a suitable area. The calorimeter and its location and accuracy must be approved by the Commission.

(3) If a gas utility does not maintain its own gas calorimeter, the utility's supplier must provide the calorimetric results to the commission upon request.

(4) A gas utility may use a caloroptic indicator to determine the heat value when a mixture of liquified petroleum gas and air are used.

(5) Test Requirements - Each gas utility must take at least one daily heat value test of the gas supplied to its customers.

(6) The total heating value must be stated in British thermal units per cubic foot.

(7) The average daily heat values must be determined by taking the average of all daily heat values measured throughout the day. The average monthly heating value must be the average of all daily average values for the calendar month.

(8) For billing purposes, the gas utility may apply the average heating value for a given month to the following month provided the procedure is written in the utility's tariff.

(9) Records - Each gas utility must keep complete records of each heat value test. These

records must be accessible to the commission and its' authorized representatives.

(10) The utility must adopt standard forms that record the heating value, gas analysis, and specific gravity results. The forms are subject to the approval of the Commission. Each form must be retained as a record at the station where the tests were made for at least two years.

Comments:

(1) Rewritten for clarity

(2) The term “liquified petroleum gas” was reinserted in section 4 to help clarify the fuel mixture.

(3) “For billing purposes” was added back to section eight as was written in the original rule.

WAC 480-90-126 Meter readings.

The meter is required to record or indicate the volume of gas taken, measured in units of cubic feet or other volumetric unit. The gas utility, upon request, must supply the customer with all variables and formulas to enable the customer to compute billable units, typically therms.

Comments:

Rewritten for clarity and takes into account NWN’s comments.

WAC 480-90-131 Meter charges (old title “Installation of meter set assembly”).

(1) A gas utility will make no charge for furnishing and installing a standard meter required to determine the billing to be made for gas service in accordance with its filed tariff. The utility may charge for additional metering or metering equipment requested by the customer or required by the utility’s tariff for services beyond determining the billing for gas service.

(2) A meter will not be required on flat rate service.

Comments:

(1) Rewritten for clarity and stakeholders’ comments.

(2) Amended to clarify that the utility can charge for special (additional) metering equipment (i.e. telemetry - [need to tariff]).

WAC 480-90-136 Meter set assembly location.

(1) The customer must furnish a convenient and unobstructed location to install the meter set assembly that is acceptable to the gas utility.

(2) A meter set assembly may include a meter, regulator, valve, and adjacent components. The meter set assembly must be accessible to the utility to read, inspect, repair, test, and make changes.

(3) Where feasible, residential and commercial meter set assemblies should be installed outside at the building wall. All meter set assemblies should be placed, whenever possible, away from doors, windows, building overhangs, intake ducts, and other outside areas

where gas can accumulate and migrate into buildings unless vent piping or regulators with an over-pressure shut-off that would not vent gas to the atmosphere is utilized or other mitigation measures are taken consistent with the utility's safety standards. The location must be acceptable to the utility. {COMMENT: It appears Staff's position is that MSA must be located outside, at the wall, etc., unless it is not feasible to do so. While this is PSE's preference in locating MSAs, PSE is concerned with the interpretation of "feasible" as used in Staff's draft. PSE would interpret feasible broader than just physically feasible to include situations where the customer would not choose gas if the MSA could not be located in another manner. If feasible is to mean physically feasible, this rule could negatively affect PSE gas penetration into the multifamily market. The recommended language probably pushes this rule in the direction of establishing a norm rather than a requirement. Additionally, PSE suggests restoring language that the utility must find the location acceptable (which is in the current rule) helps to provide utilities with a stronger position to ensure proper placement of the MSA. } ~~When it is not feasible to install residential or commercial meter set assemblies at the building wall the utility must provide prior notice to the commission of such installations.~~ {COMMENT: At this point, it is not clear why the WUTC needs to be informed prior to each such installation if . It would be helpful if Staff explained why this new reporting requirement is necessary in addition to the record keeping in the next sentence. } ~~When it becomes necessary to locate meters~~ are located inside buildings, the gas utility must keep a record of all meter set assemblies that are located inside buildings, including in such record the location, installation date, and leak history. Utilities must submit copies of such records to the commission upon request.

(4) The meter set assembly must be protected with a protective barrier whenever damage by vehicles or marine traffic is likely to occur.

Comments:

(1) *The rule was rewritten for clarity and three sections were added that mimic the accepted industrial gas standards for meter placement. The first standard addresses placement of the meter set assembly away from areas where gas can migrate into buildings. Equipment can and eventually will fail. This part of the rule makes adjustment for equipment failure. It is a standard practice within the gas industry to place equipment away from these areas however, when it becomes impossible to do so, another location can be chosen.*

(2) *Generally meter set assemblies should be located outdoors and against the building wall. In the event a residential or commercial meter must be placed elsewhere, the Commission must receive prior notification if install away from building wall and a record kept of all new systems installed inside.*

(3) *The third standard addresses damage to meters in areas where they would be vulnerable to vehicular accidents.*

WAC 480-90-141 Identification of meters.

Gas utilities must identify each meter by a unique series of serial numbers, letters, or combination of both, placed in a conspicuous position on the meter, ~~along with the utility's name or initials.~~ {COMMENT: In the electric rule, there is a reference to the gas safety implications that require a utility's name/initials be placed on the meter. It does not seem that placing the name or initials on a meter would really add much to safety but could result in significant cost burdens, especially if this rule requires a utility to change the name plate on every meter simply

because of a name change. If a customer or third party damages a meter or suspects a gas leak but does not know the name and telephone number of the gas utility, it is probably more reasonable (and desirable) to expect the individual will dial 911 rather than inspect the meter to find the utility's name then go and look up the utility's telephone number in a phone book. Therefore, it appears the costs of this rule probably are greater than the potential benefits. }

Comments:
Rewritten for clarity.

WAC 480-90-146 Initial accuracy of meters.

(1) Each meter must be in good mechanical shape and adjusted to read as accurate as practical before placed in service. Meters are required to be free of leaks and deliver gas without noticeable fluctuation due to mechanical operation of the meter.

(2) The Gas Utility must seal all meters in service or use a sealing method acceptable to the Commission.

Comments:
Rewritten For Clarity.

WAC 480-90-151 Metering tolerance.

A meter must not deviate more than two percent fast or slow at each test rate.

Comments:
Rewritten for clarity.

WAC 480-90-166 Statement of meter test procedures.

(1) The gas utility must submit to the commission a statement in its tariff describing its practice under these rules covering:

(a) The description of test methods used and frequency of tests for determining the meter accuracy. The description must include, but is not limited to:

(i) Test group detail and selection procedures.

(ii) Performance standard details for meters that exceed the maximum allowable tolerance for slow as well as fast meters.

(iii) The corrective action and time period that will be implemented.

(iv) Reference to an industry standard such as ANSI C12.1 or ANSI/[isrt]ASQC-Z1.9 that will establish acceptable criteria for numerical analysis.

(b) The description of meter testing equipment and accuracy determination methods.

(c) The name of the testing laboratory making meter tests if gas companies do not maintain meter testing equipment.

(d) The testing and adjustment program of meters prior to installation and periodic tests after installation.

(2) If a gas utility changes any portion of the meter test procedure after submission to the commission, a revised tariff must be submitted.

Comments:

The rule has been rewritten for clarity only.

WAC 480-90-171 Frequency of periodic meter tests.

(1) The minimum periodic test interval for gas meters, other than orifice meters is as follows:

- (a) Meters with capacity up to 3,000 cubic feet per hour - every 10 years;
- (b) Meters with capacity 3,000 cubic feet per hour and over - every 5 years

(2) The minimum periodic test interval for orifice meters is as follows:

- (a) Differential gauges - at least once each three months;
- (b) Orifice plate - at least once each year

(3) A meter sampling program may be implemented by the utility in lieu of the basic periodic test interval as provided for under WAC 480-90-166, Statement of meter test procedures.

Comments:

No changes were made to this rule.

WAC 480-90-176 Meter history records.

(1) The gas utility must establish records showing the history of each meter purchased and installed. Each record must be maintained for the life of the meter plus three months. The records are subject to approval of the Commission and must contain the following information at a minimum:

- (a) Date of purchase;
- (b) Gas utility's identification number ;
- (c) Type, model, or series of meter; and
- (d) Current meter location.

(2) The utility must maintain the meter history from the meter's last shop maintenance and "out proof test" through service, removal, and "in proof test", plus six months. The records are subject to approval of the commission and must contain, at a minimum, the following information:

- (a) Date and nature of repairs;
- (b) Date and results of the "out proof test";
- (c) Date and results of the "in proof test";
- (d) Date, location, and index reading when placed in service;
- (e) Date, location, and index reading when removed from service; and
- (f) Date, complainant's name and address, and results of any complaint test(s) made while

the meter was in service.

(3) Overhauled meters that meet new meter standards may be retired and re-enter the system as new meters.

Comments:

Eliminates the manufacturer's number and takes into account recommendations from the workshop.