

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

Rulemaking to modify existing consumer  
protection and meter rules to include  
Advanced Metering Infrastructure

DOCKET U-180525

**SECOND COMMENTS OF PUBLIC COUNSEL**

**January 31, 2019**

**I. INTRODUCTION**

1. Pursuant to the Commission’s Notice of Opportunity to File Written Comments (Notice) filed on December 21, 2018, the Public Counsel Unit of the Washington State Attorney General’s Office (Public Counsel) respectfully submits these comments regarding the consumer protection and related meter rules in WAC 480-90 and WAC 480-100. Public Counsel has reviewed the Draft Rules on Disconnections, Reconnections, and Disclosure of Private Information. We are generally supportive of the Draft Rules, but do have a couple of recommendations we would like the Commission to consider. Specifically, Public Counsel recommends the following: (1) an extension of the disconnection notice rules, (2) a temperature moratorium, (3) stronger site or premise visit language, (4) prohibitions against fees for remote disconnections and reconnections, (5) clarifications to privacy related definitions, (6) consistent use of the term “primary purpose,” (7) clarification to prohibit sale of customer information, (8) prohibitions against the disclosure of aggregate customer data, and (9) requirements for utility privacy policies. Public Counsel also addresses several of the questions provided in the Notice.
2. In our initial set of comments in this docket, filed on September 7, 2018, Public Counsel covered many topics relating to the deployment of advanced metering infrastructure (AMI) and

consumer protections rules, such as prepaid service and a framework for customer data privacy.

While we do not reiterate all of our previous comments here, we continue to support our previous positions and recommendations. We look forward to reviewing the comments of all stakeholders and the discussion at the March 13, 2019, workshop.

## II. DISCONNECTION POLICIES

### A. Public Counsel Supported Modifications

3. Public Counsel largely agrees with the modifications to WAC 480-90 and WAC 480-100 regarding disconnection policies, as presented in the Draft Rules. We appreciate the Commission's consideration of our comments and recommendations. Particularly, we applaud the Commission's inclusion of the following suggestions, as we believe these are critical consumer protections.

- WAC 480-100-128(6) Remote Disconnection: When disconnecting services remotely, the utility must:
  - (a) Set a reasonable number of remote disconnections per 24 hour period, which its system cannot exceed, or take other reasonable measures to prevent unauthorized disconnections;
  - (b) Perform all remote disconnections for non-payment between the hours of 8 a.m. and noon;
  - (c) Visit the customer's premises and provide the customer with an opportunity to pay via appropriate methods including providing payment to the dispatched utility representative prior to disconnecting a customer who has had a medical emergency verified in the prior two years, in accordance with subsection (8) of this section;
  - (d) Visit the customer's premises and provide the customer with an opportunity to pay via appropriate methods including providing payment to the dispatched utility representative prior to disconnecting a customer who has received low-income assistance in the prior two years;
  - (e) If a site visit is not required to disconnect the service, the utility may not charge any fees for the disconnection unless the utility's tariff includes a specific charge for remote disconnection.<sup>1</sup>

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<sup>1</sup> WAC 480-100 Drat Rules at 24-25 (Dec. 21, 2018). As will be discussed later we do not support subsection (e), which states, "If a site visit is not required to disconnect the service, the utility may not charge any fees for the disconnection unless the utility's tariff includes a specific charge for remote disconnection."

Additional modifications to the Draft Rules we support are below.

- WAC 480-90-128(6) “Remote Disconnection. Utilities may not disconnect natural gas services remotely”
- WAC 480-100-128(4)(b)(iv) If the utility will be disconnecting via a remote disconnection device, the notice must include a clear statement that utility personnel will not come to the premises to perform the disconnection.
- WAC 480-100-128(4)(k)(iii) Utilities cannot remotely disconnect customers who provide the services described in (k)(i) and (k)(ii) of this subsection.
- WAC 480-100-133(1) An electric utility must make every reasonable effort to restore a disconnected service within twenty-four hours, or within four hours for customers serviced through a meter with remote connection ability, or other time mutually agreeable between the customer and the company, after the customer has paid, or at the time the utility has agreed to bill, any reconnection charge.

4. We believe the inclusion of all of these provisions will increase consumer protections in a time of changing technology. We look forward to reviewing other stakeholder comments on the Draft Rules.

## **B. Additional Public Counsel Recommendations**

5. While the Commission did amend and add several new subsections to the Draft Rules, Public Counsel believes that the Commission should reconsider a few of our suggestions, such as (1) the extension of the disconnection notice rules, (2) a temperature moratorium, and (3) stronger site or premise visit language.

### **1. Disconnection Notice Rules**

6. In our September 7, 2018, comments, we recommended the initial disconnection notice be extended from its current requirement,<sup>2</sup> which states:

The notice must include a disconnection date that is not less than eight business days after the date the utility either delivers the notice to the service premises and

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<sup>2</sup> Initial Comments of Public Counsel ¶¶ 52-53 (Sept. 7, 2018).

attaches it to the customer's primary door or mails the notice, if the utility mails the notice from inside the states of Washington, Oregon, or Idaho.<sup>3</sup>

We believe this language is too lax. Instead, we continue to recommend that the Commission require a longer disconnection notice period, such as 15 days, for the date of disconnection and the date of delivery. Given that the Commission in its Draft Rules proposes to allow remote disconnections, Public Counsel believes it is crucial to extend this notification period. We believe the longer disconnection notice period assists in mitigating the effects of the new policies proposed in the Draft Rules.

## 2. Temperature Moratorium

7. In our September 7, 2018, comments, Public Counsel suggested the Commission consider a temperature moratorium, in which disconnections, remote or manual, cannot occur.<sup>4</sup> We believe this is vital for consumer health, safety, and wellness. While we understand that WAC 480-100-143 and WAC 480-90-143 (if certain conditions are met) provides date-based restrictions on disconnections from November 15<sup>th</sup> to March 15<sup>th</sup>, we believe the specific temperature moratorium adds an additional layer of consumer protections, when customers need it most.

8. Furthermore, many other jurisdictions offer temperature moratoriums. For example, Alabama, Texas, Vermont, and District of Columbia, all have cold weather moratoriums. Nevada and Delaware both have a hot and cold weather moratorium, while Minnesota and Rhode Island cannot disconnect customers when a heat advisory or a heat wave has been issued. Interestingly, many jurisdictions have both date-based and temperature-based restrictions on disconnections,

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<sup>3</sup> WAC 480-100 Draft Rules at 14 (WAC 480-100-128(4)(a)(i)); WAC 480-90 Draft Rules at 10-11 (Dec. 21, 2018) (WAC 480-90-128(4)(a)(i)).

<sup>4</sup> Initial Comments of Public Counsel, ¶¶ 48-49.

including Arkansas, Georgia, Maryland, New Jersey, Illinois, and Kansas.<sup>5</sup> The most common type of temperature moratorium was a cold weather restriction with a temperature threshold at or below 32 degrees Fahrenheit.<sup>6</sup> Below is a chart of states with temperature-based, date-based, or both types of disconnection rules.

9. Therefore, Public Counsel believes it is reasonable for the Commission, at a minimum, to establish a cold weather moratorium at 32 degrees Fahrenheit and below.

### US Disconnections Moratoriums

Jurisdiction	Temperature Based	Date Based	Both
Alabama	X		
Arizona	X		
Arkansas			X
Connecticut		X	
Delaware			X
District of Columbia	X		
Georgia			X
Idaho		X	
Illinois			X
Indiana		X	
Iowa			X
Kansas			X
Maine		X	
Maryland			X
Massachusetts		X	
Michigan		X	
Minnesota	X		X
Mississippi		X	
Missouri			X
Montana			X
Nebraska		X	
Nevada	X		

<sup>5</sup> LIHEAP Clearing House, *State Disconnection Policies*, <https://liheapch.acf.hhs.gov/Disconnect/disconnect.htm#w> (last visited Jan. 30, 2019).

<sup>6</sup> These states are: Alabama, Arizona, Arkansas, Delaware, District of Columbia, Georgia, Illinois, Missouri, Montana, Texas, Wyoming, and West Virginia. Vermont has a weather restriction of 10 degrees Fahrenheit or 32 degrees for elderly. Oklahoma has a restriction for daytime highs below 32 degrees and 20 degrees for night. *Id.*

New Hampshire		X	
New Jersey			X
New Mexico		X	
New York		X	
North Carolina		X	
Ohio		X	
Oklahoma	X		
Pennsylvania		X	
Rhode Island	X		
South Carolina		X	
South Dakota		X	
Texas	X		
Utah		X	
Vermont			X
West Virginia			X
Total:	8	17	13

AK, CO, CA, FL, HI, KY, LA, ND, OR, VA, TN do not have any temperature or date based moratorium. We did not include WA State in the table.

### 3. Stronger Site Visit Language

10. In Public Counsel’s September 7, 2018, comments, we recommended the Commission include two conditions regarding premise visits.<sup>7</sup> We originally recommended the Commission maintain its current language of:

A utility representative dispatched to disconnect service must accept payment of a delinquent account at the service address, but will not be required to give change for cash paid in excess of the amount due and owing. The utility must credit any overpayment to the customer's account. The utility may charge a fee for the disconnection visit to the service address if provided for in the utility's tariff.<sup>8</sup>

Additionally, we recommended that premise visits be required for low-income customers and customers that have been identified as having a medical condition or necessity.<sup>9</sup> We appreciate the Commission’s consideration and acceptance of our proposals. However, given the

<sup>7</sup> Initial Comments of Public Counsel, ¶¶ 44-45.

<sup>8</sup> WAC 480-100 Draft Rules at 21 (WAC 480-100-128(4)(i)); WAC 480-90 Draft Rules at 17-18 (WAC 480-90-128(4)(i)).

<sup>9</sup> Initial Comments of Public Counsel, ¶¶ 46-47.

Commission's approval of remote disconnection, as well as the utilities' responses in the initial set of comments on the Draft Rules, Public Counsel now believes stronger, clearer language is required in WAC 480-100 regarding the premise visit.

11. According to the responses from three of the five IOUs,<sup>10</sup> utility customers are continuing to make payments during the premise visit. Puget Sound Energy indicated the following, "In 2017, PSE had 376,821 disconnect notices and made a disconnect visit to 31 percent of these notices. Of that 31 percent of visits, 33 percent of customers made a payment. This equates to about 10 percent of all actual disconnects for the year."<sup>11</sup> Avista Corporation stated that the current rate of payments made during the premise visit was roughly 13 percent.<sup>12</sup> Northwest Natural Gas asserted, "Approximately 24% of residential customers paid a service technician at the door to avoid a pending disconnection, and approximately 47% of commercial customers paid at the door to avoid a pending disconnection."<sup>13</sup> Finally, Pacific Power indicated that it no longer offers this final attempt premise visit citing "safety reasons."<sup>14</sup>

12. Public Counsel believes this data is a reasonable indicator that customers are continuing to utilize this provision. Furthermore, considering that some Washington utilities are not considering AMI or technology with remote disconnection capabilities and require a utility representative to physically disconnect customers, Public Counsel believes that these utilities should be required to accept a final attempt payment at the time a representative is dispatched to disconnect the service.

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<sup>10</sup> Cascade Natural Gas did not answer the question regarding the payments made on final attempt premise visits. Pacific Power and Light stated that it does not offer this service for "safety" reasons.

<sup>11</sup> Initial Comments of Puget Sound Energy at 8.

<sup>12</sup> Initial Comments of Avista Corporation at 10.

<sup>13</sup> Initial Comments of Northwest Natural Gas at 5.

<sup>14</sup> Initial Comments of Pacific Power and Light at 9.

13. Thus, Public Counsel recommends the following language:

Any representative dispatched in relation to service disconnections ~~A utility representative dispatched to disconnect service~~ must accept payment of a delinquent account at the service address, but will not be required to give change for cash paid in excess of the amount due and owing. The utility must credit any overpayment to the customer's account. If a utility is not utilizing remote disconnection services, then the utility must dispatch a representative to disconnect services, at which time, the representative must accept payment. The utility may charge a fee for the disconnection visit to the service address if provided for in the utility's tariff.

**C. Related Concerns**

**1. WAC 480-100-133(3) and WAC 480-100-128(6)(e)**

14. WAC 480-100 has two new provisions for both remote disconnection and remote reconnections and possible associated charges, which state the following:

WAC 480-100-128(6)(e) If a site visit is not required to disconnect the service, the utility may not charge any fees for the disconnection unless the utility's tariff includes a specific charge for remote disconnection...<sup>15</sup>

WAC 480-100-133(3) If a site visit is not required to reconnect service, the utility may not charge any fees for the reconnection unless the utility's tariff includes a specific charge for remote reconnection.<sup>16</sup>

Public Counsel does not agree with these provisions. Many of the arguments in favor of installing AMI technology, in general, revolve around the cost savings associated with no longer needing a physical site visit to disconnect or reconnect customers. Thus, the variables triggering these fees no longer exist with AMI, which should eliminate the reconnection and disconnection charge. We do, however, believe it may be appropriate to charge this fee if the disconnection or

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<sup>15</sup> WAC 480-100 Draft Rules at 25 (WAC 480-100-128(6)(e)).

<sup>16</sup> WAC 480-100 Draft Rules at 32 (WAC 480-100-133(3)).



reconnection was caused by an incident under WAC 480-100-128(7)(a) and (f). As a result, Public Counsel recommends the following language:

WAC 480-100-128(6)(e) If a site visit is not required to disconnect the service, the utility may not charge any fees for the disconnection unless the cause of the disconnection is warranted under WAC 480-100-128(7)(a) and (f) Utility-directed without notice or without further notice. utility's tariff includes a specific charge for remote disconnection.

WAC 480-100-133(3) If a site visit is not required to reconnect the service, the utility may not charge any fees for the disconnection unless the cause of the disconnection is warranted under WAC 480-100-128(7)(a) and (f) Utility-directed without notice or without further notice. utility's tariff includes a specific charge for remote disconnection.

### III. CUSTOMER DATA PRIVACY ISSUES

15. Public Counsel strongly supports the Commission's efforts to protect customer privacy, and appreciates the Commission's consideration of our comments and recommendations. Public Counsel largely agrees with the modifications to WAC 480-90 and WAC 480-100 regarding customer data privacy issues but offers additional comments, concerns, and recommendations to strengthen the protections already included in the Draft Rules.

#### A. Privacy Related Definitions

16. Public Counsel generally agrees with the definition of "personally identifiable information" in the Draft Rules.<sup>17</sup> The definition, however, should be harmonized with the existing terms "private customer information" and "proprietary customer information" that are defined in RCW 19.29A.010(25) and (26). Subsection 25 states, "'Private customer information' includes a retail electric customer's name, address, telephone number, and other personally identifying information." Subsection 26 defines "proprietary customer information" as "(a)

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<sup>17</sup> WAC 480-100 Draft Rules at 1-4 (WAC 480-100-023); WAC 480-90 Draft Rules at 1-5 (WAC 480-90-023).

Information that relates to the source, technical configuration, destination, and amount of electricity used by a retail electric customer, a retail electric customer's payment history, and household data that is made available by the customer solely by virtue of the utility-customer relationship; and (b) information contained in a retail electric customer's bill.” The definition of “personally identifiable information” in the Draft Rules identifies substantially similar information as the terms “private customer information” and “proprietary customer information,” but the Draft Rules do not specifically refer to the RCW sections and do not precisely reflect the contents of the RCW definitions. This may cause confusion over what types of information are protected by WAC rules, as opposed to existing statutes.

17. Additionally, the terms “private customer information” and “proprietary customer information” are used in RCW 19.29A.100, which governs the sale and disclosure of electric utility customer information and establishes statewide minimum privacy policies for investor-owned utilities. This statute does not use the term “personally identifiable information,” and it is not completely clear whether the Draft Rules contain the same protections and requirements as the statute, due to the inconsistency in terminology.

18. To reduce any confusion over what types of information are protected by WAC rules as opposed to existing statutes and to reflect the statutory protections of RCW 19.29A(100) in the WAC, Public Counsel recommends that the definition of “personally identifiable information” in WAC 480-100-023 be modified as follows.

“Personally identifiable information” means information that can be used to distinguish or trace an individual’s identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual, including information related to the quantity, technical configuration, type, destination of service or products subscribed to by a customer of a regulated utility that is available to the utility solely by virtue of the customer utility relationship. Private customer information and proprietary customer information.

as defined by RCW 19.29A.010, are considered personally identifiable information.

19. Public Counsel also recommends that the Commission apply this definition of “personally identifiable information” to gas utilities for a uniform use of the term across all investor-owned utilities. Public Counsel recognizes that the statutory protections of RCW 19.29A.100 do not apply to gas utilities. The proposed modifications, above, only refer to the definitions in RCW 19.29A.010, and the terms can be incorporated into the gas rules to ensure the privacy of gas customers is equally protected. Public Counsel prefers the uniformity of using the same definition for both electric and gas utilities, but, if reference to an electric utility statute in the gas rules is problematic, Public Counsel offers the following language for WAC 480-90-023, in the alternative.

“Personally identifiable information” means information that can be used to distinguish or trace an individual’s identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual, including information related to the quantity, technical configuration, type, destination of service or products subscribed to by a customer of a regulated utility that is available to the utility solely by virtue of the customer utility relationship. Examples of personally identifiable information include a customer’s name, address, telephone number, payment history, household data, and information contained in a retail electric customer’s bill.

**B. Consistent Use of “Primary Purpose”**

20. Public Counsel agrees with and supports the use of the definition of “primary purpose” in WAC 480-90-023 and 480-100-023. However, this term is not used consistently through the Draft Rules. In some instances, the Draft Rules use “primary purpose,” but in other instances the Draft Rules use the broader, vaguer phrase “to provide services.” For example, WACs 480-90-153(3) and 480-100-153(3) appropriately state, “The utility may disclose personally identifiable information to an affiliate, subsidiary, or parent organization only to the extent necessary for the utility to perform duties relating to the utilities primary purpose.” However, subsection 153(2)

for both gas and electric rules state, “A [gas/electric] utility may only collect and retain personally identifiable information that is reasonably necessary for the utility to provide services to customers.” As stated in this rule, the term “services” is undefined and is not tied to any previously defined terms. Public Counsel, therefore, recommends the following modification to WAC 480-90-153(2) and 480-100-153(2).

(2) A [gas/electric] utility may only collect and retain personally identifiable information that is reasonably necessary for the utility to ~~provide services to customers~~ to perform duties directly relating to the utility’s primary purpose.

Similarly, subsection 153(4) for both the gas and electric rules should be modified, as follows.

(4) A utility may disclose personally identifiable information to third-party vendors only to the extent necessary for the utility to ~~provide services~~ to perform duties directly related to the utility’s primary purpose.”

**C. Prohibitions Against the Sale of Personally Identifiable Information**

21. Draft Rule WAC 480-100-153(8) contains existing language pertaining to the sale of customer information that must be updated to conform to statutory prohibitions contained in RCW 19.29A.100. Subsection 153(8) currently states,

(8) The utility must obtain a customer’s prior permission for each instance of disclosure *or sale* of his or her personally identifiable information to an affiliate, subsidiary or other third party for purposes of marketing services or products that the customer does not already subscribe to and maintain a record of each instance of permission for disclosing his or her personally identifiable information.<sup>18</sup>

This language erroneously suggests that a utility could sell personally identifiable information if a customer gives permission to do so. RCW 19.29A.100(1) clearly states “An electric utility may not sell private or proprietary information.” The statute does not provide an exemption that would allow utilities to sell personally identifiable information for marketing or any other

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<sup>18</sup> WAC 480-100 Draft Rules at 35-36 (emphasis added).

purposes even with customer consent. Public Counsel, therefore, recommends that subsection 153(8) be modified, as follows.

(8) The utility must obtain a customer's prior permission for each instance of disclosure ~~or sale~~ of his or her personally identifiable information to an affiliate, subsidiary or other third party for purposes of marketing services or products that the customer does not already subscribe to and maintain a record of each instance of permission for disclosing his or her personally identifiable information.

22. Public Counsel recommends that this modification also be made to WAC 480-90-153(8) to ensure that gas customers are protected to the same degree as electric customers. Public Counsel recognizes that RCW 19.29.100(1) only applies to electric utilities, but it is in the public interest to afford the same privacy protections to both gas and electric customers equally. If the Commission declines to modify the gas rules, Public Counsel is uncertain whether this provides implicit permission for gas utilities to sell personally identifiable information with customer permission for marketing or other purposes. Public Counsel, therefore, respectfully requests that, if the Commission declines to modify WAC 480-90-153(8) as suggested above, the Commission clarify its treatment of the sale of personally identifiable information for gas customers.

**D. Disclosure of Aggregate Information**

23. The Draft Rules currently state that “The utility may disclose customer information in aggregate form for legitimate business purposes.”<sup>19</sup> Public Counsel understands and acknowledges the potential value in granting access to aggregate customer data, but, at this time, Public Counsel does not support the disclosure of aggregate customer data. First, “legitimate business purpose” is vague and does not give customers a clear understanding of the circumstances under which a utility may possibly disclose aggregate customer data. Second, the

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<sup>19</sup> WAC 480-90 Draft Rules at 41 (WAC 480-90-153(15)); WAC 480-90 Draft Rules at 38 (WAC 480-100-153(15)).

Draft Rules do not address the issue raised in Public Counsel’s previous comments regarding the question of what sample size and data granularity renders a data set sufficiently anonymous such that customers cannot be re-identified by their location and usage patterns.<sup>20</sup>

24. Public Counsel previously discussed the variables that should be considered when developing an approach to aggregate data that ensures sufficient anonymity.<sup>21</sup> Care must be taken with regards to setting standards for aggregating data in order to balance the potential benefits of allowing access to data of varying granularity against the potential harm to customers from disclosure of information that could result in re-identification of specific customers. Therefore, Public Counsel recommends that the Draft Rules specifically address these variables before the Commission authorizes the disclosure of aggregate data.

**E. Notice, Transparency, and Utility Privacy Policies**

25. Public Counsel agrees with and supports the Draft Rules’ approach to customer notice, transparency, and customer access to private information. In particular, Public Counsel supports the rules requiring utilities to provide their privacy policies to customers in writing and online.<sup>22</sup> Public Counsel also strongly supports the clear statements that customers are: (1) entitled to access their own data,<sup>23</sup> (2) have a right to know what kind of data a utility collects,<sup>24</sup> and (3) have the opportunity to dispute the accuracy of the data.<sup>25</sup>

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<sup>20</sup> Initial Comments of Public Counsel, ¶¶ 20-21.

<sup>21</sup> Initial Comments of Public Counsel, ¶ 21.

<sup>22</sup> See WAC 480-90 Draft Rules at 40 (WAC 480-90-153(12)); WAC 480-100 Draft Rules at 37 (WAC 480-100-153(12)).

<sup>23</sup> See WAC 480-90 Draft Rules at 41 (WAC 480-90-153(16)); WAC 480-100 Draft Rules at 38 (WAC 480-100-153(16)).

<sup>24</sup> See WAC 480-90 Draft Rules at 42 (WAC 480-90-153(19)); WAC 480-100 Draft Rules at 39 (WAC 480-100-153(19)).

<sup>25</sup> See WAC 480-90 Draft Rules at 42-43 (WAC 480-90-153(21)); WAC 480-100 Draft Rules at 39-40 (WAC 480-100-153(21)).

26. Nevertheless, Public Counsel is concerned that the rules do not explicitly require the utilities to provide customers with information about their rights or what types of data will be collected in utility privacy policies. Existing law requires that electric utilities must provide customers with “An explanation of the utility's policies governing the confidentiality of private and proprietary customer information, including the circumstances under which the information may be disclosed and ways in which customers can control access to the information.”<sup>26</sup> While utilities may already be providing some or all of this information in their privacy policies, Public Counsel recommends the Draft Rules include a list of information required in privacy policies to ensure utilities all provide at least a minimum amount of the same information to their customers. Public Counsel does not intend these requirements to limit utilities from including additional, relevant information in their privacy policies.

27. As a result, Public Counsel recommends that WAC 480-90-153(12) and WAC 480-100-153(12) be amended as follows.

(12)(e) At a minimum, utilities must include the following information in their privacy policies:

- (i) An explanation of the specific types of information being collected by the utility and how the data is collected (e.g., meters);
- (ii) An explanation about how the data is being used including an explanation of primary and secondary purpose;
- (iii) An explanation of the circumstances under which personally identifying information will be disclosed without additional consent (e.g., disclosure to support primary purpose);
- (iv) An explanation of the circumstances under which personally identifying information will be disclosed only with customer consent;
- (v) An explanation that the data may be used in conjunction with or merged with other data to create aggregated and anonymized data;
- (vi) A description of circumstances under which the aggregated data will be used and shared;
- (vii) A statement that customers have a right to access their data and an explanation of how customers can access their data;
- (viii) An explanation of the process by which a customer can identify possible inaccuracies and request correction.

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<sup>26</sup> RCW 19.29A.020(7).

(ix) An explanation of utility data retention and disposal policies.

#### IV. NOTICE QUESTIONS

28. The Commission has asked for feedback on several questions. Public Counsel believes most of the questions are aimed at utilities. However, below we provide answers to Question Nos. 7, 8 and 11. We look forward to reviewing the responses to the other notice questions.

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

29. As explained above, we believe a temperature moratorium is good public policy and adds extra protection for consumers, in specific instances where their health and safety can be in danger due to extreme weather coupled with the possibility of disconnection. We believe this is a considerable advantage and protection for utility customers. Public Counsel does not believe there are any disadvantages to establishing this policy. As a result, we recommend the Commission establish a cold temperature moratorium to be set at 32 degrees Fahrenheit and below.

- 8. In regards to placing limitations on the time of day utility service can be disconnected remotely, what does a policy look like that would allow the customer time to resolve the reasons of the disconnection on the same day?**
- a. Does the utility have a policy to temporally delay a disconnection, if the dispatched utility representative finds a vulnerable resident such as, but not limited to a low-income resident or a resident with a medical issue (who has not declared a medical emergency)?**
  - b. On average, what percentage of utility customers are disconnected per day? Please include all disconnections, not just those directed by the utility with notice. Please provide electric and gas customer information separately.**

30. As previously mentioned, Public Counsel agrees with the Commission's current policy

listed in WAC 480-100-128(6)(b), which states, "(b) Perform all remote disconnections for non-



payment between the hours of 8 a.m. and noon.” However, we believe that the Commission should include language that requires remote reconnections the same day the remote disconnection occurred, as indicated by the four-hour time deadline for remote reconnections in WAC 480-100-133(1).<sup>27</sup> We believe this will add further clarity to the remote disconnection and reconnection rules. Public Counsel proposes the following language:

WAC 480-100-128(6)(b) Perform all remote disconnections for non-payment between the hours of 8 a.m. and noon. The company may only employ remote disconnection if the company is able to reestablish service on the same day.

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

31. For the reasons stated, above, Public Counsel does not recommend allowing the unrestricted disclosure of aggregate load information.

**V. CONCLUSION**

32. Public Counsel appreciates the opportunity to submit these comments. We look forward to reviewing stakeholder responses, as well as further discussions at the February 21, 2019, Public Comment Hearing and the March 13, 2019, Workshop. If you have any questions regarding these comments, please contact Carla Colamonici at [CarlaC@ATG.WA.GOV](mailto:CarlaC@ATG.WA.GOV) or at (206) 389- 3040. You may also contact Nina Suetake at [NinaS@ATG.WA.GOV](mailto:NinaS@ATG.WA.GOV) or at (206) 389-2055.

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<sup>27</sup> WAC 480-100 Draft Rules at 31:

WAC 480-100-133(1) Reconnecting service after disconnection. (1) An electric utility must make every reasonable effort to restore a disconnected service within twenty-four hours, or within four hours for customers serviced through a meter with remote connection ability, or other time mutually agreeable between the customer and the company, after the customer has paid, or at the time the utility has agreed to bill, any reconnection charge ...