

## Summary of Comments

The Commission received responses to its December 21, 2018 Notice of Opportunity to File Comments in the AMI Rulemaking in Docket U-180525 from the following commenters: Avista Corporation (Avista), Northwest Natural Gas Company (NW Natural), The Energy Project, Pacific Power & Light Company (Pacific Power), the Public Counsel Section of the Washington Attorney General’s Office (Public Counsel), and Puget Sound Energy (PSE). The Commission has also received approximately 65 general comments from organizations and members of the public as of March 7, 2019.

### Section 1: AMI Meter Testing and Accuracy Requirements

#### 1. What types of certification are available for meters?

Question	Summary of Comments
<i>Avista</i>	
1.	All but one of Avista’s UL 2735 approved, and the remaining one will be approved when released in 2019. The metering platform is compliant to 15 different standards, including ANSI, IEC, IEEE, NEMA, FCC, UL, and NISTIR standards.
<i>NW Natural</i>	
1.	NW Natural requires all diaphragm, rotary, and turbine meters to meet ANSI standard B109. Orifice, turbine, and ultrasonic meters must meet AGA report standards.
<i>Pacific Power</i>	
1.	Certifications are available for the meters Pacific Power purchases from its two manufacturers confirming they are designed and tested to be in compliance with ANSI and UL standards for electricity meters.
<i>PSE</i>	
1.	There are a variety of certification types.

#### 2. How is meter accuracy tested?

Question	Summary of Comments
<i>Avista</i>	
2	During the manufacturing process, meters are calibrated and verified. Avista also conducts accuracy testing in accordance with its Tariff 70, which Avista is reviewing to ensure it is current with new meter technologies.
<i>NW Natural</i>	
2	NW Natural uses the testing standards specified in the applicable ANSI or AGA Report standards.
<i>Pacific Power</i>	
2.	During the manufacturing process, all meters Pacific Power purchases are calibrated and tested at Full Load, Light Load, and Power Factor against applicable reference standards.
<i>PSE</i>	
2.	PSE follows current WAC rules for testing meters.

3. *Are there concerns related to power quality that could affect performance and accuracy of the meters?*

Question	Summary of Comments
<i>Avista</i>	
3.	Avista’s meters meet all applicable ANSI standards therefore ensuring accuracy of the meters to these standards.
<i>NW Natural</i>	
3.	Diaphragm, rotary, and turbine meters use mechanical indexes which are not affected by power quality. NW Natural typically includes battery backup or orifice or ultrasonic meters to ensure meter accuracy in the event of loss of power.
<i>Pacific Power</i>	
3.	No, the meters are tested as outlined in applicable ANSI standards.
<i>PSE</i>	
3.	Power quality issues can be rooted in a wide array of causes, but PSE has no specific concerns that would result in a systemic issue with performance of accuracy of its meters at this time.

4. *Please refer to Attachment B. In the article, Challenges for Smart Electricity Meters due to Dynamic Power Quality Conditions of the Grid: A Review, the author states, “The understanding of the relationship between power quality and the accuracy of electricity meters is useful to evaluate the impact of including a standardized procedure to properly calibrate meters under distorted waveform. Further and continuous investigation is required to minimize the error of electricity meters under any possible working condition. The current permissible error in applicable accuracy related standards could be a cause of significant revenue losses for utilities.”*

- a. *Does the Company know of any modification to current standards to address this issue?*
- b. *Do Companies know of any circumstance where the meter reading are not accurate? If inaccuracy of meters is known under certain circumstances, what circumstances trigger the inaccuracy? What can Companies do to correct this problem?*
- c. *Does the Company know if the meters have been tested for current waveform distortion caused by LED, CFL, and dimmers?*
- d. *Are meters tested in their capability to measure accurately under distorted waveform conditions?*

Question	Summary of Comments
<i>Avista</i>	
4a.	The ANSI Committee in 2015 adopted their ANSI C12.20 suite of standards.
4b.	Avista and its meter manufacturer Itron are not aware of any circumstance where harmonics would cause a meter to be inaccurate.

Question	Summary of Comments
4c.	The ANSI C12.20-2015 test 5.5.6.x suite was developed to test these signatures provided that the manufacturers are adhering to their required standards.
4d.	Yes, Avista’s meters were tested against all applicable ANSI standards, which focus on harmonics/distorted waveforms.
<i>NW Natural</i>	
4.	Not applicable to NW Natural.
<i>Pacific Power</i>	
4a.	Pacific Power is not aware of any changes to the current standards that will be adopted in the near future.
4b.	No, Pacific Power is not aware of any real world circumstances in which meter readings are inaccurate or where harmonics would cause a meter to be inaccurate.
4c.	Pacific Power is aware that some meters have been subject to verification with various real-world loading scenarios. The ANSI C12.20 test suite was developed to test the wave form signatures for devices made by manufacturers that adhere to their required standards.
4d.	Meters have all been tested according to the ANSI C12.20 standard, which specifies several tests intended to demonstrate accurate performance under distorted waveform conditions.
<i>PSE</i>	
4a.	PSE follows applicable standards and is not aware of any modification to current standards but would be supportive of modifications that improve safety, efficiency, or accuracy of electric meters.
4b.	Many factors can cause meter inaccuracy. PSE detects inaccuracies with interval data and appropriate analytics applications, as well as regular sample testing of meters.
4c.	Testing for waveform distortion is not included in PSE’s current testing standards.
4d.	PSE currently follows laboratory testing conditions and techniques included in the latest revision of ANSI C12.1.

5. *Has the Company considered adopting standard ANSI C12 – Smart Grid Meter Package? Please provide the rationale for your response.*

Question	Summary of Comments
<i>Avista</i>	
5	Avista’s meters meet all applicable solid state meter standards included in the ANSI C12 – Smart Grid Meter Package.
<i>NW Natural</i>	
5	Not applicable to NW Natural.
<i>Pacific Power</i>	
5.	Yes, Pacific Power has adopted the ANCI C12 – Smart Grid Meter Package standards with respect to its AMI meters deployed in Oregon and California.
<i>PSE</i>	
5.	PSE follows ANSI standards where applicable in its operations, including ANSI C12, and updates its business processes to reflect updates in these standards.

**Section 2: Remote Disconnect**

6. *Do companies have restrictions in tariff or in practice for disconnecting service during times when the temperature will be low or high? If so, please describe.*

Question	Summary of Comments
<i>Avista</i>	
6.	Not in its tariff, but Avista’s practice is and has always been to stop collection disconnects when the daily temperature by location is forecasted to be below 25 degrees or above 100 degrees.
<i>NW Natural</i>	
6.	NW Natural has a long-standing practice not to disconnect service to a residential customer for nonpayment during the winter heating season in any area where the forecasted temperature is expected to be below 32 degrees by 11 a.m.
<i>Pacific Power</i>	
6.	Pacific Power does not have a tariffed weather moratorium, but the company has a policy to stop disconnecting customers when certain weather conditions exist.
<i>PSE</i>	
6.	PSE does not have tariff restrictions, but as a courtesy to the well-being of its customers, PSE has historically placed a moratorium on disconnections if the high temperatures are expected to be in the 30’s or the lows are expected to be in the 20’s or teens.

7. *Public Counsel suggests limiting disconnections for non-payment on days that are forecast to be 32 degree Fahrenheit or less.*
- a. *What are the advantages of this limitation?*
  - b. *What are the disadvantages of this limitation?*
  - c. *Should Washington restrict disconnections during cold weather? If so, describe alternative policy recommendations.*

Question	Summary of Comments
<i>Avista</i>	
7a.	Avista’s current temperature thresholds balance the needs of customers and premises while also ensuring that the number of disconnect days per year is not exorbitant.
7b.	Avista would see more than a 400% increase in the number of temperature-based moratorium days in Washington under Public Counsel’s proposal, which could have a detrimental impact on all customers by allowing higher winter bills to accumulate further without the appropriate collections process ensuing.
7c.	Avista recommends maintaining such restrictions through tariff or company standards, rather than administrative rule. Avista’s current restrictions are standard across all three states in which the company operates.
<i>NW Natural</i>	
7.	NW Natural’s long-standing practice provides health and safety benefits to the company’s customers and employees, and the company has not experienced any significant disadvantages as a result of this practice. NW Natural would not oppose a

Question	Summary of Comments
	regulatory requirement provided that it (a) is restricted to the residential customer class; (2) is restricted to disconnections for nonpayment; and (3) allows each utility to establish appropriate operating practices that best meet their needs within their unique service territory.
<i>Public Counsel</i>	
7.	Public Counsel continues to support establishing a cold temperature moratorium to be set at 32 degrees and below as good public policy and providing extra protection for consumers.
<i>Pacific Power</i>	
7a.	Limiting disconnections if the forecasted high temperature of the day is 32 degrees or less is a fair and reasonable practice and consistent with Pacific Power's current policies.
7b.	Unless the temperature forecast threshold is a high of 32 degrees or less, a moratorium on disconnections could become problematic and lead to an increase in customer arrears.
7c.	Pacific Power supports a weather moratorium on disconnections as specified in this question with additional conditions, including requiring customers who do not qualify for the winter low-income payment plan to agree to an installment payment plan or have exhausted available government energy assistance.
<i>PSE</i>	
7a.	This already in practice at PSE so there is no advantage to this limitation. If the Commission prescribes such a limitation in rule, there should be a clear standard as to the source to be relied on for temperature, whether the restriction applies to a forecast low or forecast average, and what metric is used.
7b.	Same as response to 7a.
7c.	No, PSE already has this practice in place.

8. *In regards to placing limitations on the time of day utility service can be disconnected remotely, what does a policy look like that would allow the customer time to resolve the reasons of the disconnection on the same day?*
- Does the utility have a policy to temporally delay a disconnection, if the dispatched utility representative finds a vulnerable resident such as, but not limited to a low-income resident or a resident with a medical issue (who has not declared a medical emergency)?*
  - On average, what percentage of utility customers are disconnected per day? Please include all disconnections, not just utility directed with notice. Please provide electric and gas information separately.*

Question	Summary of Comments
<i>Avista</i>	
8.	Avista's current practice is to perform remote disconnects between the hours of 9:00 a.m. and 3:00 p.m. to allow customers to resolve the reasons for their disconnection and be reconnected the same day. Avista offers several no-cost payment methods for customers to facilitate this process.

Question	Summary of Comments
8a.	Yes, vulnerable customers can be referred to Avista's Customer Assistance Referral and Evaluation ("CARES") Department at any time during the collection process.
8b.	Avista disconnects approximately 0.007% of its utility customers in Washington per day.
<i>NW Natural</i>	
8.	With respect to remote disconnection, this question is inapplicable to NW Natural.
8a.	When a technician at a customer premises observes a situation that causes him concern about the individual's welfare, the technician will leave the gas on and call the Customer Contact Center, which will either contact an emergency contact identified on the account, if available, or a third party social service entry to request a welfare check.
8b.	Based on historical data for 2017 and 2018, on average approximately 0.4% of NW Natural's total utility customers in Washington are disconnected each day.
<i>Pacific Power</i>	
8.	Pacific Power remotely reconnects power within half an hour of remedying the cause of the disconnection. The company's call centers are open 24/7 and are able to assist customers with AMI meters with remote power reconnections at any time. Company employees can manually reconnect customers without AMI meters from 8:00 a.m. to 7:00 p.m. seven days a week.
8a.	If the customer has informed Pacific Power of life support equipment in the home, the company will make additional contacts with that customer before disconnecting service, and if the customer does not respond, an employee will visit the home before turning the power off. It is always up to the employee dispatched to disconnect power to make the final decision on whether to do so.
8b.	Pacific Power, on average, disconnects less than one percent of the company's 130,000 customers a day.
<i>PSE</i>	
8.	PSE's current timeframe for disconnects is between 8:30 a.m. and 3:30 p.m. Monday through Friday, which allows time for customers to resolve past due amounts and be reconnected within 24 hours. PSE also has contingency staff working on Saturdays from 7:30 to 4:00 to perform reconnects as necessary.
8a.	PSE's employees are neither trained nor qualified to make such an assessment, and they are not instructed to do so.
8b.	The average percentage of electric customers disconnected per day in 2017 was 0.0207%, and 0.0173% of gas customers.

9. *When a customer is disconnected for non-payment, how long will the company take to remotely reconnect service after payment has been received? Will service be reconnected the same day?*

Question	Summary of Comments
<i>Avista</i>	

Question	Summary of Comments
9.	Based on Avista's existing AMI customers, approximately 78% of the total remote disconnects in 2018 were reconnected in under one minute, and nearly 97% occurred within one hour.
<i>NW Natural</i>	
9.	Not applicable to NW Natural.
<i>Pacific Power</i>	
9.	Pacific Power does not have AMI service in Washington at this time, but where such service is available, the company remotely reconnects service within an average of 20 minutes, regardless of the day of the week or time of day.
<i>PSE</i>	
9.	PSE's policy is to reconnect after disconnection within 24 hours, and in many cases service is reconnected the same day.

10. Do you currently reconnect service 24 hours a day, seven days a week? If not, what is your practice?

Question	Summary of Comments
<i>Avista</i>	
10.	Yes, remote reconnects are available 24 hours a day, 7 days a week. Customer calls received before 7 p.m. on weekdays result in reconnects the same day. Calls received in other times result in reconnects the next day.
<i>NW Natural</i>	
10.	No. If the customer contacts the company between 7:00 a.m. and 6:00 p.m. on Monday through Thursday and Friday before 3:00 p.m., the company will reconnect service either by 5:00 p.m. the next business day (or Saturday) or the same day after 5:00 p.m. for an additional charge. For calls on Friday between 3:00 and 6:00 p.m., the company will reconnect the service by the end of the next business day or Friday after 6:00 p.m. for an additional charge.
<i>Pacific Power</i>	
10.	No, Pacific Power does not have AMI metering installed in Washington at this time, and employees are available to reconnect service from 8:00 a.m. to 7:00 p.m. seven days a week.
<i>PSE</i>	
10.	PSE's practice is to perform reconnects Monday through Friday from 8:30 a.m. to 4:00 p.m., and on Saturday from 7:30 a.m. to 4:00 p.m.

### Section 3: Meter Testing and Accuracy Requirements

11. Should companies be allowed to collect and release, with no restrictions, aggregate load information that enables the identification of customer class consumption behavioral patterns?

Question	Summary of Comments
<i>Avista</i>	
11.	Yes, as long as the information does not include personally identifiable information. Avista uses aggregated, de-identified customer data to shape and evaluate some of its current and new energy efficiency programs, as well as in more complex analytics to provide better recommendations for customers.
<i>NW Natural</i>	
11.	Customer class consumption data is important information used for many purposes, including resource planning, rate design, load forecasting, marketing, and financial reporting. NW Natural would have concerns with specific restrictions for the collection and use of this data for these purposes. Release of such data for broadly defined customer classes should be of little or no concern. Only more granular data could give rise to the need to establish some conditions or restrictions on its release.
<i>Public Counsel</i>	
11.	Public Counsel does not recommend allowing the unrestricted disclosure of aggregate load information outside the utility's use of such data to accomplish its primary purpose.
<i>Pacific Power</i>	
11.	Aggregated usage information that does not allow customer information to be identified with any specific customer should be allowed to be released.
<i>PSE</i>	
11.	Aggregate load information that does not include individual customer information should not be restricted for utility use.

### *General Comments*

Party	Summary of Comments	Staff Response
The Energy Project	The Energy Project continues to recommend that premises visits be required for all disconnections for nonpayment. Retaining this requirement will achieve materially significant reductions in disconnection and provide a key opportunity to identify and address customer problems. The Energy Project also continues to recommend that the Commission prohibit prepaid service.	Staff disagrees. Staff recognizes that allowing disconnection without a site visit in all cases is a change to current practice but is satisfied that the utilities' provision of payment options and ability to reconnect service promptly, in conjunction with repeated prior notice, adequately address concerns with not having a premise visit to disconnect service to most customer locations. Because no utility proposes prepaid service, any prohibition by rule would be premature.
Public Comments	Comments from members of the public fell into three categories:	1. Staff appreciates the concerns of some members of the public that AMI technology poses health



Party	Summary of Comments	Staff Response
	<ol style="list-style-type: none"> <li>1. Concerns about the health impacts of RF radiation from the AMI technology.</li> <li>2. Concerns with the collection and use of customer data</li> <li>3. Objections to smart meters and their installation without affirmative customer consent</li> </ol>	<p>issues, but Staff’s review of the readily available literature does not support the conclusion that AMI poses a significant threat to public health, safety, or welfare.<sup>1</sup></p> <p>2. The rule revisions Staff has proposed and is continuing to develop address the public concerns with the use of customer data obtained from AMI meters.</p> <p>3. The Commission previously authorized utilities to deploy AMI technology with an option for customers to opt out. That issue thus is not before the Commission in this rulemaking.</p>

**Comments on Draft Rule Language**

Section	Summary of Comments	Staff Response
<i>Avista</i>		
023	<p>Definition of “primary purpose” – insert “personally identifiable” before “information” and substitute “a legitimate” for “an authorized” prior to “business need.” Also clarify whether the primary purpose in subsection (2) would include the use of cloud-based service providers and whether sending surveys to customers would fit within subsection (4).</p> <p>Definition of “personally identifiable information” – add the following sentence to the end of the definition: “For purposes of these rules, personally identifiable information does not include information that is publicly available or otherwise legally obtained.” In addition, the definition in the rule may be too broad and should incorporate the definition of “personal information” in RCW 19.255.010.</p>	<p>Staff agrees that the definition of “primary purpose” should be revised in response to these and other stakeholder comments. Staff does not propose to include any references to specific purposes (such as cloud-based service providers or customer surveys) and would need more information before recommending any clarification of the rule’s applicability to such purposes.</p> <p>Staff agrees that the definition of “personally identifiable information” should be revised in</p>

<sup>1</sup> See, e.g., Smart Meters, American Cancer Society, <https://www.cancer.org/cancer/cancer-causes/radiation-exposure/smart-meters.html> (“Because the amount of RF radiation you could be exposed to from a smart meter is much less than what you could be exposed to from a cell phone, it is very unlikely that living in a house with a smart meter increases risk of cancer.”); Electromagnetic Fields and Public Health, World Health Organization, <https://www.who.int/peh-emf/publications/facts/fs304/3n/> (“Considering the very low exposure levels and research results collected to date, there is no convincing scientific evidence that the weak RF signals from base stations and wireless networks cause adverse health effects.”).

Section	Summary of Comments	Staff Response
		response to these and other stakeholder comments.
<i>NW Natural</i>		
023	<p>“Aggregate data” – revise to define as “any customer data collected by a utility from which all personally identifiable information has been removed or modified so that the personal information cannot be attributed to any individual customer.”</p> <p>“Applicant” – add “or is named as a person(s) having joint responsibility for” after “that applies for”</p> <p>“Customer” – same revisions as “applicant”</p> <p>“Primary purpose” – substitute “business reason for which a utility uses customer information and includes to:” for “collection, use, or disclosure of information collected by the utility or supplied by the customer where there is an authorized business need in order to:”; insert “or information” after “services” in subsection (3)</p> <p>“Personally identifiable information” – revise to define as “customer data collected by a utility solely by the virtue of the customer-utility relationship that either alone or when combined with other data can be directly attributed to a specific customer.”</p> <p>“Secondary purpose” – delete term and definition</p>	<p>Staff has provisionally revised the definition of “aggregate data” but is continuing to consider and will work with stakeholders on defining and determining appropriate usage of aggregate data.</p> <p>Staff agrees with the suggested revisions to the definitions of “applicant” and “customer” and has revised the draft language accordingly.</p> <p>Staff has revised the definition of “primary purpose” in response to these and other stakeholder comments.</p> <p>Staff proposes to use the term “customer information,” rather than “personally identifiable information” to minimize confusion and has revised the definition in response to these and other stakeholder comments.</p> <p>Staff agrees that the term “secondary purpose” is superfluous, and has deleted it.</p>
<i>Public Counsel</i>		
023	<p>Insert at the end of the definition of “personally identifiable information,” in chapter 480-100, “Private customer information and proprietary customer information, as defined by RCW 19.29A.010, are considered personally identifiable information.” In chapter 480-90, add “Examples of personally identifiable information include a customer’s name, address, telephone number, payment history, household data, and information contained in a retail electric customer’s bill.”</p>	<p>Staff proposes to use the term “customer information,” rather than “personally identifiable information” to minimize confusion and has revised the definition in response to these and other stakeholder comments.</p>
<i>PSE</i>		

Section	Summary of Comments	Staff Response
023	<p>Add “reasonably” to the definition of “aggregate data”</p> <p>Definition of “personally identifiable information” seems too broad and should be refined.</p>	<p>Staff has provisionally proposed revisions to the definition of “aggregate data” but is continuing to consider and will work with stakeholders on defining and determining appropriate usage of aggregate data.</p> <p>Staff proposes to use the term “customer information,” rather than “personally identifiable information” to minimize confusion and has revised the definition in response to this and other stakeholder comments.</p>

Section	Summary of Comments	Staff Response
<i>Avista</i>		
128(4)	<p>Allow customers to decide whether to receive notice by electronic communication or delivery of a hard copy, which is consistent with the manner in which electronic communications are handled in most other areas.</p>	<p>Staff disagrees. Loss of utility service is a hardship of which customers should have sufficient notice. Providing notice both electronically and by regular mail provides greater assurance that customers know their service will be disconnected. Staff, moreover, does not believe requiring both forms of notice is overly burdensome.</p>
128(6)	<p>Change permitted hours of remote disconnection to between 9:00 a.m. and 3:00 p.m.; Delete site visit requirement for low income and modify requirement for medical emergency to current condition.</p>	<p>Staff disagrees. At least until the utilities, customers, and commission have greater experience with remote disconnection, Staff continues to believe that a noon deadline for remote disconnection best ensures that customers have sufficient time to pay overdue bills and be reconnected on the same day as the disconnection.</p> <p>Staff has revised the site visit requirements in response to concerns expressed by the utility companies.</p>

Section	Summary of Comments	Staff Response
<i>NW Natural</i>		
128(1)	Substitute “the date” for “either,” delete “has” before “vacated,” and delete “and can access the meter” after “premises”	Staff agrees and has revised this section accordingly.
128(4)	In subsection (a)(i), require mail or personal delivery unless customer has consented to electronic delivery (but do not require both); revise language for clarity; add provision requiring mail or personal delivery if electronic notice is undeliverable; clarify language in subsection (a)(ii).  Clarify language in subsections (c) and (d); delete subsection (e).	Staff disagrees with the replacement of “or” for “and”; see Staff’s response above.  Staff agrees with the need for language clarifications and has made the appropriate changes.
128(6)	Add “without prior Commission approval of a remote disconnection program” at the end of this subsection [same comment for reconnection of service in section 133(3)].	Staff agrees and has revised these sections accordingly.
<i>Public Counsel</i>		
128	Include a moratorium on service disconnections if the predicted high temperature for the day is 32 degrees or lower	Staff generally agrees that a moratorium for extremely cold weather is appropriate and has added a subsection that establishes that concept and allows utilities to tailor details to their service territories.
128(4)	In subsection (a)(i), require first disconnection notice to be served 15 days in advance, rather than 8.  In subsection (i), substitute “Any representative dispatched in relation to service disconnections” for “A utility representative dispatched to disconnect service” at the beginning of the first sentence in this subsection, and insert after the end of the second sentence, “If a utility is not utilizing remote disconnection services, then the utility must dispatch a representative to disconnect services, at which time, the representative must accept payment.”	Staff disagrees that extending the notice period is warranted.  Staff generally agrees that this subsection should be clarified and has revised the language accordingly.
128(6)	Limit charges for disconnection without a site visit to circumstances stated in subsections (7)(a) and (7)(f); Add the following sentence to the end of subsection (6)(b): “The company may only employ remote disconnection if the company is able to reestablish service on the same day.”	Staff disagrees with limiting the charges by rule and believes that requiring tariff provisions will provide sufficient protections; Staff agrees with the proposed additional sentence at the end of subsection (b).
<i>Pacific Power</i>		

Section	Summary of Comments	Staff Response
128(4)	Require electronic or hard copy notice, with electronic-only service for customers who have requested it.	Staff disagrees, see the response above.
128(6)	Substitute “with an active medical certificate” for “who has had a medical emergency verified in the prior two years”; delete subsection (d) as unduly burdensome to track all customers who may have received energy assistance in the past two years.	Staff agrees with respect to medical certificates and has revised that subsection accordingly, as well as revising the low income restriction to limit it to customers of which the utility is aware.
<i>PSE</i>		
128(1)	Substitute “from” for “for” before “customers serviced via a meter”	Staff agrees and has revised this subsection accordingly.
128(2)	Insert “any” before “one of the following conditions”; add “or may result in any detrimental impacts to safety” at the end of subsection (f).	Staff agrees and has revised this subsection accordingly.
128(4)	Clarify language in subsection (4)(a)(i) to provide notice either by mailing or personal delivery; substitute “any” for “primary” door when notice is personally delivered; insert “any” before “regulated”; Delete “clear” before “statement” in subsection (4)(b)(iv). Insert “have demonstrated to the utility that they” prior to “provide the services described” in subsection (4)(k)(iii).	Staff disagrees with the substitution of “or” for “and” as explained above. Staff also disagrees with the substitution of “any” for “primary.” Staff is concerned that utilities may post notice on the door nearest to the meter regardless of whether that door is used by the consumer. Staff agrees to delete “clear” as unnecessary. Staff disagrees that customers must demonstrate that they provide medical services but has revised this subsection to preclude disconnection of customers who the utility is aware provide such services.
128(6)	Delete all of section (6)(a) except “Take reasonable measures to prevent unauthorized disconnections;” Allow disconnects up to 3:00 p.m. in subsection (6)(b); Define “appropriate methods” in subsections (6)(c) and (6)(d); Remove site visit requirement for low-income assistance customers or limit to those receiving utility-sponsored low-income energy assistance.	Staff has revised section (6)(a) to provide more flexibility to establish appropriate means of ensuring the reliability of their remote disconnection systems.  Staff disagrees with expanding the window for remote disconnections at least until utilities, customers, and the commission have greater experience with such disconnections. Requiring them before noon maximizes the amount of time a disconnected customer has

Section	Summary of Comments	Staff Response
		<p>to pay the overdue amounts and be reconnected the same day.</p> <p>Staff believes the site visit requirements for vulnerable consumers are important but has revised the site visit requirements in response to concerns from the utilities.</p>
128(7)	<p>Delete “The utility has the burden of proving that fraud occurred.” Requirement for reconnection within four hours is unduly burdensome; any time frame should apply only to meters that have been disconnected remotely, and rule should make clear that remote reconnection is expected only once the customer has paid or any technical issue has been resolved.</p>	<p>Staff disagrees. A utility disconnecting service without notice or without further notice should bear the burden to prove fraud or other illegal conduct justified the utility’s action.</p> <p>In addition, the four hour reconnection requirement is in section 133, not this section, and requires only that the utility make every reasonable effort to reconnect in that period of time. Other utilities that have deployed AMI reconnect remotely in far less time, and Staff believes that amount of time is a reasonable requirement. Staff, however, has revised the language to clarify that this requirement applies only to meters that have been remotely disconnected. The additional proposed caveat is unnecessary given other requirements in the rules.</p>

Section	Summary of Comments	Staff Response
<i>Avista</i>		
153	<p>Delete “maximum” before “extent” and substitute “it is commercially reasonable” for “possible” afterwards;</p>	<p>Staff agrees that the draft rule is too strict and has revised the proposed language accordingly</p>
153(2)	<p>Delete “provide services to customers” and add “perform duties directly related to the utility’s primary purpose, unless the utility has first obtained the</p>	<p>Staff agrees and has revised this subsection accordingly.</p>

Section	Summary of Comments	Staff Response
	customers’ written, verbal, or electronic permission to do so.”	
153(4)	Substitute “perform duties directly related to the utility’s primary purpose” for “provide services to its customers.”	Staff agrees and has revised this subsection accordingly.
153(5)	Replace the entire subsection after “A utility” with “must ensure that it has enforceable contractual obligations with third party vendors, affiliates, and subsidiaries that require them to have policies, procedures, and technological safeguards in place sufficient to prevent the misuse or improper or unauthorized disclosure of personally identifiable information.”	Staff generally agrees with some modifications and has revised this subsection accordingly.
153(11)	Substitute “disclose in the future” for “transfer” and add “an affiliate, subsidiary, parent organization, or third-party” at the end.	Staff agrees and has revised this subsection accordingly.
153(14)	Insert “or its approved third-party vendor” after “utility.”	Staff agrees and has revised this subsection accordingly.
153(15)	Substitute “Aggregate Data” for “customer information in aggregate form.”	Staff has deleted this former subsection but reflected this revision in new subsection (21).
153(18)	Substitute “personally identifiable” for “own private.”	Staff generally agrees and has revised this subsection accordingly.
153(19)	Substitute “personally identifiable” for “private.”	Staff generally agrees and has revised this subsection accordingly.
153(20)	Insert “make reasonable efforts to” after “must” and “personally identifiable” before “information.”	Staff generally agrees and has revised this subsection accordingly.
153(21)	Substitute “personally identifiable” for “private.”	Staff generally agrees and has revised this subsection accordingly.
153(23)	Substitute “involving personally identifiable information” for “and the nature and extent of any actually or potentially compromised or disclosed information” and “in the same manner as the statute” for “as soon as reasonably possible of any security breach and.”	Staff generally agrees with the first suggested edit and has revised the draft proposed language accordingly. Staff disagrees with the second suggested edit. The Commission should receive notice of a data breach immediately, and simply referencing the statute is too vague.
153(24)	Substitute “review” for “audit,” “personally identifiable information” for “data,” and “that the collection is reasonably necessary for the utility to perform duties directly relating to the utility’s primary purpose” for “it collects only necessary data.”	Staff generally agrees and has revised this subsection accordingly.
<i>NW Natural</i>		

Section	Summary of Comments	Staff Response
153(1)	Substitute “customer” for “private” in the heading; delete “gas” prior to “utility”; insert “customer” before “personally”; delete “within the utility’s possession or control.”	Staff agrees and has revised this subsection accordingly.
153(2)	Delete “gas” before “utility”; insert “customer” before “personally”; delete “for the utility”; substitute “fulfill its primary purpose” for “provide service to customers.”	Staff generally agrees except for deleting “for the utility” and has revised this subsection accordingly.
153(3)	Delete “not disclose personally identifiable information to affiliates, subsidiaries, or a parent organization based solely on an existing business relationship between those entities. The utility may”; insert “its customer’s” before “personally.”	Staff agrees except with inserting “its customers” (which is superfluous) and has revised this subsection accordingly.
153(4)	Insert “its customer’s” before “personally”; substitute “fulfill its primary purpose” for “provide service to its customers”; delete “that” before “all”; insert “to” before “have policies.”	Staff generally agrees except with inserting “its customer’s” (which is superfluous) and has revised this subsection accordingly.
153(5)	Substitute “is” for “remains” and “to safeguard” for “for the safeguarding of”; insert “of its customer’s” before “personally”; substitute “disclose” for “the utility disclosed.”	Staff has revised this subsection in response to stakeholder comments.
153(6)	Delete “gas” before “utility”; substitute “customer personally identifiable” for “private customer”; delete “or information from which a third party could reasonably deduce the identity of the customer or customers from whom such data is collected”; substitute “consent” for “permission.”	Staff generally agrees and has revised this subsection accordingly.
153(8)	Substitute “consent to disclose or sell its customer’s” for “permission for each instance of disclosure or sale of”; substitute “must maintain each consent record as set forth in subsection (10) of this section” for “maintain a record of each instance of permission for disclosing his or her personally identifiable information.”	Staff generally agrees and has revised this subsection accordingly.
153(9)	Substitute “their personally identifiable information directly” for “his or her gas consumption data.”	Staff generally agrees and has revised this subsection accordingly.
153(10)	Substitute “electronic consent a customer gave to the utility to disclose personally identifiable information” for “instance of a customer consent for disclosure of his or her personally identifiable information if provided electronically”; in subsection (a), insert “date of consent and customer” before “confirmation” and delete “for the disclosure of personally identifiable information”; clarify language in subsections (b) and (c).	Staff generally agrees and has also revised this subsection to clarify that it applies to all forms of written consent.



<b>Section</b>	<b>Summary of Comments</b>	<b>Staff Response</b>
153(11)	Substitute “disclose” for “transfer.”	Staff agrees and has revised this subsection accordingly.
153(12)	Consider revising section to require only that the utility provide access to its privacy policy, rather than incur the unnecessary expense of providing a hard copy unless the customer requests it. Specifically, substitute “be informed as to how they can access” for “receive a copy” in subsection (a); substitute “its” for “the” before “privacy” in subsection (c); substitute “Any notice regarding” for “Notice of” and “website” for “Internet” in subsection (d).	Staff generally agrees and has revised this subsection accordingly.
153(16)	This subsection is confusing and further discussion about the intent and expectations may be needed.	Staff agrees and has deleted this subsection.
153(17)	Delete “gas” before “utility.”	Staff has deleted this subsection.
153(18)	Revise subsection to state, “The utility must provide a website interface by which customers may access their personally identifiable information.”	Staff generally agrees and has revised this subsection accordingly.
153(19)	Substitute “personally identifiable” for “private” and insert “applicable” before “retention.”	Staff has deleted this sentence from this subsection.
153(21)	Substitute “personally identifiable” for “private.”	Staff agrees and has revised this subsection accordingly.
153(24)	Revise subsection to state, “The utility will perform regular reviews of the data collected to ensure it collects only necessary data.”	Staff generally agrees and has revised this subsection accordingly.
<i>Public Counsel</i>		
153(2) & (4)	Substitute “to perform duties directly relating to the utility’s primary purpose” for “provide services.”	Staff agrees and has revised this subsection accordingly.
153(8)	Delete “or sale” to be consistent with applicable law	Staff agrees and has revised this subsection accordingly.
153(12)	Amend this subsection to specify the information utilities must include in their privacy policies	Staff disagrees. Privacy policies tend to change over time and thus the contents of such policies should be established and revised through company tariffs rather than prescribed in a rule.
153(15)	Public Counsel does not support the disclosure of aggregate customer data to third parties until the Commission has addressed standards for aggregating data to balance the potential benefits with potential harm to customers from disclosure of identifying information	Staff shares this concern and although it does not yet propose prohibiting access to aggregate data, Staff will continue to work with stakeholders to determine whether and how best to permit the disclosure of aggregate data.
<i>Pacific Power</i>		
153(5)	Insert “As between the utility and the customer” at the beginning of this subsection.	Staff disagrees. The current draft language properly requires the

Section	Summary of Comments	Staff Response
		utility to remain responsible for safeguarding customer information.
153(24)	It is unclear what is meant by requiring utilities to collect only “necessary data” with the meters only report the amount of energy used by any given household.	Staff has revised this subsection to clarify that the information must be reasonably necessary for the utility to perform its primary purpose.
<i>PSE</i>		
153(1)	Substitute “commercially reasonable taking into account the relative sensitivity of the data” for “to the maximum extent possible.”	Staff agrees that the draft rule language is too strict and has revised this subsection accordingly.
153(2)	Utilities should also be allowed to collect data that customers agree to provide and for the development of new services and research	Staff agrees and has revised this subsection accordingly.
153(3)	Utilities should be allowed to share data with affiliates, subsidiaries, or parent organizations if customers agree to provide it	Staff agrees and has revised this subsection accordingly.
153(4)	Substitute “to the extent necessary for the utility to perform duties directly related to the utility’s primary purpose” for “only to the extent necessary for the utility to provide services to its customers	Staff agrees and has revised this subsection accordingly.
153(5)	Strict liability for third party lapses is unreasonable and inconsistent with other U.S. privacy laws; this section should be limited to imposing contractual obligations and potentially compliance reviews.	Staff agrees and has revised this subsection accordingly.
153(9)	This subsection should be broadened to include disclosures by customers to third parties with which PSE has a relationship if the disclosure is unrelated to PSE	Staff agrees and has revised this subsection accordingly.
153(11)	This subsection should be limited to sharing or sale to third parties for marketing purposes and should include a grace period of at least 10 days consistent with other laws.	Staff generally agrees but proposes a period of up to five business days, rather than 10.
153(16)	This subsection should allow utilities to implement reasonable procedures to verify customer identity before providing access to customer PII.	Staff agrees and has revised this subsection accordingly.
153(19)	Five days to respond to customer data requests is unreasonable; 45 days is the standard in California and should apply here.	Staff disagrees that five business days is too short, particularly in light of the proposed requirement that a utility provide customers with website access to their customer information.

Section	Summary of Comments	Staff Response
<i>NW Natural</i>		
178	Revise subsection (e) to state, “Show the beginning and ending meter readings for the current billing period, the current monthly read date, and the total amount of therms used in the billing cycle.”	Staff generally agrees and has revised this subsection accordingly.
<i>PSE</i>		
178	Insert “bi-monthly or” prior to “monthly” to reflect current practice.	Staff agrees and has revised this subsection accordingly.

Section	Summary of Comments	Staff Response
<i>Pacific Power</i>		
318(5)	Distinguish between residential and non-residential customers for this requirement to be more useful (15 minute intervals for non-residential customers and 60 minutes for residential).	Staff agrees and has revised this subsection accordingly.
318(6)	Questions the purpose and intent of requiring these annual reports and proposes that any reporting requirement to be in an order or interpretive and policy statement before being codified in a rule.	Staff agrees and has revised this subsection to provide that the Commission may require utilities to submit annual reports.
<i>PSE</i>		
318(6)	Revise language to state, “Utilities must submit annual reports of the daily measurements aggregated by month and customer class.” The term “commercially acceptable” should either be defined or deleted from the proposed rule.	Staff agrees and has revised this subsection as stated in response to Pacific Power above.