

July 14, 2010

VIA ELECTRONIC FILING

Washington Utilities and Transportation Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250

Attention: David W. Danner
Executive Director and Secretary

RE: Docket U-100523 Comments on Draft Rules

Dear Mr. Danner:

PacifiCorp, d.b.a. Pacific Power (“PacifiCorp” or “Company”) submits the following comments in response to the Washington Utilities and Transportation Commission’s (“Commission”) Notice of Opportunity to File Written Comments (“Notice”) issued in Docket U-100523 on June 11, 2010. The Notice seeks comments on proposed draft rules to address the use of electronic bills, notices of tariff revisions, bill inserts, documents in adjudicative proceedings and reports required by settlement stipulations. The Commission issued separate proposed rules for gas and electric utilities. PacifiCorp’s comments focus on the draft rules for electric utilities. Included with these comments as Attachment A is a copy of the draft rules with PacifiCorp’s suggested edits shown in redline.

Background

Each month, PacifiCorp sends paper billing statements and other bill inserts to most of its customers. Additionally, PacifiCorp, like many companies, uses an Internet web site as a tool for communicating or interfacing with customers.¹ Through this web site, the Company provides general information about the Company along with useful information to customers, such as tips for saving energy, outage information, payment options, and information regarding the Blue Sky Program. Additionally, customers may choose to set up their own individual web profiles to securely access their account information, view information specific to their service, and make changes to their service. The ability to set up web profiles is available to all 1.7 million PacifiCorp customers across six states.

To set up a web profile, customers input their first and last name, a user ID, a password, and confirm the e-mail address that will be associated with the profile. Once a profile has been established, customers then register their electric service account(s) with

¹ <http://www.pacificpower.net/index.html>.

the profile. During the registration process, customers are prompted to verify either the date of birth and driver's license or social security number that they provided when they established their PacifiCorp account. This verification process is similar to the verification that is required when customers call to obtain information on their account(s) and ensures that the profile is being set up by the customer of record. Once customers have registered their service account(s), they can then securely access their account information, including viewing their billing statements online, while still receiving paper copies of their bills and bill inserts. Customers who wish to receive their billing statements and inserts electronically can enroll in the Company's paperless billing and payment option once their web profile is established. Customers who choose to receive their billing statements and inserts electronically will then receive an e-mail each month notifying them that their bill is ready for viewing.

Customers' decision to enroll in the paperless billing and payment option is captured in the contact history for their account. The information that is captured includes the date the customer consented to the paperless billing. This information can be presented to the customer or Commission, in addition to the current terms and conditions that a customer must accept in order to enroll in paperless billing, should there be a question regarding whether a customer consented to paperless billing.

This process and the paperless options have been very successful and participation continues to grow. The Company sought customer input by holding numerous customer focus groups during the development of the secure section of our web site. The Company is unaware of complaints through the Commission on its paperless billing option and consent to participate in that option.

As explained above, a customer who wishes to choose the Company's optional paperless billing and receive other communications through electronic means must take deliberate action for this to occur. The Company believes its current system adequately protects the customer and the company.

Comments on Proposed Rules

Draft WAC 480-100-XXX Electronic Information

The Notice includes a draft new rule specifically addressing "electronic information". This draft rule also uses terms such as "electronic means," "electronic consent," "provide prescribed documents electronically," and "electronic notices." To ensure consistent application of the rules, it may be beneficial to use consistent terminology and/or define these terms with particular attention to "electronic". PacifiCorp uses its web site to convey information, and makes certain information available to customers on the web site and through emails sent by a third party. Additionally, with the rapid development and evolution of technology and social media, there may be opportunities to communicate with customers in other ways. The Company encourages the Commission to consider using a definition of "electronic" to accommodate flexibility in using existing technologies and adapting to new technologies.

This rule also requires the use of a “consent letter” to confirm a customer’s choice to receive electronic communications from the utility. The Company believes its current mechanism for noting a customer’s election to receive electronic communications is sufficient to show customer consent. Attachment A shows PacifiCorp’s proposed rule language for obtaining customer consent.

As currently drafted, the rule also requires the permanent retention of a customer’s consent to receive documents electronically. This requirement would be administratively burdensome for PacifiCorp, particularly given the authorization process that a customer goes through to request billing and notices electronically. Providing information electronically is an optional service. The Company’s systems contain safeguards to protect against fraud. It is unclear how permanently retaining a customer’s request to receive information electronically is beneficial.

Draft Amendment to WAC 480-100-103 Information to consumers

The Notice includes draft amendments to WAC 480-100-103. The Company has no comments on the proposed amendment to this section at this time.

Draft Amendment to WAC 480-100-178 Billing requirement and payment date

The Notice includes a draft amendment to add a section to WAC 480-100-178 to specifically address electronic billing. As currently drafted, the rule requires the permanent retention of a customer’s request to receive electronic bills. The Company’s current process for maintaining customer consent is sufficient to demonstrate proof of the election to receive electronic communications. This “permanent” requirement would be administratively burdensome for PacifiCorp, particularly given the means through which customers currently choose electronic billing. Electronic billing is an optional service. The Company’s systems contain safeguards to protect against fraud. It is unclear how permanently retaining a customer’s request to receive electronic bills is beneficial.

Draft Amendments to WAC 480-100-194

The Notice includes draft amendments to WAC 480-100-194. PacifiCorp has no comments on these proposed amendments at this time.

PacifiCorp looks forward to participating in the Commission’s review. It may be beneficial to hold a workshop to discuss the issues. Please direct any questions to Cathie Allen, Regulatory Manager, (503) 813-5934.

Sincerely,



Andrea L. Kelly
Vice President, Regulation

Attachment A

NEW SECTION

WAC 480-100-XXX Electronic information. With the prior consent of the customer or applicant, a company may provide bills, notices of tariff revisions, or bill inserts including inserts containing information required to be provided to customers or applicants by statute, rule, or commission order by electronic means, which may include, but is not limited to the use of email, electronic data interface, the WebInternet, social media, etc-and text messages, instead of the use of paper copies sent by U.S. Mail.

(1) Format of electronic documentation. All documents provided electronically must meet the requirements for format, due dates, calculation of due dates, minimum timeframes, and any other requirements specified within WAC 480-100. Electronic documents will be treated the same as documents that are mailed within the state of Washington for the purposes of calculating due dates and minimum timeframes. Electronic notices for proposed tariff changes of increased rates or restriction of access to services, and public hearings will be marked IMPORTANT INFORMATION REGARDING YOUR UTILITY COMPANY in the subject line.

(2) Verification of consent. The company must obtain ~~prior written or electronic consent from the customer prior to providinge prescribed-bills, notices of tariff revisions, or bill insertsdocuments electronically-(consent letter).~~ At a minimum, the customer must acknowledge they understanding of the following before the company may provide documents electronically:

(b) The decision to change;

(ea) The customer understands T-that signing the consent letterthey will receive allows the company to provide bBills, notices of tariff revisions, or bill inserts including inserts containing information required to be provided to customers or applicants by statute, rule, or commission order will be sent electronically rather than in paper format throughby electronic means instead of the use of paper copies sent by the U.S. Mail;

(db) The company will provide upon request, a paper copy of any document sent electronically at no additional charge; and-

(c) The customer may opt out of receiving -also request to revert documents electronically at any time and revert to receiving documents in paper format through the U.S. Mail-to paper delivery at no additional charge.

(3) Retention of consent. ~~The consent letter must not be combined on the same document or on the same screen or web page with any other information. The company must retain the consent letter as a permanent part of the customer's account records to serve as verification of the customer's authorization to receive selected documents electronically. The Ddocumentation confirming a customer's of the consent-acceptance to participate in electronic delivery ofreceive bills, notices of tariff revisions, or bill inserts electronically must be made available to the customer and-or to the commission upon request at no charge. The consent letter must confirm the following information from the customer:~~

~~(a) The customer's name, telephone number, address, and e-mail address;~~

~~(b) The decision to change;~~

~~(c) The customer understands that signing the consent letter allows the company to provide bills, notices of tariff revisions, or bill inserts including inserts containing~~

~~information required to be provided to customers or applicants by statute, rule, or commission order by electronic means instead of the use of paper copies sent by U.S. Mail;~~

~~(d) The company will provide upon request, a paper copy of any document sent electronically at no additional charge. The customer may also request to revert to paper delivery at no additional charge.~~

~~(3) Electronic notices for proposed tariff changes of increased rates or restriction of access to services, and public hearings will be marked URGENT NOTICE in the subject line.~~

~~(4) 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 low-income payment program, including written copies of any extended payment plans under the winter low-income payment program.~~

AMEND

WAC 480-100-103 Information to consumers.

(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.

AMEND

WAC 480-100-178 Billing requirement and payment date.

(4) With the consent of the customer, a company may provide regular billings in electronic form if the bill meets all the requirements for the use of electronic information in this chapter. The company must maintain a permanent record of the customer's request, and the customer may change from electronic to printed billing upon request. The company must complete the change within two billing cycles of the request.

AMEND

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. The utility may provide this information in an electronic format consistent with provisions in this chapter governing the use of electronic information.

(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. The posting must include information listed in subsection (4) 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.

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

(a) Mail or provide electronically 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 provide this information in an electronic format consistent with provisions in this chapter governing the use of electronic information.