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Re: Docket U-180525—Pacific Power & Light Company’s Comments

On August 14, 2019, the Washington Utilities and Transportation Commission (Commission) issued a Notice of Opportunity to File Written Comments regarding modifications to the consumer protection and meter-related rules. In response to this notice, Pacific Power & Light Company (Pacific Power), a division of PacifiCorp, submits these written comments to respond to the questions for consideration set forth in the notice and to otherwise provide comments on the draft rules. The company would also welcome an additional opportunity to further discuss the draft rules with stakeholders prior to adoption.

Comments and Redline Edits to the Draft Rules

Pacific Power provides the following comments as well as suggested changes to the revised draft rules below. In addition, Pacific Power generally supports the comments provided by Puget Sound Energy and Avista. As noted above, the company finds that an additional workshop would be beneficial and provide a forum to discuss any minor areas of refinement that are needed.

1. WAC 480-100-023 Definitions.

Applicant and Customer

The draft rules include the following proposed definitions for Applicant and Customer:

“Applicant” means any person, corporation, partnership, government agency, or other entity that applies, or is named in an application as a person having joint responsibility, for service with an electric utility or who reapplies for service at a new or existing location after service has been disconnected if the utility requires the person to reapply.

“Customer” means any person, corporation, partnership, government agency, or other entity that has applied, or is named as a person having joint responsibility, for service and that has been accepted and is currently receiving or is entitled to receive such service. “Customer” for purposes of these rules may also include a

person or other entity whose service has been involuntarily disconnected if that person or entity seeks to have the utility reconnect service.

Pacific Power respectfully requests clarification for the definitions of Applicant and Customer. The draft definitions, as currently written, are ambiguous and lack a clear delineation between applicants and customers. A customer who has been disconnected could be both a customer and an applicant at the same time under the current language.¹ This gray area between these two definitions could cause a great deal of confusion for both customers and the utilities. Pacific Power recommends deleting the new, last sentence in the definition for Customer.

In addition, Pacific Power requests clarification on the language, “entitled to receive such service” that has been added to the Customer definition. If the intent is to define customers to include persons or entities that have been accepted by the company but may not yet have commenced service, the company proposes adding “or has been accepted and” before “is entitled to receive such service. With the company’s proposed edits, the definition of Customer would be revised to read as follows:

“Customer” means any person, corporation, partnership, government agency, or other entity that has applied, or is named as a person having joint responsibility, for service and that has been accepted and is currently receiving or has been accepted and is entitled to receive such service.

Customer Information

The proposed definition is very broad and used in many different places throughout the proposed rules. There should be a distinction between personally identifiable information, customer usage information, and other types of information that may not fall into those two categories to avoid unintentional or confusing interpretations of the rules.

For example, all of this customer information (e.g., technical configuration, type or quantity of service), which could be interpreted in different ways, would be required to be posted on a user-friendly website interface under subsection WAC 480-100-153(14). Under WAC 480-100-153(1), technical configuration of company facilities that serve customers would need to be restricted in the same way that personally identifiable information is. If this is not the intent of the Commission, Pacific Power recommends retaining a definition for personally identifiable information or personal customer information, and tailoring a separate and more narrow definition for customer usage information.

Primary Purpose

Pacific Power agrees with Puget Sound Energy’s comments that the definition of “primary purpose” is too narrow. Under the proposed definition, utilities may be unable to provide any additional services to customers unless explicitly required by state or federal law. In addition to

¹ While not necessarily problematic for the draft rules, there are other provisions of WAC 480-100 that apply specifically and only to applicants (e.g., WAC 480-100-108, Application for Service).

restricting utilities from exploring available data to respond to new state energy policies and initiatives, this may also unintentionally handcuff a utility from being able to provide innovative and customer-friendly developments to meet the changing needs and demands of customers today. To make clear that utilities will be afforded an appropriate level of flexibility to address the changing needs of customers and the utility business model, the company proposes the following edit:

“Primary purpose” means a business need to provide regulated utility services as required or authorized by state or federal law or as specifically authorized in the utility’s effective tariff.

2. **WAC 480-100-128 Disconnection of service.**

Advance Notice for Customer-Directed Disconnection

Pacific Power recommends changing the first sentence in section (1) to be consistent with other language used in this section as well as clarify that this additional advance notice (versus the advance notice needed for remote disconnect) will only be needed in instances where the a utility is required to utilize personnel to perform a manual disconnection.

Further, Pacific Power recommends increasing notice for customers with remote disconnect capability to 24 hours. Pacific Power current practice is to perform two batches of disconnects per day; one AM batch for future-dated requests and one PM batch for same-day disconnects instead of scheduling hourly or real-time disconnects. Pacific Power’s makes the following edits for clarification:

(1) **Customer-directed.** The utility may require customers to give at least three-days' advance notice of customer-directed disconnection when ~~prior to the date~~ the utility ~~uses~~ must disconnect service by dispatched utility personnel to disconnect service. The utility may require twenty four-hour advance notice of customer-directed disconnection from customers serviced via a meter with remote disconnect capability. The customer is not responsible for usage after the requested date ~~or time~~ for disconnection of service, provided the customer gave the utility the notice required in this rule and the utility’s tariff. If the customer moves from the service address and fails to request that service be disconnected, the customer will be responsible for paying for service taken at that service address until the utility can confirm either that the customer has vacated the premises or that a new responsible party is taking service at that address.

Electronic Notifications for Disconnections

Pacific Power does not agree with the requirement to provide an electronic copy of a notice every time the utility mails or delivers a notice to a customer, for customers who have provided the company with their email address. Customers are not required to provide an email address to Pacific Power, and customers are given an option to choose how their email information is used

by the company. Pacific Power believes the option to receive any notification other than the regularly mailed notices belongs to the customer. As such, Pacific Power recommends the following modifications to the rule language to *allow* for the customer to choose if they wish to receive an electronic notification.

(4) Disconnection notification requirements. The utility must notify a customer as provided in this subsection (4) before disconnecting the customer's service, except as described in subsection (7) of this section.

(a) The utility must provide at least two written disconnection notices to the customer.

(i) The utility must provide the first written disconnection notice by delivery of a hard copy to the service premises. The utility must either mail a hard copy of the notice or deliver the notice to the service premises by attaching the notice to the customer's primary door. The notice must be mailed or delivered to the premises at least eight business days before the disconnection date. If the notice is mailed from outside the states of Washington, Oregon, or Idaho, the utility must mail the notice eleven days before the disconnection date. ~~In addition, the utility must provide an electronic copy of the notice, if the utility has such contact information for the customer, at the time the utility mails or delivers the hard copy of the notice.~~

(ii) The utility must provide the second disconnection notice ~~both electronically (if the utility has such contact information)~~, at least two business days before the disconnection date by one of the three options listed below:

Also, to further clarify the customer's ability to request to receive a copy of the first or second written notice via email, Pacific Power proposes to include a new section (4)(a)(iii) that states the following:

(iii) Upon request of the customer the utility will send a copy of the first or second disconnection notice, as described in (i) and (ii) of this section, to the customer electronically, so long as the customer has provided a valid email address to the utility.

Communications for Remote Disconnection

Pacific Power disagrees with the requirement proposed in WAC 480-100-128(4)(b)(v) to include a statement on the past due notice that utility personnel will not come to the premises to perform the disconnection. This communication is better achieved as part of the company's larger smart meter program outreach.

Before deploying a smart meter program in any of Pacific Power's service areas, the company implements a proactive outreach program to customers and communities to make them aware of

the changes the smart meter program will bring. This communication strategy includes information about remote disconnection. As a result, customers will be made aware of this change in the disconnection process when meters become capable of remote disconnection.

Additionally, there is no guarantee that the utility will not need to visit the site to perform the disconnection. It is inherent that there will be situations where remote disconnection is not possible. Loss of communication can occur for a variety of reasons (*e.g.*, weather, blocked signals, interference, etc.), and may require manual intervention. Therefore, advising the customer that a utility employee will not be on their property creates the potential for confusion and uncertainty in the event that company personnel is required to visit a residence. This confusion and uncertainty regarding company procedures can put company employees at risk and build discord between the customer and the company.

Finally, this requirement would require the company to create multiple versions of the disconnection notices because not all customers will be scheduled for remote disconnection as described in these rules. To differentiate customers impacted by these rules would require changes to the company's customer service system that would be costly and burdensome while adding limited value. Based on these concerns, the company recommends eliminating provision (4)(b)(v) in its entirety.

(b) Each disconnection notice must include all relevant information about the disconnection action including:

~~(v) If the utility will be disconnecting service via a remote disconnection device, the notice must include a statement that utility personnel will not come to the premises to perform the disconnection.~~

(h) Any representative the utility dispatches in connection with service disconnection for non-payment must accept payment of a delinquent account at the service address, but will not be required to give change for cash paid in excess of the amount due and owing. The utility must credit any over-payment to the customer's account. The utility may charge a fee for the disconnection visit to the service address if provided for in the utility's tariff.

Remote Reconnection

There is no guarantee that a utility disconnecting service remotely will be able to reconnect remotely. Conditions at the site can potentially prevent the company from being able to remotely reconnect and make manual reconnection necessary. Pacific Power will, however, make every effort to reconnect as soon as possible, and will continue to reconnect service within 24 hours regardless of whether the service is disconnected manually or remotely. Pacific Power's current processes are to perform remote disconnects in three batches at 9:15am, 10:15am, and 11:15am, but proposes to add additional flexibility in the rule to allow for increased volume of customers with AMI meters in the company's service areas. Therefore, Pacific Power recommends the following edits to subsection (b).

(6) **Remote Disconnection.** When disconnecting services remotely, the utility must:

(b) Perform all remote disconnections for non-payment between the hours of 8 a.m. and 3 p.m. ~~noon and may only remotely disconnect service if the utility is able to reestablish service on the same day;~~

Remote Disconnections for Low Income Customers

Pacific Power recommends striking the requirement to visit a low income customer's premises before disconnections:

~~(d) Prior to disconnecting a customer who the utility is aware has received low-income assistance in the prior two years, visit the customer's premises and provide the customer with an opportunity to pay via appropriate methods including providing payment to the dispatched utility representative;~~

As an initial matter, this requirement makes an assumption that all low income customers want a home visit before disconnection. Under the current and proposed rules, as well as the company's current practices, customers would have been notified multiple times of the pending disconnection. Some customers may not want an additional site visit, and may view the utility personnel's efforts as an unwanted intrusion or confrontation.

In addition, Pacific Power's system does not allow for this level of differentiation and tracking of customers' history and account information. This proposed rule would require a highly manual process for the company,² and would effectively make it very difficult to process disconnections in a timely manner.

In Pacific Power's experience, only a very small number of customers currently pay at the door to avoid disconnection.³ The company is concerned that the administratively burdensome and costly process that would be required to comply with this proposed rule would significantly outweigh the benefits.

Disconnections due to Theft, Tampering, Fraud, or Unauthorized Usage

Pacific Power proposes to strike the last sentence of subsection (7)(a)(vi). If there is no customer of record and the company has recorded usage, the utility has determined that someone is using the service without submitting an application. In these instances, there is no way to determine who the unauthorized user is nor can the utility determine the intent of such person or whether

² This would require the company to manually sync two different systems, one system that contains information related to low-income assistance and one system that manages the disconnection process.

³ In 2018, this number was 152 customers of which only 29 were customers that would qualify for the protection proposed in the draft rules. While the company is sympathetic to these customers' unique needs, the proposed requirement creates a high burden with a low reward especially in light of the already existing assistance programs for these customers. Pacific Power is committed to continuing to work with population to ensure continuous service through programs such as the low income bill assistance program.

such use was inadvertent. The company's proposed edits to subsection (7)(a)(vi) protect the company's existing customers by limiting unauthorized use of its system.

(7) Utility-directed disconnection without prior notice or without further notice. (a) A utility may disconnect service without prior notice or without further prior notice under any of the following circumstances:

(vi) The utility has determined a person has used service prior to applying for service. The utility must charge the person for service used in accordance with the utility's filed tariff. ~~If the utility determines that the unauthorized usage is inadvertent, the utility should notify the person and provide an opportunity to apply for service prior to disconnection.~~

The company also proposes to strike subsection (7)(b).

~~(b) If the utility disconnects service without prior notice as authorized in this subsection, the utility must subsequently notify the customer or affected person of the reason for the disconnection within five business days. Such notice must also describe the means by which the customer or person may dispute the utility's actions, including but not limited to contacting the commission.~~

The burden of seeking out and notifying customers who are engaged in theft, tampering, or fraud should not be placed on the utility. In addition, the utility may not have contact information readily available for such persons. This is especially true for disconnections due to unauthorized usage. For this reason, any notification requirement for these situations should include a "reasonable effort" provision to provide flexibility and discretion to the utilities.

3. WAC 480-100-153 Protection and disclosure of customer information.

The company has a privacy policy already in place and available through its website to customers. This policy is provided upon initiation of service and is updated to ensure compliance with all applicable state regulatory requirements. Therefore, the company agrees with the intent of WAC 480-100-153 to ensure protection of customer information but has the following clarifying questions and edits.

As an initial matter, the company suggests that the term "customer information" as used in WAC 480-100-153 for purposes of governing the disclosure of information should be changed to "personal customer information." Customer information is defined in WAC 480-100-023 to include "information related to the quantity, technical configuration, type or designation of service or products subscribed to by a customer." The company interprets this definition to include a customer's usage data, including interval data but requests confirmation from the Commission. If the company's interpretation is correct, the company requests additional time to respond to customer requests for this information as set forth in section 15. Specifically, the company would propose revising the requirement to allow thirty (30) days instead of five (5).

The company also proposes eliminating the references to the company's "primary purpose" consistent with the company's concerns addressed above in the Definitions section.

Conclusion

Pacific Power appreciates the opportunity to collaborate with staff and stakeholders on these draft rules and looks forward to further discussion on this important topic.

Please contact Ariel Son at (503) 813-5410 if you have any questions.

Sincerely,

/s/

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Enclosures