

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND	)	
TRANSPORTATION COMMISSION,	)	DOCKET U-111465
	)	
Complainant,	)	COMPLAINT
	)	
v.	)	
	)	
PUGET SOUND ENERGY, INC.,	)	
	)	
Respondent.	)	
	)	
.....	)	

1 The Washington Utilities and Transportation Commission (Commission), on its own motion, and through its Staff,<sup>1</sup> alleges as follows:

**I. BACKGROUND**

2 Gas and electric companies subject to Commission jurisdiction must comply with Commission regulations and state laws. In May 2011, a Puget Sound Energy, Inc. (PSE or Company) customer filed an informal complaint<sup>2</sup> against PSE with the Commission. Upon investigation of that complaint, Commission Staff (Staff) found that PSE made a field visit to the customer’s home in April 2011 for the purpose of leaving a 24-hour disconnect notice or collecting payment from the customer and that the customer was billed \$13 for the visit. In Staff’s view, such conduct violates WAC 480-100-128(6)(k) because PSE charged a disconnect visit charge even though the

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<sup>1</sup> RCW 80.01.060 authorizes Commission administrative law judges to “make findings of probable cause and issue complaints in the name of the commission . . . .” The administrative law judge’s signature on this complaint indicates only the judge’s finding of probable cause to issue this Complaint and does not represent any Commission finding or determination on the merits of the allegations in the Complaint.

<sup>2</sup> Consumer Complaint No. 111311.

Company's representative was not dispatched to actually disconnect service. By rule and in accordance with its tariff, PSE may charge this fee only if the purpose of the visit is to disconnect service. The Company may not charge this fee for any other purpose, such as to collect payment or leave a 24-hour notice. As a result of this customer complaint, Staff initiated a compliance investigation of PSE to determine the frequency of disconnect visit charges for non-disconnect visits.

- 3 During the investigation, Staff reviewed Company and Commission documents pertaining to PSE, including the Company's tariff, billing records, and documents provided by PSE for the months of March, April, and May 2011. This Complaint arises from the findings of that compliance investigation.

## II. PARTIES

- 4 The Commission is an agency of the State of Washington, authorized by Title 80 RCW to regulate in the public interest the rates, services, facilities, and practices of all persons engaging within this state in the business of supplying any utility service or commodity to the public for compensation, and related activities, including gas and electric companies.
- 5 Respondent PSE is a gas and electric company subject to regulation by the Commission under Title 80 RCW.

## III. JURISDICTION

- 6 The Commission has jurisdiction over the subject matter of this complaint pursuant to the provisions of RCW 80.01, RCW 80.04, RCW 80.28, WAC 480-90 and WAC 480-100. Specific provisions include but are not limited to: RCW 80.01.040, RCW 80.04.070, RCW 80.04.110, RCW 80.04.230, RCW 80.04.380, RCW 80.28.010, RCW 80.28.040, WAC 480-90-128, and WAC 480-100-128.

## IV. COMMISSION AUTHORITY

- 7 Under RCW 80.04.380, the Commission may penalize a public service company that violates any rule or requirement of the Commission up to \$1,000 for each and every offense. Under the statute, every violation is considered a separate and distinct

offense, and, in the case of a continuing violation, every day's continued violation is deemed to be a separate and distinct offense.

- 8 Under RCW 80.04.230, if the Commission finds that the public service company has charged an amount for any service rendered in excess of the lawful rate in force at the time such charge was made, the Commission may order that a public service company refund the amount of overcharges.

## V. CLAIMS

### **Violation of WAC 480-90-128(6)(k) and WAC 480-100-128(6)(k) – disconnection of service**

- 9 The Commission, through its Staff, realleges the allegations contained in paragraphs 2 through 8 above.
- 10 Pursuant to WAC 480-90-128(6)(k), if a gas utility representative is dispatched to disconnect service, “[t]he utility may charge a fee *for the disconnection visit to the service address* if provided for in the utility’s tariff.” (Emphasis added.)
- 11 Pursuant to WAC 480-100-128(6)(k), if an electric utility representative is dispatched to disconnect service, “[t]he utility may charge a fee *for the disconnection visit to the service address* if provided for in the utility’s tariff.” (Emphasis added.)
- 12 PSE’s electric and gas tariffs on file with the Commission each set forth a charge for a disconnection visit. PSE’s Electric Tariff G, Schedule 80, General Rules and Provisions, Item 30, and PSE’s Gas Tariff, Rule 09, Bills and Payment for Service, Section 10, provide as follows:

DISCONNECT VISIT CHARGE—When a visit by a Company representative to the Customer’s service address *for the purpose of disconnection* does not result in disconnection of service, a service fee of \$13.00 will be charged for each visit when the visit does not result in a disconnection of service due to:

- a. Collection of payment from the Customer; or
- b. Representation regarding payment by the Customer; or

- c. Upon the Company and Customer agreeing to payment arrangements satisfactory to the Company; or
- d. The Customer corrected a violation of rules that prompted the disconnection visit.

Where a customer premises receives both natural gas and electric service, only one charge will be made for each disconnection visit. Disconnection visits will only be made following the required notice to the Customer.

(Emphasis added.)

- 13 PSE committed 1,639 violations of WAC 480-90-128(6)(k) and/or WAC 480-100-128(6)(k) during the months of April and May 2011, by improperly charging 1,639 customers a \$13 disconnection visit charge for visits other than for the purpose of actual disconnection.
- 14 The 1,639 violations of WAC 480-90-128(6)(k) and/or WAC 480-100-128(6)(k) establish a pattern or practice in which PSE engaged before and after April and May 2011 of improperly charging customers a \$13 disconnect visit charge for visits other than for the purpose of actual disconnection.

## VI. REQUEST FOR RELIEF

- 15 Staff requests that the Commission find that PSE committed 1,639 violations of laws and rules enforced by the Commission during the months of April and May 2011, as set forth in the allegations above.
- 16 Staff requests that the Commission impose appropriate monetary penalties on PSE under RCW 80.04.380 for each violation.
- 17 Staff further requests that the Commission order PSE to refund the improperly collected disconnection charges to each of the 1,639 customers affected by PSE's violations during the months of April and May 2011. If the Commission finds that these violations are representative of a pattern or practice in which PSE, both before and after April and May of 2011, improperly charged customers a \$13 disconnect visit charge for visits other than for the purpose of actual disconnection, Staff also

requests that the Commission order PSE to refund improperly collected disconnection charges to all customers from whom PSE collected those charges within two years prior to the filing of this Complaint.

**VII. PROBABLE CAUSE**

18 Based on a review of Staff's investigation report, and all supporting documents, and consistent with RCW 80.01.060 and WAC 480-07-307, the Commission finds probable cause exists to issue this Complaint.

DATED at Olympia, Washington, and effective December 14, 2011.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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GREGORY J. KOPTA  
Administrative Law Judge  
Director, Administrative Law Division