

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Rule-Making
Proceeding Related To

Commission General – Tariffs:
Chapter 480-80 WAC

DOCKET NO. U-991301

**Initial Comments of
Public Counsel
Attorney General of Washington**

February 20, 2001

Public Counsel files these comments in response to the Commission's January 29, 2001 Notice of Opportunity to File Written Comments. We look forward to participating in this rulemaking and attending the February 28, 2001 workshop.

General Comments

Public Counsel strongly supports enhanced customer notification by the companies regulated by the Commission. Whether it is in the area of energy general rate cases, public hearings, or potential changes in the prices, terms, and conditions of a competitively classified telecommunications service, the methods used to provide notice to customers need to be enhanced to better inform customers of their rights and obligations. Public Counsel supports the efforts made by the Commission Staff as reflected in the January 26, 2001 draft which was distributed at the beginning of the month. We look forward to working with staff and interested stakeholders to produce a set of rules that provide the companies the flexibility they need as well

as providing notice to customers in a manner that informs and educates them about a proposed change in service or the proposed actions of their utility.

Specific Issues

Rule Location

Public Counsel acknowledges the potential benefits of having industry specific notice rules to both the regulated utilities and their customers. It is important that if the Staff continues with this approach that a general “baseline” or framework of notice is maintained so that all customers of regulated utilities have specific, common notice rights.

Formal Cases

As discussed below, Public Counsel supports enhancing the notice requirements for formal cases as one means of increasing the public participation in these proceedings. The utility party to a formal proceeding bears a unique burden and opportunity to inform and educate its customers regarding the formal proceedings it is involved in before the Commission. Company provided notice to customers should enhance the public participation in that process.

After Commission Action

Public Counsel supports enhanced notice to customers after commission action by the use of bill messages or other means of communication. Such direct messages should be provided in a timely and prompt manner, and if at all possible, prior to the effective date of the Commission action.

Bill messages, as with all customer notices provided by a company should be in clear and legible type of not less than 10 point typeface. There have been several instances recently of

companies providing notices to customers using very small print size which significantly impairs the usefulness of such notice.

Prior to Commission Action

Public Counsel supports requiring customer notice by the companies of no less than 30 days prior to Commission action. Where doing so through a bill message would not provide sufficient notice, the companies should either do so through the proceeding month's bill or through direct mail to the customer.

Competitive Telephone Customers

Public Counsel strongly supports the Commission's stated belief that customers should receive notice of changes in rates at least 10 days prior to the effective date of such rate changes so that customers can make informed decisions regarding which company they choose to provide their telecommunications services.

Public Counsel believes that this is a circumstance where the companies providing these services may be best situated to provide suggestions as to how to provide direct notice to their customers. Public Counsel is cognizant of the difficulties some companies may have, particularly where the relationship with their customer does not involve traditional, written, and mailed bills (exp. 10-10-xxx, collect calling services, etc.). In these circumstances, where the customer-company relationship is conducted either entirely orally or electronically, the Commission may wish to consider requiring that the notice is provided in the same medium with which the company communicates with its customer. For example, if via the internet, then customer notice could be through the use of clear, and concise "click-through" pages that reflect the change and currently applicable prices, terms, and conditions for a given service. Public Counsel recognizes the challenges presented by the differing media through which the

companies and their customers are now communicating and look forward to working on this issue with the Commission Staff and all stakeholders.

Public Counsel does not support a “blanket” use of notice by publication (i.e. newspapers) or through a company’s website to fulfill customer notice requirements due to the limited effectiveness of such methods. Changes in prices, terms, and conditions of a competitively classified telecommunications service should be directly communicated to the customer purchasing that service both at the time service is initiated and at any time the prices, terms, or conditions change.

480-090-193 (Gas)

Public Counsel believes that customer notice prior to a Commission action should be no less than 30 days prior to the effective date the company proposes for that action.

Public Counsel believes all written notice should be in no less than 10 point typeface.

480-100-193 (Electric)

Public Counsel believes that customer notice prior to a Commission action should be no less than 30 days prior to the effective date the company proposes for that action.

Public Counsel believes all written notice should be in no less than 10 point typeface.

480-120-043 (non-competitive telecom)

Public Counsel believes that customer notice prior to a Commission action should be no less than 30 days prior to the effective date the company proposes for that action.

Public Counsel believes all written notice should be in no less than 10 point typeface.

480-120-X15 (competitive telecom)

Public Counsel supports no less than ten days direct notice to affected customers prior to the effective date of any proposed changes, not just for price increases.

Public Counsel believes that notice of the prices, terms, and conditions for competitively classified telecommunications services should be provided in a manner that allows a meaningful comparison by consumers of competing offers for such services. Similarly, when a company is providing notice to its customers for changes this notice should also permit a consumer to make a well-informed decision regarding whether to continue with the service from that company or select a competing service provider.

Public Counsel believes all written notice should be in no less than 10 point typeface.

Public Counsel looks forward to discussing with Commission Staff why there would be a need for an alternative form of notice pursuant to proposed subsection (3), in what circumstances such an alternative might be approved, and what the notice itself would be. Public Counsel is concerned that this form of exception to the notice requirement could, in the future, result in “the exception swallowing the rule.”

480-121-X04 (Competitive Classification Petition)

Public Counsel believes that customer notice prior to a Commission action should be no less than 30 days prior to the effective date the company proposes for that action.

Public Counsel believes all written notice should be in no less than 10 point typeface.

480-80-125 (Formal Hearing)

Public Counsel believes all written notice should be in no less than 10 point typeface.

Public Counsel would like to work with Commission Staff to revise the notice requirement of subsection (b)(x) which references our participation in Commission proceedings.

Conclusion

These comments are preliminary and Public Counsel expects to provide more detailed comments as the rulemaking progresses. Public Counsel would suggest it may be appropriate to call for additional comments after the February workshop, perhaps after any revisions to the draft rule have been made by Staff.