



NW Energy Coalition

April 29, 2022

Amanda Maxwell
 Executive Director and Secretary
 Washington Utilities and Transportation Commission
 621 Woodland Square Loop SE
 Lacey, WA 98503

State Of WASH.
 UTIL. AND TRANSP.
 COMMISSION

04/29/22 14:00:40

Received
 Records Management

Re: Docket U-210590, Notice of Opportunity to Comment on Rulemaking to consider potential long-term changes and improvements to customer notice, credit, and collection rules, including permanent elimination of late fees, disconnection and reconnection fees, and deposits.

Dear Ms. Maxwell:

The NW Energy Coalition appreciates the opportunity to provide comments in this first stage of rulemaking to consider the potential for long-term changes and improvements to customer notice, credit, and collection rules. The NW Energy Coalition is a public interest organization focused on ensuring clean and affordable energy for all customers, working across the Pacific Northwest, and issues that affect low-income customers and equitable access to energy services are key to our mission.

While most of the questions in this Notice are directed to utilities, there are a few where we wanted to share some background or perspective that could be useful to staff.

General Comments Related to the Scope and Purposes of This Rulemaking

This rulemaking docket was opened based on a term sheet that was filed in Docket U-200281, dealing with COVID impacts on customers. The term sheet item on this topic was for the UTC to:

Initiate a CR-101 to investigate the potential long-term changes and improvements to the customer notice, credit, and collection rules, and possible permanent elimination of late fees, disconnection and reconnection fees, and deposits, centering the experiences of Black people, Indigenous people, Latinx people, Asian people, and other people of color.¹

As this proceeding moves forward, we have four key recommendations related to the scope:

1. This rulemaking could be broader to consider whether and when customer disconnection for nonpayment is an appropriate action for a utility to take, and disconnection policy in general. This discussion could spur additional questions to the utilities, such as when they decide to pursue disconnection (e.g., prioritization amongst customers) and whether mitigating factors come into that decision (e.g., temperature, past access to emergency funds).
2. This Notice references low-income customers as those who had received low income assistance in 2018 and 2019. While we understand that this is a way to help scope utility responses to these questions, going forward, we know that through the Clean Energy Transformation Act, our

¹ See U-200281, re: COVID impacts on customers. Appendix A - Amended Fourth Revised Term Sheet.pdf. March 29, 2022.

definition of a customer with low income is broader. There are also likely some customers who struggle to pay bills that fall outside even the CETA definition of a low-income customer. In the protection of customers and in ensuring adequate access to utilities, we think that the Commission definition should be as broad as possible.

3. This rulemaking should actively seek out the voices and experiences of low income customers and BIPOC customers and communities. Commission staff may need to seek out groups for input, rather than necessarily expecting these communities to come to Commission meetings.
4. This rulemaking should not solely be constrained to energy companies, at least in the end – while there may be some efficiencies that exist in thinking about the regulation of the five investor-owned energy utilities in the state, there are also critical needs and considerations for customers of privately owned water, sewer, and telecommunication companies.

Question 19. Are you aware of any policies, rules, or guidance concerning equity in developing or providing customer notice in use by other companies or state commissions? If so, please identify the policies, rules, or guidance, referencing the company or state commission that has adopted the policy, rule, or guidance.

Here are a few resources that may be of interest to Commissions staff and other stakeholders:

- NCLC’s Customer Bill of Lights for Affordable Utility Services: <https://www.nclc.org/issues/energy-utilities-a-communications/nclc-energy-utilities-telecom-blog/a-new-customer-bill-of-rights-affordable-utility-services.html>
- NAACP’s Lights Out in the Cold: <https://naacp.org/resources/lights-out-cold>
- Brown Hope Community Focus Group report, prepared for the Oregon Public Utility Commission: <https://edocs.puc.state.or.us/efdocs/HAC/um2114hac114859.pdf>

Question 20. Are you aware of any best practices or examples from other jurisdictions or other utility sectors that the Commission should consider in this proceeding regarding late fees, disconnection fees, reconnection fees, deposits, credit and collection practices, and customer notices? If so, please identify these best practices or examples, referencing the company or jurisdiction that has adopted these practices.

The Oregon PUC has been pursuing similar discussions spurred by the COVID-19 pandemic in docket AR 653², regarding strengthening “Customer Protections Concerning Disconnections”. This Oregon docket is currently more expansive than is currently presented in this Washington UTC docket; given that four of the five Washington energy utilities have service territory in Oregon, we recommend that Washington Commission staff closely watch the Oregon proceeding.

Thank you for the opportunity to comment.

/s/

Amy Wheelless
Senior Policy Associate
NW Energy Coalition

² See Oregon Public Utilities Commission, Docket AR 653: <https://apps.puc.state.or.us/edockets/docket.asp?DocketID=23129>