WAC 480-100-023

Definitions.

"Account and usage information" means customer information contained in the records a utility keeps for each customer to provide and bill for utility service including, but not limited to, the customer's name, account number, address where service is provided, customer contact information, services the utility is providing or has provided to the customer, energy usage, customer financial information, bills the utility has issued, payment history, and medical or low-income status.

"Affiliated interest" means a person or corporation as defined in RCW **80.16.010**.

"Aggregate data" means any collection of customer data by a utility from which identifiable customer information has been removed or modified so that the information cannot be attributed to any individual customer.

"Applicant" means any person, corporation, partnership, government agency, or other entity that applies, or is named in an application as a person having joint responsibility, for service with an electric utility or who reapplies for service at a new or existing location after service has been disconnected if the utility requires the person to reapply for service.

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

"Commission" means the Washington utilities and transportation commission.

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

"Customer" means any person, corporation, partnership, government agency, or other entity that ~~has~~ applied, or is named as a person having joint responsibility, for service and that has been accepted, and is currently receiving or is entitled to receive such service. "Customer" for purposes of this chapter may also include a person or other entity whose service has been involuntarily disconnected, and that person or entity then seeks to have the utility reconnect service.

"Customer information" means private customer information and proprietary customer information as defined in RCW **19.29A.010** and personal information as defined in chapter **19.255** RCW.

"Electric utility (utility)" means any business entity (e.g., corporation, company, association, joint stock association, or partnership) or person, including a lessee, trustee, or court appointed receiver that is subject to the commission's

jurisdiction and that owns, controls, operates, or manages any electric plant for hire in Washington.

"Low-income" means a household income, adjusted for the household size, that is less than eighty percent of the area median household income or two hundred percent of the federal poverty level, whichever is higher.

"Primary purpose" means a business need to provide regulated utility services as required by state or federal law, or as specifically authorized in the utility's effective tariff or by the commission.

"Prior Obligation" is the dollar amount, excluding deposit amounts owed, the utility has billed to the customer, and for which the utility has not received payment at the time that service has been disconnected for nonpayment.

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

"Qualified medical professional" means a licensed physician, nurse practitioner, or physician's assistant authorized to diagnose and treat a medical condition without the supervision of a physician.

"Written consent" means permission or authorization in writing, whether electronic or paper.

Other terms. 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 electric industry, or their ordinary meaning if there is no meaning generally accepted in the electric industry.

WAC 480-100-103

Information to consumers.

(1) An electric utility must make available at each of its listed business offices information regarding rates, rules, and regulations needed for its customers and applicants to obtain adequate and efficient service.

(2) The utility must maintain a toll-free telephone number available for its applicants and customers during business hours 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, to respond to customer inquiries and complaints, and to generally act as representatives of the utility.

(3) 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 twenty-four 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 resolution process, and the commission's informal complaint procedures to be followed if the customer remains dissatisfied with the utility's dispute process. The utility may provide this information in an electronic format consistent with provisions in this chapter governing the use of electronic information.

(4) Utilities must translate written communications, required by this section, except for those required by subsections 5(c) and 5(d), for customers who share a common language other than English. Written translations must be provided to customers whose language groups comprise the lesser of: (1) 1,000 persons in a utility's service territory, or (2) 5 percent of the population within the utility's service territory. Customers must have the ability to opt into or out of their language preferences. Utilities must maintain a record of each customer's written communication preference and must provide information in the preferred language in addition to English.

(45) At least once each year, the utility must directly advise each of its customers how to obtain:

(a) A copy of the consumer brochure described in subsection (3) of this section;

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

(c) A copy of the electric rules, chapter **480-100** WAC; and

(d) A copy of the utility's current rates and regulations.

(~~5~~6) The utility must provide an applicant, upon request, the high and low bills for the requested service premises during the prior calendar year, if such data is available.

(~~6~~7) The utility must provide a customer, upon request, a detailed account of the customer's actual electric usage at the service premises for the previous twelve-month period, if such data is available.

(~~7~~8) The utility must provide customers with information comparing energy usage for the current month and the same billing month of the previous year, if available, either on the customers' bills or upon request, as follows:

(a) Number of days in billing period;

(b) Kilowatt hours used; and

(c) Average kilowatt hours used per day.

(~~8~~9) The utility must provide the commission with electronic or paper copies of all pamphlets, brochures, and bill inserts providing information about ~~of~~ regulated services ~~information~~ at the same time the utility delivers such material to its customers.

WAC 480-100-113

Residential service~~s~~ deposit requirements.

(1) **Deposit criteria for current residential customers.** An electric utility may collect a deposit from a current~~its own customers for~~ residential service customer only if:

(a) The customer is not a known low-income customer. If a customer indicates that they may be a low-income customer, the utility must allow that customer ten business days to confirm they are a low-income customer, either by applying and qualifying for energy assistance or demonstrating through other means they are income qualified;

(~~a~~b) At any time during the prior twelve months, the utility has sent the customer three or more ~~delinquency~~ disconnection notices;

(~~b~~c) The utility has disconnected the customer's residential service for nonpayment; or

(~~c~~d) A new customer takes responsibility for service at a residence where a prior customer continues to reside and who owes a past-due amount to the utility for service at the same address. ~~There is a prior customer living at the residence who owes a past-due bill to the utility for service at that address.~~

(2) **Deposit criteria for residential applicants.** A utility may collect a deposit from an applicant for residential service only if:

(a) The applicant is not a known low-income customer or is unable to demonstrate that they are low-income using the procedures set out in subsection (1)(a) of this section within 10 days of the utility providing notice of its intent to require a deposit;

(~~a~~b) The applicant has met any of the conditions described in subsection (1) of this section as a prior customer of the utility or as a customer of another electric utility;

(~~b~~c) The applicant is not able to demonstrate continuous employment during the prior twelve consecutive months and neither is currently employed nor has a regular source of income;

~~(c) The applicant does not own or is not purchasing the premises to be served;~~

(d) A new applicant takes responsibility for service at a residence where a prior customer continues to reside and who owes a past-due amount to the utility for service at the address~~There is a prior customer living at the residence who owes a past-due bill to the utility at that address~~; or

(e) The applicant has an unpaid, overdue balance owing to any electric or gas utility for residential service.

(3) The utility bears the burden of proving that it may permissibly require a deposit.

(~~3~~4) **Deposit amount.** Deposits required for a customer or location must not exceed:

(a) ~~Two~~One-twelfths of the estimated annual billings for utilities billing monthly; or

(b) ~~Three~~Two-twelfths of estimated annual billings for utilities billing bimonthly.

(~~4~~5) **Deposit payment arrangements.** The utility must allow an applicant or customer the option of paying ~~fifty~~ twenty-five percent of the deposit prior to service, and paying the remaining balance in equal amounts over the next ~~two~~ three 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. If the utility and customer do not come to a mutually acceptable arrangement, the utility must inform the customer of the availability of the commission as a resource for dispute resolution.

(~~5~~6) **Alternative to deposit prepay or guarantor.** The utility must include in its tariff the following customer rights and responsibilities~~allow any applicant or customer who indicates an inability to pay a deposit~~:

(a) To prepay any service initiation fees and reasonably estimated regular service charges or budget billings at periods corresponding to the utility's regular billing periods for the length of time during which a deposit would ordinarily be required~~.~~, after which ~~The~~ the utility must then bill the applicant or customer in a normal fashion; ~~or~~

(b) To furnish a satisfactory guarantor. A guarantor ~~will~~ must be considered satisfactory if the guarantor has ~~at least~~ established credit with the utility as outlined in this section. Alternatively, a~~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 disconnection notice, not to exceed the amount of the deposit as defined in subsection (~~3~~4) of this section ~~unless the guarantor has agreed to guarantee an additional amount as specified in subsection (7) of this section~~; ~~or~~

(c) To notify the utility of the inability to pay a deposit as provided in WAC **480-100-143**, Winter low-income payment program; or

(d) The opportunity to provide a reference from a similar utility that can reasonably~~quickly and easily~~ be checked if the conditions in subsection (1) of this section cannot be met.

(~~6~~7) **Transfer of deposit.** When a customer moves to a new address within the utility's service territory, the deposit plus accrued interest, less any outstanding

balance ~~owing~~ owed from the ~~old~~ previous address, must be transferred to the new address or refunded.

~~(7) **Additional deposit.** If a deposit or additional deposit amount is required after the service is established, the reasons must be specified to the customer in writing. Any request for a deposit or additional deposit amount must comply with the standards outlined in subsection (1) of this section. If the original deposit was secured by a guarantor and the guarantor does not agree to be responsible for the additional deposit amount, the customer will be held responsible for paying the additional deposit.~~

(8) **Deposit payment date.** Any deposit ~~or additional deposit~~ amount ~~required~~ authorized by this rule ~~after service~~ is ~~established is~~ due ~~and payable~~ not earlier than 5:00 p.m. of the ~~sixth~~ fifteenth ~~business~~ day after notice, if the required deposit notice ~~if the deposit requirement notice~~ is mailed from within the states of Washington, Oregon, or Idaho, or the ~~ninth~~ eighteenth ~~business~~ day if mailed from outside the states of Washington, Oregon, and Idaho. If the utility delivers the notice to the customer in person or electronically, the deposit ~~or additional deposit~~ amount is due ~~and payable~~ not earlier than 5:00 p.m. of the ~~sixth business~~fifteenth day from the date of delivery.

(9) **Interest on deposits.** Utilities that collect customer deposits must pay interest on those deposits calculated:

(a) For each calendar year, at the rate for the one-year Treasury Constant Maturity calculated by the U.S. Treasury, as published in the Federal Reserve's Statistical Release H.15 on January 15 of that year. If January 15 falls on a nonbusiness day, the utility will use the rate posted on the next ~~following~~ business day; and

(b) From the date of deposit to the date of refund or when applied directly to the customer's account.

(10) **When refund of deposits is required.** A utility must apply deposits plus accrued interest to the customer's account, or refund deposits plus accrued interest when there has been satisfactory payment, as defined in (a) of this subsection, or when service is terminated.

(a) "Satisfactory payment" means a customer has paid for service for twelve consecutive months in a prompt and satisfactory manner ~~as evidenced by the following:~~

~~(i)~~ and ~~The~~ the utility has not ~~started~~ initiated a non-payment disconnection process against the customer~~; and~~

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

(b) **Termination of service**. When service is terminated, the utility must return ~~to the customer~~ the deposit amount plus accrued interest to the customer, less any amounts due the utility by the customer.

(11) **How deposits are refunded.** A utility must refund any deposit plus accrued interest as indicated by the customer at the time of deposit, or as modified by the customer on a later date, using one of the following methods:

(a) A check issued and mailed to the customer no later than fifteen days following completion of twelve months of satisfactory payment, as described above; or

(b) A credit applied to the customer's account for service beginning in the thirteenth month.

WAC 480-100-118

Nonresidential service deposit requirements.

(1) **Deposit criteria for nonresidential customers.** A utility may require an applicant for nonresidential service to demonstrate that the applicant is a satisfactory credit risk by reasonable means appropriate under the circumstances.

(2) **Deposit amount.** Deposits required for a customer or location must not exceed:

(a) Two-twelfths of the estimated annual billings for utilities billing monthly; or

(b) Three-twelfths of estimated annual billings for utilities billing bimonthly.

(3) **Transfer of deposit.** When a customer moves to a new address within the utility's service territory, the deposit plus accrued interest, less any outstanding balance owing from the ~~old~~ previous address, must be transferred to the new address or refunded.

(4) **Additional deposit.** If a deposit or additional deposit amount is required after the service is established, the reasons must be specified to the customer in writing. Any request for a deposit or additional deposit amount must comply with the standards outlined in subsection (1) of this section. If the original deposit was secured by a guarantor and the guarantor does not agree to be responsible for the additional deposit amount, the customer will be held responsible for paying the additional deposit.

(5) **Deposit payment date.** Any deposit or additional deposit amount ~~required~~ authorized by this rule ~~after service is established~~ is due ~~and payable~~ not earlier than 5:00 p.m. of the ~~sixth~~ fifteenth ~~business~~ day after notice, if the required deposit ~~requirement~~ notice is mailed from within the states of Washington, Oregon, or Idaho, or the ~~ninth business~~eighteenth day if mailed from outside the states of Washington, Oregon, and Idaho. If the utility delivers the notice to the customer in person or electronically, the deposit or additional deposit amount is due ~~and payable~~ not earlier than 5:00 p.m. of the ~~sixth~~ fifteenth~~business~~ day from the date of delivery.

(6) **Interest on deposits.** Utilities that collect customer deposits must pay interest on those deposits calculated:

(a) For each calendar year, at the rate for the one-year Treasury Constant Maturity calculated by the U.S. Treasury, as published in the Federal Reserve's Statistical Release H.15 on January 15 of that year. If January 15 falls on a nonbusiness day, the utility will use the rate posted on the next ~~following~~ business day; and

(b) From the date of deposit to the date of refund or when applied directly to the customer's account.

(7) **When refund of deposits is required.** A utility must apply deposits plus accrued interest to the customer's account, or refund deposits plus accrued interest when there has been satisfactory payment, as defined in (a) of this subsection, or when service is terminated.

(a) "Satisfactory payment" means a 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 ~~started~~ initiated a non-payment disconnection process against the customer; and

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

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

WAC 480-100-123

Refusal of service.

(1) An electric utility may refuse requests to provide service to a ~~master~~ primary meter in a building with permanent occupants only when all of the following conditions exist:

(a) The building or property has more than one dwelling unit;

(b) The occupants control a significant part of the electricity used in the individual units; and

(c) It is cost-effective for the occupants to have the utility purchase and install individual meters considering the long-run benefits of measuring and billing each occupant's electric use separately.

(2) The utility may refuse to provide new or additional service if:

(a) Providing service does not comply with government regulations or the electric industry accepted standards concerning the provision of service;

(b) In the utility's reasonable judgment, the applicant's or customer's installation of wiring or electrical equipment is considered hazardous or of such a nature that safe and satisfactory service cannot be provided;

(c) The applicant or customer does not comply with the utility's request that the applicant or customer provide and install protective devices, when the utility, in its reasonable judgment deems such protective devices are necessary to protect the utility's or other customers' properties from theft or damage;

(d) After reasonable efforts by the responsible party, all necessary rights of way, easements, approvals, and permits have not been secured; or

(e) ~~The~~ After a completed investigation, the utility determines that the customer ~~is known by the utility to have~~ tampered with or stole~~n~~ the utility's property, the customer knew or should have known that the used service was through an illegal connection~~;~~, or the customer fraudulently obtained service and the utility has complied with WAC **480-100-128**(2), disconnection of service. In any challenge to that determination, the utility has the burden of proof.

(3) ~~An electric~~The utility may not refuse to provide new or additional service to a residential applicant or residential customer who has a prior obligation. ~~A prior obligation is the dollar amount, excluding deposit amounts owed, the utility has billed to the customer and for which the utility has not received payment at the time the service has been disconnected for nonpayment.~~ The utility must provide service once the customer or applicant has paid all appropriate deposits and ~~reconnection~~ fees. ~~This subsection does not apply to customers that have been disconnected for failure to honor the terms of a winter low-income payment program.~~

(4) 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 premises~~,~~ unless the utility can determine, based on objective evidence, that a fraudulent act is being committed, such that the applicant or customer is acting in cooperation with the prior customer with the intent to avoid payment. In any challenge to that determination, the utility has the burden of proof.

(5) The utility may refuse to provide new or additional service for reasons not expressed in subsections (1) and (2) of this section, upon prior approval of the commission. The commission may grant the request upon determining that the utility has no obligation to provide the requested service under RCW **80.28.110**. ~~Prior to~~Before seeking commission approval, the utility must work with the applicant or customer requesting service to seek resolution of the issues involved.

(6) Any applicant or customer who has been refused new or additional service may file with the commission an informal complaint under WAC **480-07-910**, Informal complaints; or a formal complaint under WAC **480-07-370**, Pleadings—General.

WAC 480-100-128

Disconnection of service.

(1) **Customer-directed.** ~~A~~ The utility may require customers to give at least three days' advance notice of customer-directed disconnection when the utility uses dispatched utility personnel to disconnect service. The utility may require up to twenty-four hours advance notice of customer-directed disconnection from customers serviced via a meter with remote disconnect capability. The customer is not responsible for usage after the requested date for disconnection of service, provided the customer gave the utility the notice required in this rule and the utility's tariff. If the customer moves from the service address and fails to request that service be disconnected, the customer will be responsible for paying for service taken at ~~that~~ the service address until the utility can confirm the date that the customer vacated the premises and the utility can access the meter, if necessary, or that a new responsible party is taking the service at that address.

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

(a) The customer has delinquent charges associated with regulated electric service, including any required deposit; however, the utility may not disconnect service when the customer has met the requirements of subsection (~~8~~9) of this section for medical conditions or emergencies, or has agreed to and maintains agreed-upon payment arrangements with the utility, including those~~as~~ described in WAC **480-100-143**, Winter low-income payment program and WAC 480-100-138, Payment arrangements;

(b) Electric service the utility provides is being used for purposes or properties other than those specified in the customer's service application;

(c) Flat-rate service for nonmetered load has increased electric use without the utility's approval;

(d) The customer refuses to allow, or utility representatives are otherwise unable to obtain, access to the customer's premises as required in WAC **480-100-168**, Access to premises; identification;

(e) The utility has proof of the customer's ~~Violation~~ violation of utility rules, service agreements, or filed tariff(s); or

(f) Equipment is being used that detrimentally affects the utility's service to its other customers or may result in detrimental impacts to the safety of those customers or other persons, customers' equipment or property, or utility service.

(3) **Non-payment disconnect moratorium** for vulnerable customers. The utility must, for a period of 60 days, provide additional outreach and work with the

customer to bring the account current and help the customer sign up for utility provided assistance programs for residences with individuals that meet any of the following criteria:

(a) Presence of children who are 5 years of age or under;

(b) Presence of individuals with a disability that is verifiable by a qualified medical professional;

(i) For disabled customers, the utility can require certification of the condition in the same manner as it would verify a medical condition in section (9); or

(c) The customer is over the age of 65.

(d) In any challenge to the vulnerable customer status, the utility has the burden of proof.

(~~3~~4) A utility may not disconnect electric service for amounts ~~that~~ the customer may owe the utility for nonregulated service.

(4~~5~~) **~~Disconnection~~ Past due notification requirements.** The utility must notify a customer as provided in this subsection before disconnecting the customer's service, except as described in subsection (~~7~~8) of this section.

(a) Past Due Notice. At least two weeks before the issuance of the first disconnection notice, the utility must send past due notices, and:

(i) Provide the customer with the minimal information required in subsection (vi) by text message or email if the customer has previously opted-in for electronic forms of communication, or by mail. If all the information cannot be contained in a text message a link must be provided that contains all the information required in subsection (vi)

(ii) Have a live representative call the consumer with information to help the customer access energy assistance. This representative must have income guidelines available for all utility-offered assistance and LIHEAP or its replacement, and be prepared to discuss with the customer income thresholds for assistance and the offered programs that may benefit the consumer. If the customer of record is reached, the representative must be able to refer the customer to the appropriate local energy assistance agency.

(iii) If the first call was not completed, reached voicemail, or did not reach the customer of record; a second call must be placed on a different day and at a different time (e.g., If the first call was placed in the morning the second call must be placed in the afternoon, if the first call was placed in the afternoon the second call must be placed in the morning, etc.)

(iv) The utility and its representative(s) must make every effort to ensure the letters and calls required in this section focus on alternatives to disconnection for non-payment.

(v) The utility must keep a log or record of the calls 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.

(vi) The email, text, or letter must contain the detailed information in subsections (A) through (E) below. If the customer answers the call, the live representative(s) must share the following information, at a minimum:

(A) Information on how the customer can make payment arrangements with the utility;

(B) How the customer can apply for Federal/State and LIHEAP energy assistance, including income thresholds;

(C) How the customer can apply for utility-funded energy assistance, including income thresholds;

(D) How the customer can apply for any other energy assistance programs the utility may be aware of; and

(E) Information concerning the availability of additional protections as described in WAC 480-100-128(7) and (9) and directing the customer to contact the utility for additional information. At minimum the language must read: "Customers who are low-income, over the age of 65, living with a disability, living with a medical condition that would be aggravated without energy service, or who have children under the age of 5, can contact the utility and ask about additional protections.

(~~a~~b) **Disconnection notices.** The utility must provide at least two separate disconnection notices to the customer.

(i) The utility must provide the first disconnection notice in writing by delivery of a paper copy to the service premises. The utility must either mail a paper copy of the notice or deliver the notice to the service premises by attaching the notice to the customer's primary door. The notice must be mailed or delivered to the premises at least eight business days before the disconnection date. If the notice is mailed from outside the states of Washington, Oregon, or Idaho, the utility must mail the notice eleven business days before the disconnection date. In addition, the utility must provide an electronic copy of the notice, if the utility has such contact information for the customer and the customer has consented to electronic delivery of notices from the utility, at the time the utility mails or delivers the paper copy of the notice. For customers who have consented to text message delivery, the utility must also send a text message to the customer indicating the account is scheduled for disconnection and provide a link to the disconnection notice. The text message must be translated for limited eligible customers.

(ii) The utility must provide the second disconnection notice electronically (if the utility has such contact information and customer consent to electronic delivery

of notices) at least two business days before the disconnection date and by one of the three options listed below:

(A) Delivered notice. The utility must deliver a paper copy of the second notice to the service premises and attach it to the customer's primary door at least two business days before the disconnection date.

(B) Mailed notice. The utility must mail a paper copy of the second notice at least three business days before the disconnection date unless mailed outside of the states of Washington, Oregon, or Idaho, in which case the utility must mail the notice no less than six business days before the disconnection date; or.

(C) Telephone notice. The utility must attempt at least two times to contact the customer by telephone during regular business hours at least three business days before the disconnection date to enable sufficient time to send a timely written notice if the utility is unable to speak with the customer by telephone. The utility must keep a log or record of the calls for a minimum of ninety calendar days showing the telephone number called, the time of the call, and details of the results of each attempted call. If the utility is unable to speak with the customer by telephone, the utility must deliver or mail a paper copy of the second notice as provided in (~~a~~b)(ii)(A) or (B) of this subsection.

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

(i) The cause for disconnection, the amount owed for regulated electric service, and how to avoid disconnection including, but not limited to, the availability of, and how to apply for, energy assistance, low-income assistance, exemptions for low-income assistance and medical conditions or emergencies, and a payment plan as required under WAC **480-100-138** Payment arrangements;

(ii) All relevant information about any charges that the utility is assessing or that it may assess;

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

(iv) If the notices are for nonpayment and the utility is scheduling disconnection during the late fall and winter between November 15th and March 15th, the utility must advise the customer of the payment plan option in WAC **480-100-143** Winter low-income payment program; and

(v) If the utility may be disconnecting service via a remote disconnection device, the notice must include a statement that the utility may disconnect the customer's service without a final visit from utility personnel.

(~~c~~d) If the utility discovers that an issued notice does not contain the information required under (b) of this subsection, or if the information in the notice

is inaccurate, the utility must issue another notice to the customer as described in (a)(i) or (ii) of this subsection, as applicable, and must recalculate the scheduled disconnection date to the extent necessary to ensure that the utility complies with the minimum prior notice requirements.

(~~d~~e) If the utility does not disconnect service within ten business days from the disconnection date stated in a disconnection notice under (a)(i) or (ii) of this subsection, the utility must restart the disconnection notice process required in (a) and (b) of this subsection unless the customer and the utility have agreed to a payment arrangement.

(~~e~~f) A utility with combined accounts for both natural gas and electric service may disconnect the electric service in compliance with these rules if the reason for the disconnection applies or is attributable to that service. The utility may disconnect the natural gas service in compliance with ~~chapter~~ Chapter **480-90** WAC if the reason for the disconnection applies or is attributable to that service. The utility must state which service it intends to disconnect and any measures the customer needs to undertake to retain the other service. If the utility seeks to disconnect both services, the utility must distinctly identify both services it intends to disconnect.

(~~f~~g) When the service address is different from the billing address, the utility must determine if the customer of record and the service user are the same party. If they are not the same party, the utility must provide notice to the service user as described in (a) and (b) of this subsection before~~prior to~~ disconnecting the service.

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

(~~h~~i) Any representative the utility dispatches in connection with ~~service disconnection~~a past due account must accept payment ~~of a delinquent account~~ at the service address~~,~~ but will not be required to give change for cash paid ~~in excess~~over ~~of~~ the amount due and owing. The utility must credit any over-payment to the customer's account. The utility may not charge a disconnection visit fee to residential customers. The utility may charge a fee for the disconnection visit to the service address if provided for in the utility's tariff for non-residential customers.

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

(~~i~~k) When the utility provides service through a ~~master~~ primary meter, or ~~when the utility~~ has ~~reasonable grounds to believe~~evidence that it is providing service to a person other than the customer of record, the utility must undertake reasonable efforts to inform the occupants of the service address of the impending disconnection. Upon request of one or more service users, where service is to a

person other than the customer of record, the utility must allow at least five days past the original disconnection date to permit the service users to arrange for continued service.

(~~j~~l) Medical facilities. The utility must take the following additional steps when the utility is aware that it is providing service to specified types of medical facilities.

(i) If the utility is providing service to 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 (DOH), the utility must provide a notice of pending disconnection to the DOH secretary and ~~to~~ the customer. Upon request of the DOH secretary or designee, the utility must delay the disconnection for at least five business days past the original disconnection date to allow DOH to take the necessary steps to protect the interests of the patients residing at the facility.

(ii) If the utility is providing service to a nursing home, boarding home, adult family home, group care facility, intermediate care facility for individuals with intellectual disabilities, intensive tenant support residential property, crisis residential center for children, or residential care facility licensed or certified by the department of social and health services (DSHS), the utility must provide a notice of pending disconnection to the DSHS secretary and ~~to~~ the customer. Upon request of the DSHS secretary or designee, the utility must delay the disconnection for at least five business days past the original disconnection date to allow DSHS to take the necessary steps to protect the interests of the patients residing at the facility.

(iii) A utility may not remotely disconnect customers to whom the utility is aware provides the services described in (~~j~~l)(i) and (ii) of this subsection, and the utility must take reasonable precautions to prevent any unauthorized disconnection of those customers.

(~~k~~m) Any customer may designate a third party to receive a disconnection notice or notice of other matters affecting the customer's service. The utility must offer all customers the opportunity to make such a designation. If the utility has reasonable grounds to believe that a customer is not able to understand the effect of the disconnection, the utility must take reasonable steps to ascertain whether a third party, such as DSHS or other social services agency, is responsible for the customer's affairs. In either circumstance, the utility must delay service disconnection for at least five business days past the original disconnection date after issuing a disconnection notice to the third party. The utility must determine which social services agencies are appropriate and willing to receive the disconnection notice and the name and/or title of the person able to deal with the disconnection, and the utility must provide that information to the customer.

(~~5~~6) For ~~purposes of~~ this section, the date of mailing a notice will not be considered the first day of the notice period.

(~~6~~7) **Remote disconnection.** When disconnecting electric services remotely, the utility must:

(a) Disable remote disconnection functionality for medical facilities and critical infrastructure as identified in ~~or pursuant to~~or under the Washington state military department's Washington state infrastructure protection plan; and limit the number of remote disconnections in a twenty-~~four~~ four-hour period or take other reasonable measures to prevent unauthorized disconnections;

(b) Perform all remote disconnections for nonpayment between the hours of 8:00 a.m. and ~~12:00 p.m.~~noon and remotely disconnect service only if the utility provides customers with a reasonable opportunity to submit payment and have the utility reestablish service on the same day;

(c) ~~Prior to~~Before involuntarily disconnecting a customer who has a medical certificate in accordance with subsection (8) of this section, 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;

(d) ~~Prior to~~Before disconnecting a customer for nonpayment who the utility is aware has received low-income assistance in the prior two years, the utility must 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;

(e) If a site visit is not required to disconnect the service, the utility may not charge any fees for the disconnection.

(~~7~~8) **Utility-directed disconnection without prior notice.**

(a) A utility may disconnect service without prior notice or without further prior notice under any of the following circumstances:

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

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

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

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

(III) Any required deposit.

(B) Second offense. The utility may disconnect service without prior 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 unless the commission determines otherwise.

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

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

(iv) 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 notice as required in subsection (4) of this section;

(v) The customer has not kept any agreed-upon payment arrangement for payment of a delinquent balance after the utility has issued notice as required in subsection (4) of this section; or

(vi) The utility has determined a person has used the service ~~prior to~~before applying for service. The utility must charge the person for the service used ~~in accordance with~~as required under the utility's filed tariff. If the utility has reasonably sufficient grounds to conclude that the unauthorized usage is in good faith, the utility should notify the person and provide an opportunity to apply for service ~~prior to~~before disconnection.

(b) If the utility disconnects service without prior notice as authorized in this subsection, the utility must subsequently make a reasonable effort to notify the customer or affected person of the reason for the disconnection within five business days via paper copy taped to the main door of the property, a mailed copy, and/or electronic notice and if the customer has opted into text message notification a text message containing a link to the notice. Such notice must also describe ~~the means by which~~how the customer or person may dispute the utility's actions including, but not limited to, contacting the commission.

(c) This section should not be interpreted as relieving the customer or other person of civil or criminal responsibility.

(~~8~~9) **Medical conditions or 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~~ ten business days after receiving either verbal or written notification of the existence of a medical condition or emergency that requires electricity to continue to be provided. The utility must reinstate service ~~during~~ on the same day if the customer contacts the utility ~~prior to~~before the close of the business day and requests a

same-day reconnection. Otherwise, the utility must restore service by ~~12:00 p.m.~~noon the next business day. When service is reinstated the utility will not require payment of a reconnection charge and/or deposit prior to reinstating service but must bill all such charges on the customer's next regular bill or on a separate invoice. If a deposit is charged it must be in accordance with WAC 480-100-113;

(a) The utility may require that the customer, within ~~five~~ ten business days, submit written electronic or paper certification from a qualified medical professional stating that the disconnection of electric service would aggravate an existing medical condition of an occupant 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 most the utility can require is written electronic or paper certification. If the utility requires such written certification, it may not require more than the following information:

(i) Residence location;

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

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

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

(b) The medical certification is valid only for the length of time the health endangerment is certified to exist ~~but no longer than sixty days, unless renewed~~. If the certification is for longer than a year, the utility can verify once annually that the individual with the medical condition resides at the location.

(c) A medical emergency does not excuse a customer from having to pay delinquent and ongoing charges. The utility may require the customer to do the following within a ~~five~~ ten 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 must not require the customer to pay more than this subsection prescribes. The utility must send a notice to the customer confirming the payment arrangements within two business days of having reached the agreement.

(d) If the customer fails to provide a medical certificate in accordance with (a) of this subsection or ten percent of the delinquent balance within the ~~five~~ ten

business days grace period, or if the customer fails to abide by the terms of the payment agreement, the utility may disconnect service after complying with the notice requirements in subsection (~~4~~5)(~~a~~b)(ii) of this section. If the utility previously provided a second disconnection notice to the customer, the utility must provide an additional second disconnection notice in compliance with the notice requirements in subsection (4)(a)(ii) of this section.

(~~9~~10) **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. The utility must promptly verify the payment upon notification from the customer.

(~~10~~11) **Remedy and appeals.** A utility may not disconnect service 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 must inform the customer of these provisions when referring the customer to a utility supervisor or to the commission.

(~~11~~12) **Disconnecting service during inclement weather.** The utility must include in its tariff and put into effect a moratorium on the disconnection of residential service for nonpayment on any day a high temperature of 32 degrees Fahrenheit or below is forecasted by the national weather service. The utility must also include in its tariff a moratorium during heat related events consistent with RCW 80.28.010(8), RCW 80.28.010(9) and RCW 80.28.010(10).

(a) An energy utility must not disconnect a customer once the national weather service issues or indicates its plans to issue a weather watch, warning or advisory for any inclement weather, or the national weather service indicates that weather conditions pose a threat to life or property for areas in which the service address is located.

(b) A residential customer whose electric service has been disconnected for lack of payment may request that the utility reconnect service on any day for which the national weather service has issued or has announced that it intends to issue a weather watch, warning, or advisory in the area where the service address is located. The utility must make a reasonable attempt to reconnect service to the service address upon request from the customer. The utility may require the customer enter into a payment plan which cannot require payments greater than 6 percent of the customer's monthly income. If the customer agrees to a higher payment arrangement, the customer will not be considered in default for failing to make payments consistent with the plan unless the payment received is less than 6 percent of the monthly income. The utility must inform customers of the option to

reconnect during weather conditions described in this section on disconnection notices.

~~A utility must establish conditions in its tariff(s) under which the utility will cease nonvoluntary service disconnections during inclement weather events.~~

WAC 480-100-133

Reconnecting service after disconnection.

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

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

(b) The customer has entered into an agreed-upon payment arrangement for a delinquent account, and pays any required deposit as defined in WAC **480-100-113**, Residential service deposit requirements, or WAC **480-100-118**, Nonresidential service deposit requirements; or

(c) The customer has paid all tariffed amounts due on the account that is not a prior obligation and the customer has paid any required deposit as defined in WAC **480-100-113**, Residential service deposit requirements, or WAC **480-100-118**, Nonresidential service deposit requirements.

(2) The utility may not charge any fees for reconnection of known low-income customers.

(~~2~~3) If a site visit is not required to reconnect service, the utility may not charge any fees for the reconnection.

(~~3~~4) When ~~The~~the ~~-~~commission is resolving any dispute between the utility and the customer over the propriety of disconnection, the commission may require reconnection pending resolution of ~~any~~ the dispute ~~between the utility and the customer over the propriety of disconnection~~.

WAC 480-100-138

Payment arrangements.

(~~2~~1) The utility must offer an equal-payments plan to residential customers that distributes the costs of a customer's annual energy usage over equal monthly payments.~~The utility must offer all residential customers the option of an equal-payments plan.~~ This requirement is in addition to notifying customers about the availability of arrearage management programs for income-qualified customers.

(a) In the event the utility recalculates or trues up a customer's equal-payments plan, and the recalculated or trued up amount results in customer's monthly payments increasing three percent or more; the utility must:

(i) notify the customer using the customer's preferred method of communication;

(ii) provide the notification at least one billing cycle in advance of the change;

(iii) include a plain language explanation why the payment is increasing; and

(iv) provide the new calculation used to determine the customer's new equal-payments plan.~~An equal-payments plan allows the customer to pay the same amount each month based on historical usage. If historical information is not available, the utility must base the amount on projected usage;~~

(b) If historical information is not available, the utility must base the equal-payments plan on projected usage using data from similar residences within the census tract where the residence is located;

(~~b~~c) The utility may refuse to offer an equal-payments plan to customers who have been removed from the equal-payments 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~~an equal-payments plan to any customer when the utility believes this would be in the best interest of all parties concerned.~~;~~

(2) In situations where residential customers have incurred arrearages due to non-payment on their non-prior obligation account, a utility must offer payment-arrangement plans to its customers that allow customers to create payment arrangements to ensure more affordable service before sending customers' owed balances to collections. The utility, at minimum, must provide customers with the ability to enroll in payment-arrangement plans through the utility's website, a mobile application, or use of the utility's customer service telephone number or customer service email address.

(a) The utility must offer an initial payment arrangement up to 12 months in length. Upon customer request the utility must offer to extend the initial arrangement for an additional 12 months. Nothing in this section precludes a mutually agreed on arrangement of less than 12 months.

(i) The utility may discontinue the payment arrangement plan if the customer defaults on payment more than twice during the previous 12 months.

(ii) The utility must notify the customer within five business days of the remaining balance owed if it discontinues the payment-arrangement plan.

(iii) At the time of the customer's request, the company must divide the customer's arrearage balance by the desired number of months to calculate the monthly-payment-arrangement amount.

(iv) In the event a customer wishes to re-negotiate or extend the payment arrangement plan, the utility must integrate any current billing amounts and arrearage amounts into the payment arrangement plan.

(b) The utility must provide the following information to customers negotiating a payment-arrangement plan:

(i) Contact information for the customer's local community action agency including website address, telephone number, email address, and any other contact information needed to apply for assistance with the agency.

(ii) Contact information for the utility's conservation program that provides customers with information about rebate programs, energy assessments, and energy saving information; and

(iii) A confirmation statement detailing the payment-arrangement plan negotiated using the customer's preferred method of communication.

(~~1~~3) If ~~an electric~~the utility is delayed in billing a residential customer, the utility must offer a payment arrangement~~s~~ plan ~~that are~~ equal ~~to the length of time~~in duration to the ~~bill was~~ delay~~ed~~, unless the utility determines the customer used service prior to applying for service as outlined in WAC **480-100-128** (2)(f), Disconnection of service. If the customer states that they are unable to afford the payment arrangement, then the utility must offer a payment arrangement two times the duration of the delayed billing.

(a) If the utility plans to issue a delayed billing statement and a customer has an equal- payments plan, the utility must work with the customer to determine if the customer wants to integrate the delayed billing amount into the equal-payments plan or wishes to have a separate payment arrangement plan up to two times the duration of the delayed billing. If the delayed billing is incorporated into the equal- payments plan, the utility must re-calculate the amounts to be paid in the equal payments plan or payment arrangement plan.

(b) If the utility plans to issue a delayed billing statement and a customer has a payment-arrangement plan, the utility must work with the customer to determine if the customer wants to integrate the delayed billing into their existing payment-arrangement plan or wishes to have a separate payment- arrangement plan up to two times the duration of the delayed billing.

~~(2) The utility must offer all residential customers the option of an equal-payments plan.~~

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

~~(b) The utility may refuse to offer an equal-payments plan to customers who have been removed from the equal-payments 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-payments plan to any customer when the utility believes this would be in the best interest of all parties concerned;~~

(4) Notification of denial of payment arrangements or equal-payments plan.

(i) If a customer is denied the ability to participate in payment arrangements or an equal-payments plan, the denial notification must specify the reasons why the customer was denied, and explain how they can become eligible in the future;

(ii) A denial letter must provide contact information for the customer's local community action agency;

(iii) A denial letter must provide contact information for the commission's consumer protection division including, at minimum, the commissions website, 800 number, and mailing address.

(~~3~~5) The utility must provide a receipt to customers for all payments made in cash.

WAC 480-100-143

Winter low-income customer payment program.

(1) ~~During the winter months, b~~Between November 15th and March 15th, an electric 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 delinquency 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~~ is still able to receive the protections of this chapter, by ~~paying reconnection charges, if any, and by otherwise fulfilling~~ taking the steps ~~requirements~~ required ~~of~~ in this section;

(b) Provides self-certification of household income for the prior twelve months to a grantee of the department of ~~community~~commerce~~, trade, and economic development~~ or its successor.

(i) For the purposes of this section, the grantee is a contractor operating low-income energy assistance programs for the department of ~~community~~commerce~~, trade, and economic development~~.

(ii) The grantee will determine that the customer's household income is not higher than the maximum allowed for eligibility under the state's plan for low-income energy assistance. The grantee will, within thirty days, provide a dollar figure to the utility that is seven percent of the monthly household income.

(iii) For the purposes of this section, household income is defined as the total monthly 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~~a department of commerce grantee, government and/or private sector organizations and ~~certifies~~ verifies 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 and abides by that agreement to:

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

(ii) Pay a monthly payment during the winter period. The utility may 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 15th.

(A) 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;.

~~(A)~~(B) If the customer does not pay the past-due ~~bill~~ amount by the following October 15th, the customer will not be eligible for protections under this section until the past-due ~~bill~~ amount 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) Pays all amounts owed even if the customer moves to another residence within or outside the utility's service territory.

(2) The utility:

(a) Must help the customer to fulfill the requirements under this section;

(b) Must 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 utility's service area;

(c) May disconnect service in accordance with WAC 480-100-128, Disconnection of service, if the customer has not kept the payment arrangements as described in subsection (1) of this section. The utility must include in the customer's disconnection notice:

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

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

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

(e) Must allow customers who qualified under subsection (1) of this section and who default on their payment plan and are disconnected in accordance with WAC 480-100-128, Disconnection of service, to reconnect and maintain the protection afforded under this chapter when the customer :

~~(i) Pays any reconnection charges; and~~

~~(ii) P~~pays all amounts that would have been due and owing on the date the service is reconnected; and

(f) Must 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 under this section unless authorized by the utility.

WAC 480-100-178

Billing requirements and payment date.

(1) Customer bills, whether in paper or electronic form, must:

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

(b) Show tThe total amount due and payable;

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

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

(e) Show tThe beginning and ending meter readings for the current billing period, the current monthly or bimonthly read date, as applicable, and the total amount of kilowatt hours used for the billing cycle, provided that the customer bill must provide the meter readings and read date for the final reading for the applicable monthly or bimonthly billing cycle; the bill need not include each interval readings, although the utility must provide customers with access to their usage data in accordance with WAC **480-100-153**;

(f) Show tThe amount of kilowatt hours used for each billing rate, the applicable billing rates per kilowatt hour, the basic charge or minimum bill;

(g) Show tThe amount of any municipal tax surcharges or their respective percentage rates, if applicable;

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

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

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

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

(ij) Clearly identify wWhen a bill is based on an estimation, the utility.:

(i) The utility mMust detail its method(s) for estimating customer bills in its tariff; and

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

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

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

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

(4) The utility may not charge late-payment fees to residential customers.

(4~~5~~) With the consent of the customer, a utility may provide billings in electronic form if the bill meets all the requirements for the use of electronic information in this chapter, including subsection (1). The utility must maintain a record of the consent as a part of the customer's account record, and the customer may change from electronic to printed billing upon request, as provided in this chapter. The utility must complete the change within two billing cycles of the request.

(~~5~~6) Corrected bills:

(a) A utility must issue a corrected bill upon finding that an underbilling or overbilling occurred as a result of a meter failure, meter malfunction, meter with unassigned energy usage, or any other situation where energy usage was not billed or was inaccurately billed. The utility must use the rates and rate schedule in effect during the billing period(s) covered by the corrected bill. The utility must issue the corrected bill within sixty days from the date the utility discovered that an account had been underbilled or overbilled. Except as provided in subsection (~~7~~8) of this section, when a utility's investigation finds that it has underbilled energy usage, it may not collect underbilled amounts for any period greater than six months from the date the error occurred. The maximum period for which utilities are required to adjust bills for overbilling is six years.

(b) For the purposes of this rule:

(i) A meter failure or malfunction is defined as: A mechanical malfunction or failure that prevents the meter or any ancillary data collection or transmission device from registering or transmitting the actual amount of energy used. A meter

failure or malfunction includes, but is not limited to, a stopped meter, a meter that is faster or slower than the metering tolerance specified in WAC **480-100-338**, or an erratic meter.

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

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

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

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

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

(~~6~~7) For the purpose of this rule, a corrected bill may take the form of a newly issued bill or may be reflected as a line item adjustment on a subsequent monthly or bimonthly bill. When a corrected bill is issued, the utility must provide the following information on the corrected bill, in a bill insert, letter, or any combination of methods that clearly explains all the information required to be sent to the customer:

(a) The reason for the bill correction;

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

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

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

(e) When issuing a corrected bill for underbilling, an explanation of the availability of payment arrangements in accordance with WAC **480-100-138**(1) payment arrangements.

(~~7~~8) Exceptions to billing correction rules:

(a) Corrected bills related to an underbilling due to tampering or interference with the utility's property, use of the utility's service through an illegal connection, or the fraudulent use of a utility's service, are exempt from the six-month restriction set forth in subsection (~~5~~6)(a) of this section.

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

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

(~~8~~9) An estimated meter read made in accordance with subsection (1)(~~i~~j) of this section is not considered a meter failure or malfunction or ~~a~~ situation where energy usage was inaccurately billed. A bill true-up (correction) based on an actual meter reading after one or more estimated bills is not considered a corrected bill for purposes of subsection (~~5~~6)(a) of this section.

WAC 480-100-179

Electronic information.

(1) **Provision of electronic information**. With the prior consent (as defined in subsection (2) of this section) of the customer or applicant, a utility may provide the following by electronic means, instead of in paper copy sent to the customer's mailing address:

- Bills;
- Notices of tariff revisions; ~~and~~
- Bill inserts containing information required to be provided to customers or applicants by statute, rule, or commission order~~.~~;
- Confirmations of mutually agreed upon payment arrangements or equal payments plans;
- Denials of equal payments plans or payment arrangement requests; and
- Requests for additional information from customers required by the utility to process applications or requests;
- Other information, notification, or emergency documents if allowed in the utility's commission approved tariff.

The provision of this electronic information to a customer will be considered compliant with any statute, rule, commission order, or tariff provision that refers to the mailing of bills, notices of tariff revisions, or bill inserts when a customer has consented to receive the information in electronic form as agreed to by the customer. The electronic form must provide a link to the electronic information, or otherwise advise the customer of the electronic location of such information.

(~~1~~2) ~~**Format**~~ **Content of and obligations for electronic communications.** All information provided in electronic form pursuant to subsection (1) of this section must meet the requirements for format, due dates, calculation of due dates, minimum time frames, and any other requirements specified in this chapter or 480-07 WAC, provided that if a rule conflicts then the rule in this chapter applies. Electronic information will be treated in the same manner as documents that are mailed from a location within the state of Washington for the purpose~~s~~ of calculating due dates and minimum time frames. All company websites and portals must prominently display information on energy assistance programs.

(~~2~~3) **Obtaining and documenting customer consent.** The utility must obtain prior written or electronic consent (customer consent) to provide ~~bills, notices of tariff revisions and bill inserts in electronic form~~information in electronic form pursuant to subsection (1) of this section~~(customer consent)~~. ~~The c~~Customer

consent must be obtained directly from the customer of record and comply with the following:

(a) For electronic consent, the section or page of a utility's website offering customer consent must be prominently displayed and clearly distinguishable from any other request for consent on the screen or page. No information other than utility contact information may be combined in the same customer consent section, except as provided in this section. The consent section must not have consent boxes or spaces already filled in. The customer must personally check each box or space giving their consent to one or more services. Each service requires a separate, affirmative consent.

(~~a~~b) The customer consent section on the document, screen, or web page may also offer the customer separate, individual opportunities to consent ~~to:~~

~~(i) Paperless billing offered by the utility.~~

~~(ii) Automatic payment services offered by the utility, including one-time payment services or other automatic payment services.~~

~~(iii) Equal payment plan.~~

~~For electronic consent, the~~ with subsection (1).~~customer consent section must be prominent on the web page and clearly distinguishable from any other content on the screen or page. No information other than as provided in this section, may be combined in the same customer consent section except utility contact information. The consent section must not have consent boxes or spaces already filled in. The customer must personally check each box or space giving his or her consent to one or more services. Each service requires a separate, affirmative consent.~~

(c) **Text message.** customers must have the ability to opt into and out of text message reminders for items identified in this chapter, such as but not limited to past due notice, disconnection notice, public notice.

(d) **E-mail**. customers must have the ability to opt into and out of email message reminders for items identified in this chapter, such as but not limited to past due notice, disconnection notice, public notice.

(~~b~~e) The utility must retain a record of the customer's consent to receive electronic communications as a part of the customer's account records as evidence of the customer's consent to receive selected documents or information in electronic form, or to participate in paperless billing service.

(~~c~~f) Documentation of the customer consent must be made available to the customer and to the commission at no charge, if requested.

(~~d~~g) At a minimum, the customer consent must include the following:

(i) The name, service address, and account number that exactly matches the utility record for such account;

(ii) The customer's opt-in decision to receive electronic information;

(iii) Confirmation that the customer understands the utility will provide, upon request but subject to the limitations in this section, a paper copy of any document sent electronically at no additional charge and that the customer may opt out of receiving information electronically at any time and revert to paper format through the mail at no additional charge;

(iv) Confirmation that the customer understands it is their responsibility to notify the utility of any change to their email or other electronic address; and

(v) Confirmation that the customer understands that in addition to the paperless bills they may receive all notices regarding service, including notices of the utility's request to increase rates and changes in service, in electronic form.

(~~3~~4) **Distribution of electronic notices.**

(a) Electronic notices of proposed tariff changes, including increased rates or restriction of access to services, and public hearings ~~will~~ must be marked prominently "IMPORTANT NOTICE REGARDING YOUR ELECTRIC SERVICE." (Note: For combined service customers the caption must read "ELECTRIC AND GAS SERVICES.")

(b) If the utility elects to send the notices of proposed tariff changes or public hearings separate from the bill, it ~~will~~ must also include a copy of the electronic notice with the electronic bill as an attachment or link. The attachment or link ~~will~~ must include the electronic address designated by the commission where customers may file public comment(s) regarding the proposed tariff changes or restriction of access to service.

(~~4~~5) **Documents requiring paper delivery.** The following documents may not be provided solely by electronic means:

(a) Notices of disconnection; and

(b) Information regarding the winter moratorium on disconnection of low-income heating customers, including written copies, if any, of extended payment plans under the winter low-income payment program.

(c) Notification of denial of payment arrangements or an equal payments plan.

(~~5~~6) **Limit on changes to information format.** A utility is not obligated to provide both paper documents and electronic information to a customer on a continuous basis. A utility may limit a customer who has consented to electronic delivery to three customer directed requests for paper documents in a twelve-month period. A utility may require that a customer who requests an electronic bill also receive all bill inserts electronically. If a customer is unable to ~~properly~~ receive or~~,~~ view ~~or understand~~ electronic information provided by the utility, the utility may refuse to provide that information in electronic form.

(~~6~~7) **Specialized electronic format.** When a utility provides electronic billing information in a specialized format, such as, but not limited to, the electronic data interchange (EDI), where the utility incurs a cost that is offset by not sending statements using mail, the utility may offer customers the choice of the specialized format or paper bill. In the event of a disputed bill, the customer may request and the utility shall then provide customers receiving bills in a specialized format with billing details understandable by a person who will be reviewing the bills.

(~~7~~8) **Undeliverable electronic information.**

(a) If any electronic information allowed in this rule is returned to the utility as undeliverable or the utility is made aware by other means that such electronic information did not reach the customer, the utility must ~~take the following steps to~~ ascertain and correct the problem causing the return of the information as undeliverable. It must, within the time specified in (c) of this subsection, either resend the electronic information to the customer-provided electronic address or contact the customer by telephone.

(b) If the utility fails to correct the problem within the required time, it must send the customer the information by mail and return the customer to mail notification. It also must include in the mailed information an explanation that the email address or other electronic address is not functioning and indicate that future information will be sent via mail until the customer provides to the utility a functioning email or other functioning electronic address.

(c) The utility must take steps required in (a) and (b) of this subsection by either:

(i) The business day following ~~the~~ receipt of the undeliverable message; or

(ii) If the utility extends the bill due date by five business days, within five business days.

WAC 480-100-193

Posting of tariffs for public inspection and review.

Each electric utility offering service under tariff must make available for public inspection and review all tariffs governing its provision of service, as required by RCW **80.28.050**. To comply with this requirement, a utility must fulfill the provisions of either subsection (1) or (2) of this section.

(1) **Web, telephone, and mail access.** The utility must:

(a) Maintain a complete copy of its tariff or tariffs and prominently post all proposed tariff changes on an ~~Internet~~ internet website in an index accessible to the public using generally available browser software;

(b) Provide a toll-free telephone number by which customers and applicants can obtain assistance during normal business hours from a company agent qualified to assist the customer in locating, interpreting, and applying tariff provisions;

(c) Upon written or oral request by any customer or applicant, deliver at no charge a copy of any current, proposed or most recently canceled tariff page that relates to the customer's or applicant's service; and

(d) Include on each customer bill and notice the address of the tariff website and the toll-free telephone number.

(2) **Physical access.** The utility must make available for public inspection and copying a complete copy of its tariff or tariffs, all most recently canceled tariff sheets, and all proposed tariff changes at one or more offices in each county where it offers service, except that: A single office may serve more than one county if the office is within twenty miles of all customers in the county where no tariff is posted. The utility must provide at each office either an agent qualified to assist the customer in locating, interpreting, and applying tariff provisions or access to such an agent by a toll-free telephone number.

WAC 480-100-194

Publication of proposed tariff changes to increase charges or restrict access to services.

Each electric utility offering service under tariff must publish or provide electronically all proposed changes to its tariff for at least thirty days, as required by RCW **80.28.060**. For any proposed tariff change that would increase recurring or per-occurrence charges or restrict access to services (e.g., discontinue a service, or limit access to service by imposing a new usage level on existing services), a utility must fulfill the requirements of subsection (1) or, (2), or (3) of this section. For any other proposed tariffs, the utility must fulfill the requirements of WAC **480-100-195**. The utility will not be required to accomplish publication under this section if it has agreed to suspend its tariff filing and to provide notice as provided under WAC **480-100-197**. The utility may provide the information in an electronic format consistent with provisions in this chapter governing the use of electronic information. If the customer has opted into text message reminders the customer must receive a text message containing a link to the complete notice.

The utility will not be required to accomplish publication under this section if it has agreed to suspend its tariff filing and to provide notice as provided under WAC **480-100-197**.

(1) **Thirty-day notice to individual customers.** To comply under this method, the utility must, at least thirty days before the stated effective date of the proposed change, mail or provide electronically the posting to each customer that would be affected by the proposed change. If the open meeting date is more than three days before the effective date, the utility must take steps to ensure that notice is sent 30 days before the Commission is asked to make a decision at the open meeting. The posting must include the information listed in subsection (43) of this section. The utility may provide this information in an electronic format consistent with provisions in this chapter governing the use of electronic information.

(2) **Published notice.** To comply under this method, the utility must, at least thirty days before the stated effective date of the proposed change, publish notice of the proposed change within the geographical areas where it offers service. To meet minimum publication requirements, a utility must:

(a) Distribute copies of the published notice to community agencies and organizations in the geographic area where it offers service for posting and publication by the agency or organization. The utility must include in its distribution list any agency or organization that requests these notices;

~~(b) Cause to be printed in large print, as a paid advertisement, a complete copy of the published notice in the daily newspaper of general circulation with the greatest number of subscribers in each geographic area or each of the areas affected by the proposed tariff;~~

~~(c) Provide to the news editor of every newspaper, television station, and radio station in the geographic area within which it offers service a news release or public service announcement summarizing the published notice. The release or announcement must include a toll-free number that customers can use to obtain more information from the electric utility. The commission will maintain a list of area newspapers, television, and radio stations and will provide it on request to any utility; and~~

~~(d) Post a complete copy of the published notice on an Internet website accessible to the public using generally available browser software.~~

(~~3~~2) **Reduced publication with shortened notice to individual customers.** To comply under this method, the utility must:

(a) Mail or provide electronic~~ally~~ notice pursuant to WAC 480-100-179 ~~the posting~~ to each customer that would be affected by the proposed change at least fifteen days before the stated effective date of the proposed change. The utility ~~may~~ must provide this information in an electronic format consistent with provisions in this chapter governing the use of electronic information if it provides notice electronically;

(b) At the time of the utility's filing with the commission, ~~distribute copies of the published notice in the same manner as provided in subsection (2)(a) of this section~~ distribute copies of the published notice to tribes, community agencies and organizations that represent or work with highly impacted and vulnerable populations in the geographic area where the utility offers service for posting and publication by the agency or organization. The utility must include in its distribution list any agency or organization that requests these notices;

(c) At the time of the utility's filing with the commission, ~~provide news media notice in the same manner as provided in subsection (2)(c) of this section~~ provide to the news editor of every newspaper, television station, and radio station, in the geographic area within which it offers service a news release or public service announcement summarizing the published notice. The release or announcement must include a toll-free number that customers can use to obtain more information from the utility. The commission will maintain a list of area newspapers, television, and radio stations and will provide it on request to any utility; and

(d) At the time of the utility's filing with the commission, post a complete copy of the published notice on its website accessible to the public using generally

available browser software.~~post a complete copy of the published notice in the same manner as provided in subsection (2)(d) of this section~~.

(43) **Content of postings.** The published notice required by this rule must include, when applicable:

(a) The date the notice is issued;

(b) The utility's name and address;

(c) A brief explanation of the reason(s) the utility has requested the rate change or restriction in access to service (e.g., increase in labor costs, recovery of new plant investment, and increased office expenses, such as postage and customer billing, operational efficiency);

(d) A comparison of current and proposed rates by service;

(e) Restrictions in access to service must include a list of alternative service options;

(~~e~~f) ~~An e~~Examples showing the monthly increase of the average customer's annual and winter bill based on the proposed rates or restriction in access to service (e.g., "based on the proposed rates, a typical electric customer using an average of 1,500 kwhs per month would see an average monthly increase of $10.38." and "The average winter usage of [insert Nov. 15 – Mar. 15 average] kwhs per month would see an average monthly increase of $#.##");

(~~f~~g) Billing frequency~~When the rates will be billed~~ (i.e., monthly or bimonthly);

(~~g~~h) The requested effective date and, if different, the implementation date;

(~~h~~i) A statement that the commission has the authority to set final rates that may vary from the utility's request, which may be either higher or lower depending on the results of the investigation; or a statement that the commission can approve, modify, or reject the utility requested restriction in access to service;

(~~i~~j) A description of how customers may contact the utility if they have specific questions or need additional information about the proposal; and

(j) Public involvement language. A utility may choose from:

(i) Commission-suggested language that is available from the commission's designated public ~~affairs officer~~involvement staff; or

(ii) Utility-developed language that must include the commission's mailing address, toll-free consumer protection number, and docket number, if known, and a brief explanation of:

(A) How to participate in the commission's process by mail~~ing~~, email, or ~~faxing a letter~~commission web-form~~, or submitting an email~~; and

(B) How to contact the commission for process questions or to be notified of the scheduled open meeting at which the proposal will be considered by the commission.

WAC 480-100-195

Notice of tariff changes other than increases in recurring charges and restrictions in access to services.

(1) This section applies to tariff changes for other than those that are subject to WAC **480-100-194**.

(2) A utility that files a tariff change to increase any charge that a customer may incur without being quoted a rate or price (e.g., late payment fees, insufficient fund charges, or a one-time charge), or to pass through local or state utility tax increase must provide notice to each affected customer on or with the first bill after the change becomes effective. An increase to any customer class of three percent or more or multiple increases that amount to three percent or more in any quarter must be noticed in accordance with WAC 480-90-194.

(a) At a minimum, the 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.

(b) Methods of notice permitted include a bill insert, bill message, printing on the billing envelope, a separate mailing to all affected customers or, if the utility has the capability and the customer has authorized, an~~by~~ email or text message with a link to more information on the company's website.

(3) A utility that files a tariff change that decreases rates, including promotions that temporarily waive recurring or nonrecurring charges, or that changes terms or conditions without restricting access to the service, must publish the change in the manner it posts tariffs under WAC **480-100-193**.

WAC 480-100-197

Adjudicative proceedings where public testimony will be taken.

(1) For adjudicated proceedings, when scheduling a hearing to take testimony from the public, the timing, location, and amount of notice to the public or to customers will be addressed in the prehearing conference order entered by the commission.

(2) The notice must include all information contained in WAC **480-100-194**(43), except the public involvement information in WAC **480-100-194** (43)(j). A utility must include either of the following public involvement language:

(a) Commission-suggested language that is available from the commission's designated public affairs officer; or

(b) Utility-developed language that must include the commission's mailing address, toll-free number, docket number, and a brief explanation:

(i) How to participate in the commission's process by mailing or faxing a letter, or submitting an email;

(ii) How to contact the commission for process questions; and

(iii) The date, time and location of the public hearing.

(3) Methods of notice permitted include a bill insert, bill message, printing on the billing envelope, a separate mailing to all affected customers or, if the utility has the capability and the customer has authorized, by email.

(4) If the customer has opted into text message or email reminders the customer must receive a text message or email containing a link to the complete notice.

(45) In addition to each affected customer, a utility must notify at least one newspaper of general circulation, and at least one radio station and at least one television station in the area or each of the areas affected.

(6) For adjudications that have had at least one public comment hearing scheduled the utility must inform customers of the Commission's decision within 30-days of the final order via bill insert, bill print message, or electronically if the consumer has consented to electronic notifications.

WAC 480-100-198

Notice verification and assistance.

(1) The utility must allow the commission's consumer protection section at least five business days to review, and propose edits to, any notice prior to its distribution.

(~~1~~2) Within ten days of making a filing requiring posting, publication, or customer notice under WAC **480-100-194**, **480-100-195**, or **480-100-197**, but no sooner than when the tariff is filed with the commission, a utility must file a statement with the commission's records center that the required notice has been posted, published, and/or mailed. The declaration must include:

(a) The methods used to post, publish, and/or give notice to customers;

(b) When and how the notice was posted, published, and/or issued to customers;

(c) How many customers are affected; and

(d) A copy of the notice.

(~~2~~3) A utility may request assistance from the commission's designated public affairs officer with efforts to comply with WAC **480-100-193** through **480-100-197**.

(4) For filings considered at open meetings, the utility must submit a letter to the docket at least five business days before the open meeting, containing the total number of comments received by the utility, the number of comments opposed, and the number in favor. It must also provide a summary of the comments received.