

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of)	DOCKET UE-130545
)	
PACIFICORP d/b/a PACIFIC)	ORDER 01
POWER AND LIGHT COMPANY,)	
)	
Petitioner,)	
)	
Seeking Exemption from the)	
Provisions of WAC 480-100-)	
128(6)(k) Relating to Accepting)	
Payment from Customers at)	ORDER DENYING
Disconnection Service Address)	EXEMPTION FROM RULE
.....)	

BACKGROUND

- 1 On April 15, 2013, PacifiCorp d/b/a Pacific Power and Light Company (PacifiCorp or Company) filed with the Washington Utilities and Transportation Commission (Commission) a petition requesting an exemption from WAC 480-100-128(6)(k). That rule requires a utility representative dispatched to disconnect electric service to accept payment of a delinquent account at a customer’s service address to prevent disconnection of service.
- 2 PacifiCorp contended that exemption from the rule would improve safety for its field workers by eliminating their need to carry or collect money, even when disconnecting a customer. In support of this contention, the Company related an incident in June 2012 in which a Mississippi utility employee was killed by customer in the course of disconnecting his service. PacifiCorp suggested that the variety of payment methods available to customers (e.g., check or money order via U.S. mail, pay stations, drop boxes, online payment, and pay-by-telephone) are sufficient and that the rule requirement that utility workers accept payments in the field unnecessarily endangers those employees.
- 3 Commission Staff made the following arguments in opposition to the petition:
 - There is no evidence that utility field employees are publicly known to carry cash or are otherwise targeted for crime.
 - The Mississippi case is certainly tragic, but it does not appear to be have been related to the utility employee carrying money.

- The rule allowing customers to pay their utility bills immediately before disconnection protects the most vulnerable customers: those who may not have bank accounts, transportation, telephones, or Internet access.
- Staff offered other ways to protect PacifiCorp employees while still allowing them to receive payment from delinquent customers, such as sending two employees to disconnect service, or installing lock boxes and affixing labels to company trucks that say “drivers do not carry cash.”

4 Public Counsel and a representative of The Energy Project also opposed the petition, pointing out that public policy favors keeping customers connected and citing many of the same reasons raised by Staff. The Energy Project also pointed out that refusing to accept customer payments could, in fact, increase the safety risk to company employees.

5 The Commission considered PacifiCorp’s petition at its May 30, 2013, Open Meeting. Given that resolution of the issue could impact other investor-owned electric and gas utilities, the Commission deferred action on the petition and indicated that it would open a rule-making proceeding. The Commission filed the requisite notice with the Code Reviser on July 1, 2013, in docket UE-131087. The Commission in that proceeding heard comments from all investor-owned electric and natural gas utilities in the state. Puget Sound Energy and Avista noted that they did not share the concerns expressed by PacifiCorp.

6 Commission Staff now brings this matter to the Commission with a recommendation to deny the petition and concurrently close the docket in the rule-making proceeding.

DISCUSSION

7 The Commission may grant an exemption from a rule if consistent with the public interest, the purposes underlying regulation, and applicable statutes.¹ The Commission requires electric companies filing petitions for exemption to provide a full explanation of the reason for the request and to provide a copy to Public Counsel.² The Commission evaluates requests for exemption under a “public interest standard,” factoring in whether application of the rule imposes undue hardship on the requester of a different kind or

¹ WAC 480-07-110 (1); *see also* WAC 480-100-008.

² WAC 480-07-110(2)(a).

degree than others similarly situated, and whether application of the rule would be contrary to the underlying purposes of the rule.³

8 WAC 480-100-128(6)(k) provides electric utility customers a last chance opportunity to bring delinquent accounts current and avoid disconnection. Requiring workers in the field to accept payments when disconnecting service is an important protection for the utility's most vulnerable customers.

9 PacifiCorp's request for an exemption from the rule is not in the public interest. Utility disconnection is a serious consequence to customers, depriving them of a vital service. Exempting PacifiCorp from the requirement to provide customers one last chance to make a payment and avoid disconnection will not necessarily make its utility field workers safe from disgruntled customers.

10 All electric utilities in Washington, moreover, must accept payments in the field under this very limited circumstance. PacifiCorp offers no compelling reason why its disconnection practices or circumstances are unique or otherwise justify an exemption to the rule that would set the company apart from other regulated utilities. Further, an exemption would be contrary to the underlying purpose of the rule: to ensure that an electric utility disconnects service only as a last resort.

11 We appreciate and share PacifiCorp's concern for the safety of its field workers. We nevertheless find no basis in the Company's petition to conclude that there is an increased risk to its employees as a result of PacifiCorp's compliance with WAC 480-100-128(6)(k). Indeed, the evidence presented does not support a causal connection between accepting payments in the field and threats or other violent occurrences. Any such risk can be sufficiently mitigated through other precautions including, but not necessarily limited to, the measures that Staff proposes. In any event, even if there were some reduction in risk if utility personnel did not carry money, it would likely be offset by the increased risk created by their inability to accept payments in the field, and the additional impacts of that change on the utility's most vulnerable consumers. Accordingly, we deny PacifiCorp's petition.⁴

³ WAC 480-07-110(2)(c).

⁴ Also at the September 12 Open Meeting, the Commission approved the Staff recommendation to close the rule-making proceeding in Docket UE-131087 and directed the Secretary or his designee to so inform the Code Reviser.

FINDINGS AND CONCLUSIONS

- 12 (1) The Washington Utilities and Transportation Commission is an agency of the state of Washington vested by statute with the authority to regulate the rates, rules, regulations, practices, accounts, securities, transfers of property, and affiliated interests of public service companies, including electric companies.
- 13 (2) PacifiCorp is engaged in the business of providing electric services within the state of Washington and is a public service company subject to Commission jurisdiction.
- 14 (3) PacifiCorp seeks an exemption from WAC 480-100-128(6)(k), which requires that electric company employees who visit a customer to disconnect service accept delinquent payments when such payments are offered.
- 15 (4) This matter came before the Commission at its regularly scheduled meeting on May 30, 2013, and set aside for further consideration; the Commission returned to this matter at its regularly scheduled meeting on September 12, 2013.
- 16 (5) The Commission may grant an exemption from the provisions of a rule if consistent with the public interest, the purposes underlying regulation, and applicable statutes.
- 17 (6) After review of the petition filed in this docket by PacifiCorp on April 15, 2013, the Commission finds that the request for exemption is not justified, not in the public interest and should be denied.

ORDER

THE COMMISSION ORDERS:

- 18 PacifiCorp d/b/a Pacific Power an exemption to WAC 480-100-128(6)(k) is denied.

DATED at Olympia, Washington, and effective September 12, 2013.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Chairman

PHILIP B. JONES, Commissioner

JEFFREY D. GOLTZ, Commissioner