

## ALTERNATIVE 1 – NON-COMPETITIVE TELEPHONE COMPANIES

### **WAC 480-120-043 Customer notice requirements - non-competitive telecommunications company.**

This rule sets out requirements for companies to provide notice to their customers in certain circumstances. Notice is required to inform customers of a potential increase in rates or change in service, but it is also used to obtain input from the affected public, to assist the commission in its investigation to determine if a company-filed tariff revision is in the public interest.

This rule contains the criteria for four different types of customer notice.

- (1) Customer notice before commission action;
- (2) Suspension to allow customer comment;
- (3) Customer notice after final commission action; and
- (4) Formal public hearing notice.

Companies are encouraged to continue to work with commission staff on an informal basis to achieve the best type of customer notice possible so that in most cases the company must only notify its customers once. The commission may order additional or different notice be provided to customers, depending on the particular case.

This rule does not contain the notice requirements for companies that file an application to merge or consolidate any franchises, property, or facilities with any other company (see WAC 480-143-210).

A company may request a waiver of this rule in accordance with WAC 480-120-015.

#### **(1) Customer notice before commission action.**

(a) When a company proposes to increase its rates or restrict access to a service (e.g., discontinue a service, or limit access to service by imposing a new usage level on existing services), it must notify affected customers before the requested effective date.

(b) Content of notice. Notices under this section must clearly describe what the company has requested, show the current and proposed rates, and why the request is necessary. Notices must describe how customers may contact the company if they want additional information and how they can participate in the commission's decision-making process by listing the commission's mailing address, toll-free phone number and e-mail address.

(c) Methods of notice permitted include: bill insert, bill message, printing on the billing envelope, a separate mailing or, if the company has the capability and the customer has authorized, by e-mail.

(2) **Suspension to allow notice to customers.** When the commission believes it does not have sufficient information from customers to determine whether a tariff filing is fair, just, reasonable and sufficient, the commission will suspend the filing to permit appropriate customer notice and opportunity for comment. If the company has provided prior notice in the manner required by this rule, the commission will not

suspend the filing solely because of a lack of information from customers. If the company has provided notice that meets the criteria set out below it need not provide additional notice under this section:

(a) Amount of prior notice. A company must provide at least thirty days' notice to each affected customer.

(b) Content of notice for increase in rates. Each customer notice must include, at a minimum;

(i) The date the notice is issued;

(ii) The company's name and address;

(iii) A brief explanation of the reason(s) the company has requested the rate change (e.g., increase in labor costs, recovery of new plant investment, and increased office expenses, such as, postage and customer billing);

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

(v) When the rates will be billed (i.e., monthly or bi-monthly);

(vi) The requested effective date and, if different, the implementation date;

(vii) A statement that the commission has the authority to set final rates that vary from the company's request, which may be either higher or lower depending on the results of the investigation;

(viii) A description of how customers may contact the company if they have specific questions or need additional information about the proposal; and

(ix) Public involvement language. A company may choose from (A) commission-suggested language, or (B) company-developed language.

(A) Commission-suggested language:

If you would like to comment on this proposal, it is important for you to do so now. Comments must be submitted in writing or presented in person at the commission's open public meeting. If you have questions or you would like to be added to the mailing list for this case, you may contact the Washington Utilities and Transportation Commission at P.O. Box 47250, Olympia, WA 98504-7250; 1-800-562-6150; [comments@wutc.wa.gov](mailto:comments@wutc.wa.gov); or 360-664-3604(fax); or

(B) Company-developed language must include the commission's mailing address and toll-free number (1-800-562-6150), and a brief explanation:

(I) How to participate in the commission's process by mailing or faxing a letter, or submitting an e-mail [<comments@wutc.wa.gov>](mailto:comments@wutc.wa.gov); and

(II) 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.

(c) Methods of notice permitted include: bill insert, bill message, printing on the billing envelope, or a separate mailing to all affected customers or, if the company has

the capability and the customer has authorized, by e-mail.

(3) **Customer notice after final commission disposition**. The purpose of this notice is to inform customers of changes to rates that will appear on customer bills. This section applies to items from the commission's open public meeting agenda, including the "no action" agenda.

(a) Notice must be provided to each affected customer at the time the charges are applied to the bill, when a company increases rates for:

- (i) Any charge a customer may incur without being quoted a rate or price by the company (e.g., late payment fees, NSF fees, a one-time charge);
- (ii) Local taxes; and
- (iii) Conservation program charges.

(b) Content of notice. At a minimum, notice after final commission disposition must include the effective date, a clear description of changes to rates or services and a company contact number where customers may seek additional information.

(c) Methods of notice. Methods of notice permitted include: bill insert, bill message, printing on the billing envelope, a separate mailing to all affected customers or, if the company has the capability and the customer has authorized, by e-mail.

(4) **Formal hearing notice**. For formal cases where there is a hearing to take testimony from the public, the company will be required to provide customer notice. A company must provide notice to each affected customer at least thirty days before the scheduled hearing. The timing and location of the hearing(s) will be addressed in the pre-hearing conference order.

(a) Content of notice: All information contained in section (2)(b) must be included in the customer notice with the exceptions of section (2)(b)(ix). In addition, the following language must be included:

(i) If applicable, a statement that the Attorney General's Public Counsel Division will represent residential and small business customers. This should include Public Counsel's phone number (206-464-6907) and website address ([www.wa.gov/ago/utility](http://www.wa.gov/ago/utility)).

(ii) Public involvement language. A company may choose from (A) commission-suggested language, or (B) company-developed language.

(A) Commission-suggested language:

If you would like to comment on this proposal, it is important for you to do so now. All written comments will be formally included in the hearing process as an exhibit in the case. Public hearing(s) have been scheduled to take public testimony on (date), (time), and (location). If you have questions or you would like to be added to the mailing list for this case, you may contact the Washington Utilities and Transportation Commission at P.O. Box 47250, Olympia, WA 98504-7250; 1-800-562-6150; [comments@wutc.wa.gov](mailto:comments@wutc.wa.gov); or 360-664-3604(fax). If you would like to comment on this proposal, it is important for you to do so now. OR

(B) Company-developed language must include the commission's mailing address and toll-free number (1-800-562-6150), and a brief explanation:

(I) How to participate in the commission's process by mailing or faxing a letter, or submitting an e-mail ([comments@wutc.wa.gov](mailto:comments@wutc.wa.gov));

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

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

(b) Methods of notice. Methods of notice permitted include: bill insert, bill message, printing on the billing envelope, a separate mailing to all affected customers or, if the company has the capability and the customer has authorized, by e-mail.

(c) Who must receive notice. In addition to each affected customer a company 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.

(5) **Customer notice verification**: Within ten days of issuing notices described in this rule, a company must file a declaration to the commission's designated public affairs officer that notice has been given to customers, which must include:

(a) The method used to notice customers;

(b) When the notice was first issued to customers;

(c) How many customers are affected; and

(d) A copy of the notice.

(6) **Commission assistance on customer notice**. A company may request the commission's designated public affairs officer to:

(a) Assist with customer notice questions;

(b) Review draft customer notice language; and

(c) Offer suggestions on draft customer notice language.

If a company would like assistance, it should submit a draft notice for review at least two working days before the planned printing date.

(7) **Other customer notice**. The commission may require notice to customers other than described in this rule when the commission determines that additional customer education is needed.

## ALTERNATIVE 2 – NON-COMPETITIVE TELEPHONE COMPANIES

### **WAC 480-120-043 Customer notice requirements - non-competitive telecommunications company.**

This rule sets out requirements for companies to provide notice to their customers in certain circumstances. Notice is required to inform customers of a potential increase in rates or change in service, but it is also used to obtain input from the affected public, to assist the commission in its investigation to determine if a company-filed tariff revision is in the public interest.

This rule contains the criteria for four different types of customer notice.

- (1) Customer notice before commission action;
- (2) Suspension to allow customer comment;
- (3) Customer notice after final commission action; and
- (4) Formal public hearing notice.

Companies are encouraged to continue to work with commission staff on an informal basis to achieve the best type of customer notice possible so that in most cases the company must only notify its customers once. The commission may order additional or different notice be provided to customers, depending on the particular case.

This rule does not contain the notice requirements for companies that file an application to merge or consolidate any franchises, property, or facilities with any other company (see WAC 480-143-210).

A company may request a waiver of this rule in accordance with WAC 480-120-015.

#### **(1) Customer notice before commission action.**

(a) Except as provided in section (2), a company must provide each affected customer at least twenty-one days' notice before the requested effective date when a company proposes to:

- (i) Increase rates; or
- (ii) Restrict access to a service (e.g., discontinue a service, or limit access to service by imposing a new usage level on existing services);
- (b) Content of notice for increase in rates. Each customer notice must include, at a minimum;
  - (i) The date the notice is issued;
  - (ii) The company's name and address;
  - (iii) A brief explanation of the reason(s) the company has requested the rate change (e.g., increase in labor costs, recovery of new plant investment, and increased office expenses, such as, postage and customer billing);
  - (iv) A comparison of current and proposed rates by service;
  - (v) When the rates will be billed (i.e., monthly or bi-monthly);
  - (vi) The requested effective date and, if different, the implementation date;
  - (vii) A statement that the commission has the authority to set final rates that vary from the company's request, which may be either higher or lower depending

on the results of the investigation;

(viii) A description of how customers may contact the company if they have specific questions or need additional information about the proposal; and

(ix) Public involvement language. A company may choose from (A) commission-suggested language, or (B) company-developed language.

(C) Commission-suggested language:

If you would like to comment on this proposal, it is important for you to do so now. Comments must be submitted in writing or presented in person at the commission's open public meeting. If you have questions or you would like to be added to the mailing list for this case, you may contact the Washington Utilities and Transportation Commission at P.O. Box 47250, Olympia, WA 98504-7250; 1-800-562-6150; [comments@wutc.wa.gov](mailto:comments@wutc.wa.gov); or 360-664-3604(fax); or

(D) Company-developed language must include the commission's mailing address and toll-free number (1-800-562-6150), and a brief explanation:

(I) How to participate in the commission's process by mailing or faxing a letter, or submitting an e-mail [<comments@wutc.wa.gov>](mailto:comments@wutc.wa.gov); and

(II) 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.

(c) Methods of notice permitted include: bill insert, bill message, printing on the billing envelope, or a separate mailing to all affected customers or, if the company has the capability and the customer has authorized, by e-mail.

(2) **Customer notice after final commission disposition**. The purpose of this notice is to inform customers of changes to rates that will appear on customer bills. This section applies to items from the commission's open public meeting agenda, including the "no action" agenda.

(a) Notice must be provided to each affected customer at the time the charges are applied to the bill, when a company increases rates for:

(i) Any charge a customer may incur without being quoted a rate or price by the company (e.g., late payment fees, NSF fees, a one-time charge);

(ii) Local taxes; and

(iii) Conservation program charges.

(b) Content of notice. At a minimum, notice after final commission disposition must include the effective date, a clear description of changes to rates or services and a company contact number where customers may seek additional information.

(c) Methods of notice. Methods of notice permitted include: bill insert, bill message, printing on the billing envelope, a separate mailing to all affected customers or, if the company has the capability and the customer has authorized, by e-mail.

(3) **Formal hearing notice**. For formal cases where there is a hearing to take testimony from the public, the company will be required to provide customer notice. A

company must provide notice to each affected customer at least thirty days before the scheduled hearing. The timing and location of the hearing(s) will be addressed in the pre-hearing conference order.

(a) Content of notice: All information contained in section (2)(b) must be included in the customer notice with the exceptions of section (2)(b)(ix). In addition, the following language must be included:

(i) If applicable, a statement that the Attorney General's Public Counsel Division will represent residential and small business customers. This should include Public Counsel's phone number (206-464-6907) and website address ([www.wa.gov/ago/utility](http://www.wa.gov/ago/utility)).

(ii) Public involvement language. A company may choose from (A) commission-suggested language, or (B) company-developed language.

(B) Commission-suggested language:

If you would like to comment on this proposal, it is important for you to do so now. All written comments will be formally included in the hearing process as an exhibit in the case. Public hearing(s) have been scheduled to take public testimony on (date), (time), and (location). If you have questions or you would like to be added to the mailing list for this case, you may contact the Washington Utilities and Transportation Commission at P.O. Box 47250, Olympia, WA 98504-7250; 1-800-562-6150; [comments@wutc.wa.gov](mailto:comments@wutc.wa.gov); or 360-664-3604(fax). If you would like to comment on this proposal, it is important for you to do so now. OR

(B) Company-developed language must include the commission's mailing address and toll-free number (1-800-562-6150), and a brief explanation:

(I) How to participate in the commission's process by mailing or faxing a letter, or submitting an e-mail ([comments@wutc.wa.gov](mailto:comments@wutc.wa.gov));

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

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

(b) Methods of notice. Methods of notice permitted include: bill insert, bill message, printing on the billing envelope, a separate mailing to all affected customers or, if the company has the capability and the customer has authorized, by e-mail.

(d) Who must receive notice. In addition to each affected customer a company 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.

(4) **Customer notice verification**: Within ten days of issuing notices described in this rule, a company must file a declaration to the commission's designated public affairs officer that notice has been given to customers, which must include:

(a) The method used to notice customers;

(b) When the notice was first issued to customers;

- (c) How many customers are affected; and
- (d) A copy of the notice.

(5) **Commission assistance on customer notice**. A company may request the commission's designated public affairs officer to:

- (a) Assist with customer notice questions;
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If a company would like assistance, it should submit a draft notice for review at least two working days before the planned printing date.

(6) **Other customer notice**. The commission may require notice to customers other than described in this rule when the commission determines that additional customer education is needed.