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05/19/00 09:54 AM

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cc: Rulemaking Team-Electric, Rulemaking Team-Gas, Steve McLellan/WUTC@WUTC

Subject: Gas/Electric Workshop Working Document

Gas & Electric Rulemaking
Docket UG-990294 & UG-990473

Attached are WordPerfect and MSWord files of the document we'll be working from in the Workshop. The original document was created in WordPerfect so the MSWord version may be formatted a bit different as a result of the conversion.

The files contain the draft rules with each parties' comment pasted (in color) to the appropriate subparagraph. Hard copies will be available at the workshop.

We don't plan to predistribute an agenda but generally plan to go through the rules by category order (i.e. General Rules, Consumer Rules, etc) focusing on the "big issue" rules first in each category. Hope to see you at 9:00 a.m. next Thursday.



2nd draft workshop docume



Workshop.d

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Gas & Electric Rule Making

Chapter 480-90/100 Gas/Electric Companies

2nd Formal Draft - Workshop Handout With Stakeholder Comments

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WAC 480-90-011 Application of rules.

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I. General Rules:

WAC 480-90-011 Application of rules.

These rules apply to any gas utility (utility) that manufactures, transmits, distributes, sells, or furnishes gas and is subject to commission jurisdiction under RCW 80.04.010 and Chapter 80.28 RCW. These rules also include various requirements for utility customers and applicants.

Staff's Initial Comments:

Revised based on water and other rule revisions.

Revised to reflect stakeholder comment observing these rules include various requirements of customers and applicants.

WAC 480-90-xx1 Exemptions from rules.

(1) The commission may grant an exemption of any rule in this chapter, if consistent with the public interest, the purposes underlying regulation, and applicable statutes.

(2) To request a rule exemption, a written request must be filed with the commission identifying the rule for which an exemption is sought and giving a full explanation of the reason the exemption is requested.

(3) The commission will assign the request a docket number, if needed, and schedule the request for consideration at one of its regularly scheduled open meetings or, if appropriate under chapter 34.05 RCW, in an adjudication. The commission will notify the person requesting the exemption, and other interested persons, of the date the commission will consider the request.

(4) The commission will enter an order granting or denying the request or setting it for hearing, pursuant to Chapter 480-09 WAC.

Staff's Initial Comments:

(1) New rule adopted in other rulemakings.

(2) ¶ 2: Revised to reflect stakeholder comment that the word "person" would require definition.

(3) Given the current legal case concerning waiver of rules, paragraph 4 must remain as originally drafted.

WAC 480-90-016 Saving clause.

The commission may impose additional or different requirements on any gas utility in response to a complaint or on its own motion. These rules do not relieve any utility from any of its duties and obligations under the laws of the state of Washington.

Staff's Initial Comments:

Rewritten for clarity and consistency with other rulemakings.

WAC 480-90-xx2 Resolving disputes about the meaning of these rules.

If the interpretation of any rule in this chapter is questioned by a utility, a customer, or an

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Staff's Initial Comments:

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WAC 480-90-xx2 Resolving disputes about the meaning of these rules.

If the interpretation of any rule in this chapter is questioned by a utility, a customer, or an

applicant, a request for clarification may be filed with the commission.

Staff's Initial Comments:

Extracted from 480-90-011 and revised.

Revised language to address stakeholder concerns that the original draft version is too limited and is pejorative in tone.

WAC 480-100-xx3 Severability.

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

Staff's Initial Comments:

New rule adapted from 81.80.010.

WAC 480-90-021 Definitions (Gas).

- (1) Applicant - any person who applies for service with a gas utility or who reapplies for service at a new or existing location after service has been discontinued.
- (2) British thermal unit (Btu) - the quantity of heat required to raise the temperature of one pound of water at 60° Fahrenheit and standard pressure, one degree Fahrenheit.
- (3) Business day - Monday through Friday, 8:00 a.m. until 5:00 p.m., except for official state holidays.
- (4) Commission - the Washington utilities and transportation commission.
- (5) Customer - any person, cooperative organization, business entity, or government entity that applies for, has been accepted, and is currently receiving service.
- (6) Cubic foot of gas - a volumetric unit of measure used in sales and testing.
 - (a) Sales - a cubic foot of gas for billing purposes is the amount of gas that occupies a volume of one cubic foot under the temperature and pressure conditions existing in the customer's meter. Temperature and/or pressure recording or compensating devices may be used to reflect temperature or pressure base conditions for computing the volume sold. Temperature and/or pressure compensation factors may be used to compute the volume of gas sold as provided in the utility's tariff.
 - (b) Testing - a cubic foot of gas for testing purposes is the amount that occupies a volume of one cubic foot at a temperature of sixty degrees Fahrenheit and pressure of 14.73 pounds per square inch absolute.
- (7) Gas - any fuel or process gas, whether liquid petroleum gas, manufactured gas, natural gas, or any mixture of these.
 - (a) Liquefied petroleum gas - a gas consisting of vapors of one or more of the paraffin hydrocarbons, or a combination of one or more of these vapors with air.
 - (b) Manufactured gas - any gas produced artificially by any process.

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- (7) Gas - any fuel or process gas, whether liquid petroleum gas, manufactured gas, natural gas, or any mixture of these.
 - (a) Liquefied petroleum gas - a gas consisting of vapors of one or more of the paraffin hydrocarbons, or a combination of one or more of these vapors with air.
 - (b) Manufactured gas - any gas produced artificially by any process.

- (c) Natural gas - a mixture of gaseous hydrocarbons (chiefly methane) and nonhydrocarbons that occur naturally in the earth.
- (8) Therm - a unit of heat equal to 100,000 Btu's.
- (9) Gas Utility (Utility) - any business entity (*e.g.*, corporation, company, association, joint stock association, or partnership) or person, including a lessee, trustee, or court appointed receiver, that meets the three following conditions:
 - (a) Owns, controls, operates, or manages any gas plant in Washington State;
 - (b) Manufactures, transmits, distributes, sells, or furnishes gas to the public for compensation; and
 - (c) Is subject to the commission's jurisdiction.

Terms used in this chapter and defined in the public service laws of Washington State (*i.e.*, principally Title 80 RCW) have the same meaning here as in the statutes. Terms not defined in these rules or the applicable statutes have the meaning generally accepted in the gas industry, or their ordinary meaning if there is no meaning generally accepted in the gas industry.

Staff's Initial Comments:

- (1) Rule rewritten for clarity and updating.
- (2) Term no. 6 (Gas), is expanded to include "process" use in addition to "fuel" use.
- (3) Eliminate terms 5 and 7- 11 from the glossary. These terms are used in connection with only one or two rules and that the terms can be defined within those rules. The glossary should contain only terms that are used repeatedly and scattered throughout the chapter.
- (4) Add new term no. 3 (business day) per suggestion. Renumber to reflect additional term.

WAC 480-100-021 Definitions (Electric)

- (1) Applicant - any person who applies for service with an electric utility or who reapplies for service at a new or existing location after service has been discontinued.

PACIFICORP comments:

- (1) Applicant - any person, corporation, partnership or other entity who applies for service with an electric utility or who reapplies for service at a new or existing location after service has been discontinued.
- (2) Business day - Monday through Friday, 8:00 a.m. until 5:00 p.m., except for official state holidays.
- (3) Commission - the Washington utilities and transportation commission.
- (4) Customer - any person, cooperative organization, business entity, or government entity that applies for, has been accepted and is currently receiving service.
- (5) Electric Utility (Utility) - any business entity (*e.g.*, corporation, company, association, joint stock association, or partnership) or person, including a lessee, trustee, or court appointed receiver, that meets the following conditions:
 - (a) Owns, controls, operates, or manages any electric plant for hire in Washington State; and
 - (b) Is subject to the commission's jurisdiction.

- (c) Natural gas - a mixture of gaseous hydrocarbons (chiefly methane) and nonhydrocarbons that occur naturally in the earth.
- (8) Therm - a unit of heat equal to 100,000 Btu's.
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- (1) Applicant – any person, corporation, partnership or other entity who applies for service with an electric utility or who reapplies for service at a new or existing location after service has been discontinued.
- (2) Business day - Monday through Friday, 8:00 a.m. until 5:00 p.m., except for official state holidays.
- (3) Commission - the Washington utilities and transportation commission.
- (4) Customer - any person, cooperative organization, business entity, or government entity that applies for, has been accepted and is currently receiving service.
- (5) Electric Utility (Utility) - any business entity (*e.g.*, corporation, company, association, joint stock association, or partnership) or person, including a lessee, trustee, or court appointed receiver, that meets the following conditions:
 - (a) Owns, controls, operates, or manages any electric plant for hire in Washington State; and
 - (b) Is subject to the commission's jurisdiction.

(6) Meter tests

- (a) Periodic test - a routine test made in the regular course of a utility's operation.
- (b) Complaint test - a test made as a result of a request by a customer.
- (c) Installation test - a test made prior to the installation of a meter. New meters when received by a utility may be tested through application of an acceptable sampling plan prior to initial installation.
- (d) Special test - any test other than a periodic, complaint, or installation test.
- (e) Sample test - a test made as a result of the inclusion of a meter in a random statistical sample.

(7) Payment arrangement - payment schedule by agreement between the customer and the electric utility.

(8) Payment plan - payment schedule by agreement between the customer and the electric utility under WAC 480-100-072(3).

Terms used in this chapter and defined in the public service laws of Washington State (*i.e.*, principally Title 80 RCW) have the same meaning here as in the statutes. Terms not defined in these rules or the applicable statutes have the meaning generally accepted in the electric industry, or their ordinary meaning if there is no meaning generally accepted in the electric industry.

Staff's Initial Comments:

Rule rewritten for clarity and updating.

PACIFICORP comments:

- (1) We have added language to be consistent with the definition of Customer.

WAC 480-90-026 Tariffs and special contracts.

A gas utility must publish its rate schedules and rules and regulations governing service, and file special contracts, in accordance with chapter 480-80 WAC Utilities General - Tariffs, Price Lists, and Contracts.

Staff's Initial Comments:

Rule rewritten for clarity.

WAC 480-90-061 Written contracts.

A written contract may be required whenever the classification of service under which a customer or an applicant is to be served requires that such service be taken for a specified minimum period, or otherwise as provided by tariff. The utility must submit to the Commission a sample copy of each typical contract form currently in use.

Staff's Initial Comments:

- (1) *Rewritten for clarity*

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- (a) Periodic test - a routine test made in the regular course of a utility's operation.
- (b) Complaint test - a test made as a result of a request by a customer.
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- (d) Special test - any test other than a periodic, complaint, or installation test.
- (e) Sample test - a test made as a result of the inclusion of a meter in a random statistical sample.

(7) Payment arrangement - payment schedule by agreement between the customer and the electric utility.

(8) Payment plan - payment schedule by agreement between the customer and the electric utility under WAC 480-100-072(3).

Terms used in this chapter and defined in the public service laws of Washington State (*i.e.*, principally Title 80 RCW) have the same meaning here as in the statutes. Terms not defined in these rules or the applicable statutes have the meaning generally accepted in the electric industry, or their ordinary meaning if there is no meaning generally accepted in the electric industry.

Staff's Initial Comments:

Rule rewritten for clarity and updating.

PACIFICORP comments:

- (1) We have added language to be consistent with the definition of Customer.

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Staff's Initial Comments:

- (1) *Rewritten for clarity*

- (2) Revised to recognize stakeholder observation that a written contract may be required in circumstances other than in connection with specified minimum periods for service.
- (3) This rule will most likely be moved to Chapter 480-80 Utilities General - Tariffs, contracts, and price lists.

WAC 480-90-066 Distribution line extension tariff.

Each gas utility must file, as a part of its tariff, a distribution line extension rule setting forth the conditions under which it will extend its facilities to make service available to an applicant.

Staff's Initial Comments:
Rewritten for clarity.

II. Consumer Rules:

WAC 480-90-041 Information to consumers.

- (1) A gas utility must provide information regarding rates, rules, and regulations needed for its customers and applicants to obtain adequate and efficient service. The information must be available at each of the company's listed business offices.
- (2) The utility must provide to each applicant relevant rate information and a brochure that explains the rights and responsibilities of a utility customer. The brochure must include, at a minimum, information about the utility's regular business hours, the utility's mailing address, the utility's toll-free number, the 24-hour emergency number(s), and an explanation of the utility's processes to establish credit, deposits, billing, delinquent accounts, disconnection of service initiated by the utility, cancellation of service by the customer, the dispute process, and the commission's informal complaint procedures to be followed if the customer remains dissatisfied with the utility's dispute process.
- (3) At least once each year the utility must directly advise each of its customers how to obtain:

PSE's Comments:

PSE supports the proposal to require advising customers how to obtain information rather than sending a form for customers to request information.}

- (a) A copy of the consumer brochure described in subsection 2 of this section;
- (b) A copy of the customer's applicable rate information;
- (c) A copy of the gas rules, chapter 480-90 WAC; and
- (d) A copy of the utility's current rates and regulations.

PSE's Comments:

- ~~(c) A copy of the gas rules, chapter 480-90 WAC; and~~
- ~~(d) A copy of the utility's current rates and regulations.~~

(c) and (d) are new requirements for information that the overwhelming majority of customers will not care to obtain. Requiring advisement of where to obtain copies of these documents, however, may increase the cost of

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(3) This rule will most likely be moved to Chapter 480-80 Utilities General - Tariffs, contracts, and price lists.

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PSE supports the proposal to require advising customers how to obtain information rather than sending a form for customers to request information. }

(a) A copy of the consumer brochure described in subsection 2 of this section;

(b) A copy of the customer's applicable rate information;

(c) A copy of the gas rules, chapter 480-90 WAC; and

(d) A copy of the utility's current rates and regulations.

PSE's Comments:

~~(c) A copy of the gas rules, chapter 480-90 WAC; and~~

~~(d) A copy of the utility's current rates and regulations.~~

(c) and (d) are new requirements for information that the overwhelming majority of customers will not care to obtain. Requiring advisement of where to obtain copies of these documents, however, may increase the cost of

implementing the new, streamlined process.

NWN's comments:

With respect to Section (3) of this rule, NW Natural would assume that a bill insert or bill message would still be an acceptable way to "directly advise" customers. Further, we would assume that the bill insert could be the actual rights and responsibilities brochure, so long as it also addressed the criteria shown at subsections (b) through (d). If this is not correct, please explain.

(4) The utility must provide an applicant, upon request, the high and low bills for the requested service premise during the prior calendar year.

PSE's comments

PSE supports this revision.

(5) The utility must provide a customer, upon request, a detailed account of the customer's actual natural gas usage at the service premise for the previous twelve month period.

PACIFICORP's comments:

(5) The utility must provide a customer, upon request, a detailed account of the customer's actual electric usage at the service premise for the previous 12-month period, if available.

(6) The utility must provide the commission copies of all pamphlets, brochures, and bill inserts of regulated service information prior to the delivery of such material to its customers.

NW NATURAL comments:

~~(6) The utility must provide the commission~~ Copies of all pamphlets, brochures, and bill inserts ~~of that pertain to the utility's regulated services information prior to the delivery of such material to its customers.~~ must be provided to the commission coincident with the dissemination of the information to the utility's customers.

PSE's comments:

(6) The utility must provide the commission with either electronic or hard copies of all pamphlets, brochures, and bill inserts of regulated service information prior to the delivery of such material to its customers. PSE understands the difficulty for Staff when customers call the WUTC with questions about inserts that are not in Staff's possession. However, it may not always be possible to mail the WUTC hard copies of these documents in advance, as printing or processing time may not allow it. PSE's recommendation to add language clarifying that electronic copies are sufficient to addresses this issue and may also provide for a more efficient filing and handling system for Staff. With this clarification, PSE supports this provision.

Cascade's comments:

(6) The utility must provide the commission copies of all pamphlets, brochures, and bill inserts of regulated service information ~~prior~~ to the delivery of such material to its customers. CNG proposes to delete the necessity of providing all pamphlets, brochures, etc. of regulated service *prior* to delivery to its customers. Often, bill inserts, pamphlets, etc., are produced immediately (or simultaneously with) mail and we believe that this will slow down the notification process. In addition, this rule does not indicate how long prior to delivery to customers the information must be provided to the Commission. CNG proposes that the utility provide the information concurrently to the Commission.

AVISTA comments:

Avista has, as a matter of routine practice, provided such material to the Commission. The proposed rule, with the "prior to the delivery..." language, may suggest an expanded role of Commission review of what has been a utility responsibility. The Company seeks clarification that it is acceptable to provide such materials to the Commission coincident with the first mailing to customers. Should the intent of this rule be an increased customer communication review by the Commission, Avista would like the opportunity to expand on its concerns of timing, costs, and benefits. (To the Company's knowledge, customer communication has not been an issue for Avista's customers or the Commission; further, coordinating additional review with schedules for production and mailing would be problematic.)

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PSE's comments

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Staff's Initial Comments:

- (1) Reformatted the information companies should provide to customers and applicants and how to obtain this information.
- (2) Added that the companies must provide usage information to applicants and customers upon request.
- (3) Added that the utility must provide commission with copies of pamphlets, brochures and bill inserts it provides to customers.
- (4) Para 4 - Changed requirement for providing applicant's consumption information.
- (5) Para 6 - Clarified commission requires information only on regulated services and prior to the delivery of such info. to consumers.

PACIFICORP's comments:

- (1) The Company recommends that the proposed rule clarify this information will only be provided if it is available.

WAC 480-90-046 Application for service.

- (1) When an applicant orders service from the gas utility, the applicant will be responsible to conform to the rules and regulations that are in effect and on file with the commission.
- (2) The utility may require the following information when an applicant applies for service:
 - (a) The applicant's name, address, and telephone number, and an alternative contact telephone number, if applicable, of the responsible party at the service premise;
 - (b) The date the service is requested to be effective;
 - (c) The type of service requested, such as residential or commercial service, and the type of equipment to be served at the service premise;
 - (d) Proof of identification. The utility must allow the applicant to chose from a list, provided by the utility, of at least five sources of identification. The list must include a current driver's license or other picture identification; and

PACIFICORP comments:

~~(d) Positive proof of identification. Valid driver's license or other picture identification supported by any one of the following: valid Social Security identification, passport, certificate of citizenship or military identification. The utility must allow the applicant to choose from a list, provided by the utility, of at least five sources of identification. The list must include a current driver's license or other picture identification, and~~

(2d) The proposed change is made to allow the Company to receive adequate assurance that the application for service is valid.

NW NATURAL comments:

(d) Proof of identification. The utility may require that an applicant present proof of identification at the time of application. The type of identification may be in any form the customer chooses, so long as the information can be easily verified by the utility, such as a driver's license number or employee identification card. must allow the applicant to choose from a list, provided by the utility, of at least five sources of identification. The list must include a current driver's license or other picture identification;

PUBLIC COUNSEL comments:

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PUBLIC COUNSEL comments:

2(d) Public Counsel opposes the discretionary aspect of in this "proof of identification" draft. In workshop comments companies indicated that they currently run identification numbers of selected applicants through detection machines. This heightened threshold of pre-application scrutiny concerns Public Counsel because we believe that selectively requiring identification for some customers and not others prior to service raises fundamental questions of fairness and equal protection. If identification is requested from some, it should be requested from all.

Any system that allows company agents significant discretion to determine which applicants should be required to prove identity is open to potential problems and liabilities. If discretion is to be exercised, then utility employees should be trained regarding the legal duty to treat all applicants equally under the law.

(e) Any additional information the utility may reasonably require for billing, service, and determining deposits.

PUBLIC COUNSEL comments:

~~(e) Any additional information the utility may reasonably require for billing, service, and determining deposits.~~

(Employees given discretionary authority to request identification shall be trained regarding the legal duty to treat all applicants equally under the law. Companies shall monitor identification requests and provide regular reports containing the characteristics (neighborhood, race, gender, age, marital status) of consumers whose identification was requested or whose application was denied due to an inability or failure to provide identification.)

2(e) This new proposed language is entirely too broad and vague. Can a company "reasonably require" a credit report? A social security number? The social security number of a spouse and other spousal information?

(3) The utility must provide the following service dates to the applicant:

(a) For service at a location where utility service facilities exist and will not have to be modified in any way to serve the applicant, the utility must provide a service date at the time of application. If the utility becomes aware that the service date cannot be met, it must notify the customer prior to the service date.

PUBLIC COUNSEL comments:

(a) For service at a location where utility service facilities exist and will not have to be modified in any way to serve the applicant, the utility will provide a service date at the time of application. If the utility becomes aware that the service date cannot be met, it must notify the customer prior to the service date (and waive any connection or service initiation fee).

(i) The utility shall provide the customer with a service order tracking number so the customer can easily identify the service request in subsequent interactions with the company.

(b) For service at a location where utility service facilities do not exist or require modification, the utility will provide the following service dates:

(i) Upon request by the applicant, prior to signing a service agreement, the utility must provide a range of dates that service could be made available.

(ii) Upon signing a service agreement with the applicant, the utility must provide a date by which service will be made available. If the utility becomes aware that the service date cannot be met, it must notify the applicant on or prior to the service date.

PUBLIC COUNSEL comments:

(ii) Upon signing a service agreement with the applicant, the utility must provide a date by which service will be made available. If the utility becomes aware that the service date cannot be met, it must notify the applicant prior to the service date (and waive any connection or service initiation fee).

(iii) The utility shall provide the customer with a service order tracking number so the customer can easily identify the service request in subsequent interactions with the company.

(3) Public Counsel supports the addition requiring companies to provide a service date and suggests a hook-up standard

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(3) Public Counsel supports the addition requiring companies to provide a service date and suggests a hook-up standard

that requires companies to connect service within a maximum number of days. We further support the use of a tracking number, similar to those employed by any number of customer-focused businesses, so that customers can easily determine the status of their request in subsequent interactions with company employees. We note that utilities appear to be moving toward more rigorous and accurate scheduling, and suggest fee waivers or payments to customers when companies fail to meet scheduled appointments.

(4) A customer will not resell gas unless specifically authorized in the utility's tariff.

Staff's Initial Comments:

(1) "Application" is not addressed in draft rule since companies do not always require applications. In most cases, the companies take orders by telephone.

(2) Eliminated the sentence referring to flat rate service.

(3) Moved the sentence referring to "customer using service prior to ordering" to the Disconnection of service rule, WAC 480-90-071 (2)(e).

(4) Added company must provide service date and if it cannot commit to that date it must advise the customer.

(5) 2d and e - Changed language to clarify types of identification and other kinds of information company can require a customer to provide at time of application.

WAC 480-90-051 Deposit requirements.

(1) Deposit Criteria for Residential Applicants and Customers - A gas utility may not collect a deposit if an applicant or customer for residential service:

(a) Has had residential service with the utility within the prior twelve months, unless during any six consecutive months:

PSE's comments:

(a) Has had residential service with the utility within the prior twelve months for at least six consecutive months, ~~unless: unless during any six consecutive months~~

NWN comments:

(a) Has had residential service with the utility, or another electric or gas utility within the prior twelve months, ~~and unless~~ during any six consecutive months:

Cascade's comments:

(a) Has had residential service with the utility within the prior twelve months, unless during any six consecutive months:

CNG believes that this additional restriction is burdensome to the utility. The allowance of three or more delinquency notices in a twelve month period seems more than adequate to prove a credit risk to the utility. To add the consecutive six-month restriction is overly restrictive.

(i) The applicant or customer received three or more delinquency notices; or

PACIFICORP Comments:

(i) The applicant or customer received ~~one three~~ or more delinquency

Allowing three or more delinquency notices during the prior six months is excessive. Instead, PacificCorp recommends one or more delinquency notices in the preceding six months to trigger a deposit. Alternatively, the Company recommends retaining the existing language that states three or more delinquency notices in the last 12 months.

AVISTA comments:

(i) The applicant or customer received ~~three two~~ or more delinquency notices; or

that requires companies to connect service within a maximum number of days. We further support the use of a tracking number, similar to those employed by any number of customer-focused businesses, so that customers can easily determine the status of their request in subsequent interactions with company employees. We note that utilities appear to be moving toward more rigorous and accurate scheduling, and suggest fee waivers or payments to customers when companies fail to meet scheduled appointments.

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The original rule stated *no more than one notice* and in Section 12.(a)(ii.) Refund of Deposit states that satisfactory payment is established when *no more than two notices* have been sent. Two notices out of any six month timeframe in the past twelve months is adequate when determining whether or not to request a deposit. Utilities should retain the ability to request deposits from a new customer if the applicant has received more than one delinquency notice in any six month period out of the most recent twelve months. In 1999, 70% of Avista's write offs were from residential customers whose account was open less than one year. This proposed change would limit the number of deposits a utility could request from those customers that are most likely to leave unpaid charges to the utility.

PSE's comments:

(i) The applicant or customer received more than one ~~three or more~~ delinquency notices; or

(ii) The applicant's or customer's service for a similar class was disconnected for nonpayment;

PSE's comments:

PSE's recommended revision retains the clarifying nature of Staff's proposal while retaining the credit standards in (1) (a) of the current rule. Adopting Staff's proposal that results in loosening credit standards for applicants would likely increase uncollectable expenses. It would be helpful if Staff clarified whether this change was intentional and if so, what has changed such that the current standards are no longer fair, just, and reasonable.

(b) Can furnish a satisfactory guarantor. A guarantor will be considered satisfactory if the guarantor has at least established credit with the utility as outlined in this section. A utility may, at its discretion, accept a guarantor that does not meet the requirements of this section. If the customer has been disconnected, the guarantor is responsible for the amount stated on the disconnect notice, not to exceed the amount of the deposit as defined in subsection (5) of this section, unless the guarantor has agreed to guarantee an additional amount as specified in subsection (9) of this section; or

PSE's comments:

(b) Can furnish a satisfactory guarantor. A guarantor will be considered satisfactory if the guarantor has at least established credit had service with the utility for at least the previous 12 months with no late payments.

{COMMENT: Even if Staff proposes to adopt PSE's recommendation above in (1) (a), it seems reasonable that a customer eligible to adopt risk for another should meet a higher credit standard than the applicant him/herself, as the guarantor is taking on an additional debt responsibility. A standard that requires the potential guarantor to have had 12 months of service with payments on time seems like a reasonable requirement.}. A utility may, at its discretion, accept a guarantor that does not meet the requirements of this section. If the customer has been disconnected, the guarantor is responsible for the amount stated on the disconnect notice, not to exceed the amount of the deposit as defined in subsection (5) of this section, unless the guarantor has agreed to guarantee an additional amount as specified in subsection (9) of this section; or

NWN's comments:

(b) There is a prior customer living at the residence who owes a past due bill to the utility for service at that address; or

(c) Has notified the utility of the inability to pay a deposit as provided in WAC 480-90-xx5, Winter low-income payment program.

(2) Other deposit criteria applicable to residential applicants - The utility may not collect a deposit from a residential applicant who:

The original rule stated *no more than one notice* and in Section 12.(a).(ii.) Refund of Deposit states that satisfactory payment is established when *no more than two notices* have been sent. Two notices out of any six month timeframe in the past twelve months is adequate when determining whether or not to request a deposit. Utilities should retain the ability to request deposits from a new customer if the applicant has received more than one delinquency notice in any six month period out of the most recent twelve months. In 1999, 70% of Avista's write offs were from residential customers whose account was open less than one year. This proposed change would limit the number of deposits a utility could request from those customers that are most likely to leave unpaid charges to the utility.

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NWN's comments:

(b) There is a prior customer living at the residence who owes a past due bill to the utility for service at that address; or

(c) Has notified the utility of the inability to pay a deposit as provided in WAC 480-90-xx5, Winter low-income payment program.

(2) Other deposit criteria applicable to residential applicants - The utility may not collect a deposit from a residential applicant who:

(a) Can demonstrate they have met the criteria stated in subsection (1)(a) of this section with another electric or gas utility provided the credit reference can be quickly and easily checked, and in writing, if requested by the utility;

NWN's comments:

(a) Can demonstrate they have had residential service with an electric or gas utility within the prior twelve months and that no delinquency or disconnect notices were received during any six consecutive months, met the criteria stated in subsection (1)(a) of this section with another electric or gas utility, provided the credit reference can be quickly and easily checked, and in writing, if requested by the utility; or

(b) Can demonstrate consecutive employment during the prior twelve months with no more than two employers and that the applicant is currently employed or has a regular source of income; or

(c) Owns or is purchasing the premises to be served.

NWN's comments:

Add: (d) Has notified the utility of the inability to pay a deposit as provided in WAC 480-90-xx5, Winter low-income payment program.

(3) Deposit collection from residential applicants and customers - The utility may collect a deposit from a residential applicant or customer where:

(a) There is a prior customer living at the residence who owes a past due bill to the utility at that address; or

(b) The applicant or customer has an unpaid, overdue balance owing to any electric or gas utility for a similar class of service.

AVISTA's comments:

(c) Upon demonstration by a credit scoring entity duly registered and approved by the Commission, that an applicant or customer does not meet generally-accepted requirements for the establishment of credit.

The deposit rule defines situations under which deposits must be waived for a customer. An appropriate alternative would be to allow a credit scoring system to determine if a deposit should be required. The credit scoring system could be obtained from an independent firm specializing in establishing credit risk. The Company suggests that the Commission consider registering and approving such firms' services for use by its regulated utilities. This would not be a "take-away" to any customer group. The proposed deposit rules would apply to any customer has not established credit sufficient for credit scoring.

Public Counsel's comments

~~(a) There is a prior customer living at the residence who owes a past due bill to the utility at that address; or~~

~~(b) (a) The applicant or customer has an unpaid, overdue balance owing to any electric or gas utility for a similar class of service.~~

(3)(a) Roommate's arrears. The language of this subsection allows companies to collect a deposit merely because a prior customer with arrears appears to live at the residence. Public Counsel opposes this condition and recommends its removal, especially given the potential that prior obligation protections may be weakened in this rulemaking and increasing numbers of vulnerable people will undoubtedly find themselves without financial means or legal avenues to avail themselves of basic necessities such as heat and light. In addition to raising potential Equal Credit Opportunity Act problems, this approach presents a number of implementation questions. Applicants should be analyzed on the basis of their merits alone, not on the basis of their address or a company employee's discretionary decisions regarding other roommates at the residence in question. Other rules cover instances where evidence of fraud exists. Public Counsel believes those are more than sufficient to address this situation.

NWN's comments:

(a) Can demonstrate they have met the criteria stated in subsection (1)(a) of this section with another electric or gas utility provided the credit reference can be quickly and easily checked, and in writing, if requested by the utility;

NWN's comments:

(a) Can demonstrate they have had residential service with an electric or gas utility within the prior twelve months and that no delinquency or disconnect notices were received during any six consecutive months, met the criteria stated in subsection (1)(a) of this section with another electric or gas utility, provided the credit reference can be quickly and easily checked, and in writing, if requested by the utility; or

(b) Can demonstrate consecutive employment during the prior twelve months with no more than two employers and that the applicant is currently employed or has a regular source of income; or

(c) Owns or is purchasing the premises to be served.

NWN's comments:

Add: (d) Has notified the utility of the inability to pay a deposit as provided in WAC 480-90-xx5, Winter low-income payment program.

(3) Deposit collection from residential applicants and customers - The utility may collect a deposit from a residential applicant or customer where:

(a) There is a prior customer living at the residence who owes a past due bill to the utility at that address; or

(b) The applicant or customer has an unpaid, overdue balance owing to any electric or gas utility for a similar class of service.

AVISTA's comments:

(c) Upon demonstration by a credit scoring entity duly registered and approved by the Commission, that an applicant or customer does not meet generally-accepted requirements for the establishment of credit.

The deposit rule defines situations under which deposits must be waived for a customer. An appropriate alternative would be to allow a credit scoring system to determine if a deposit should be required. The credit scoring system could be obtained from an independent firm specializing in establishing credit risk. The Company suggests that the Commission consider registering and approving such firms' services for use by its regulated utilities. This would not be a "take-away" to any customer group. The proposed deposit rules would apply to any customer has not established credit sufficient for credit scoring.

Public Counsel's comments

~~(a) There is a prior customer living at the residence who owes a past due bill to the utility at that address; or~~

~~(b) (a) The applicant or customer has an unpaid, overdue balance owing to any electric or gas utility for a similar class of service.~~

(3)(a) Roommate's arrears: The language of this subsection allows companies to collect a deposit merely because a prior customer with arrears appears to live at the residence. Public Counsel opposes this condition and recommends its removal, especially given the potential that prior obligation protections may be weakened in this rulemaking and increasing numbers of vulnerable people will undoubtedly find themselves without financial means or legal avenues to avail themselves of basic necessities such as heat and light. In addition to raising potential Equal Credit Opportunity Act problems, this approach presents a number of implementation questions. Applicants should be analyzed on the basis of their merits alone, not on the basis of their address or a company employee's discretionary decisions regarding other roommates at the residence in question. Other rules cover instances where evidence of fraud exists. Public Counsel believes those are more than sufficient to address this situation.

NWN's comments:

~~(3) Deposit collection from residential applicants and customers—The utility may collect a deposit from residential applicant or customer where:~~

~~(a) There is a prior customer living at the residence who owes a past due bill to the utility at that address; or~~

~~(b) The applicant or customer has an unpaid, overdue balance owing to any electric or gas utility for a similar class of service.~~

(4) Deposit Criteria for Non-Residential Applicants and Customers - A non-residential applicant or customer for gas service may be required to demonstrate that it is a satisfactory credit risk by reasonable means appropriate under the circumstances.

PUBLIC COUNSEL comments:

(4) Non-residential Applicants. While not opposing the proposed language, Public Counsel is concerned that credit scoring may in some instances result in refusals of service or redlining of non-residential small business applicants in lower income areas. This could restrict bootstrapping initiative to start businesses in neighborhoods where business initiative is most needed. We therefore recommend a requirement parallel to our proposed 480-90/100-046(1)(d) which would track the characteristics of those customers who are required to pay deposits to ensure that racial or neighborhood-based redlining does not occur.

(5) Deposit Amount - Required deposits for an applicant or customer may not exceed:

(a) Two-twelfths of the service location's most recent twelve month billings for utilities billing monthly or two-twelfths of an estimate of annual billings if actual service did not exist; or

PSE's comments:

(a) Two-twelfths of ~~the service location's most recent twelve month billings for utilities billing monthly or two-twelfths of an estimate~~ the customer's estimated annual billings if actual service did not exist; or

(b) Three-twelfths of the service location's most recent twelve month billings for utilities billing bi-monthly or three-twelfths of an estimate of annual billings if actual service did not exist.

PSE's comments:

(b) Three-twelfths of the customer's estimated annual billings ~~service location's most recent twelve months billings for utilities billing bi-monthly or three twelfths of an estimate of annual billings if actual service did not exist.~~ {COMMENT: PSE's suggested revisions return the rule to its existing requirement. There are several situations where it may not be reasonable to base an applicant's deposit on usage at the same address. One example is that an apartment (or house) may have been vacant for a few months, though service was still in the former customer's name with minimal usage which would bias calculation of the deposit downward. Another example is that in rental properties, it is common for service to be transferred to the landlord between tenants rather than disconnected, which would again bias calculation of the deposit. Additionally, even without any kind of vacancy within the last 12 months, it may be reasonable for the utility to believe an applicant will use a considerably different amount of energy than the prior resident if the prior resident's usage was abnormally high/low or if the applicant's usage history is known to be significantly different than typical usage levels. Overall, PSE suggests changing the rule to require use of actual historic consumption is not necessary and will result in less reasonable deposit requirements than the existing rule—the burden of which will be born by both customers and utilities.

(6) Deposit Payment Arrangements - When an applicant or customer is required to pay a deposit but is unable to pay the entire deposit in advance of connection or continuation of service, the utility must allow the applicant or customer to make payment arrangements of fifty percent of the deposit prior to service. The applicant or customer must then pay the remaining balance in equal amounts

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PSE's comments:

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over the next two months on the dates mutually agreed upon between the applicant or customer and the utility. The utility and applicant or customer may make other mutually acceptable deposit payment arrangements.

PacifiCorp comments:

(6) Deposit payment arrangements - When an residential applicant or customer is required to pay a deposit but is unable to pay the entire deposit in advance of connection or continuation of service, the utility must allow the applicant or customer to make payment arrangements of fifty percent of the deposit prior to service. The applicant or customer then must pay the remaining balance in equal amounts over the next two months, on the dates mutually agreed upon between the applicant or customer and the utility. The utility and applicant or customer may make other mutually acceptable deposit payment arrangements.

* The Company believes that payment terms on deposits should be provided to residential customers and questions the need to provide similar terms to nonresidential customers. In addition, PacifiCorp does not support allowing nonresidential customers to qualify for the "alternative to deposit" as described in section (7).

Avista comments:

(6) Deposit Payment Arrangements - When an applicant or customer is required to pay a deposit but is unable to pay the entire deposit in advance of connection or continuation of service, the utility must allow the applicant or customer to ~~make payment arrangements of~~ pay fifty percent of the deposit prior to service. The applicant or customer must then pay the remaining balance in equal amounts over the next two months on the dates mutually agreed upon between the applicant or customer and the utility. The utility and applicant or customer may make other mutually acceptable deposit payment arrangements.

Additional comments:

Making payment arrangements on 50% of the deposit rather than paying 50% of the deposit prior to service will lead to increased write offs. Commission policy, to date, has encouraged utilities to collect deposits up front, when applicable, to keep Avista's write offs down. Utilities should retain the ability to collect 50% of the deposit up front. This proposed change would reduce the ability to collect deposits from those customers that are most likely to leave unpaid charges to the utility.

PSE's comments:

(6) Deposit Payment Arrangements - When an applicant or customer is required to pay a deposit but is unable to pay the entire deposit in advance of connection or continuation of service, the utility must allow the applicant or customer to ~~make payment arrangements of~~ pay fifty percent of the deposit prior to service. ~~The applicant or customer~~ then must pay the remaining balance in equal amounts over the next two months on the dates mutually agreed upon between the applicant or customer and the utility. The utility and applicant or customer may make other mutually acceptable deposit payment arrangements. {COMMENT: PSE suggests this language clarifies that the payment arrangements apply to the fifty percent of the deposit not paid in advance; i.e., 25% in each of the next two months. As written, Staff's language requires arrangements for the 50% where the current rule requires payment of the 50%. Because this issue is not addressed in the comment section below, PSE assumes Staff did not intend to change this provision.}

(7) Alternative to Deposit - The utility must allow any customer or applicant who is required to pay a deposit but who is unable to pay the deposit, to prepay any service initiation fees and reasonably estimated regular service charges or budget billings. The utility must allow the customer or applicant to make payment at periods corresponding to the utility's regular billing period for the length of time during which a deposit would ordinarily have been required. The utility must then bill the applicant or customer in a normal fashion.

NWN's comments:

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(b) Furnish a satisfactory guarantor. A guarantor will be considered satisfactory if the guarantor has at least established credit with the utility as outlined in Section (2). A utility may, at its discretion, accept a guarantor that does not meet the requirements of Section (2). If the customer has been disconnected, the guarantor is responsible for the amount stated on the disconnect notice, not to exceed the amount of the deposit as defined in subsection (4) of this section, unless the guarantor has agreed to guarantee an additional amount as specified in subsection (8) of this section.

PacifiCorp comments:

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(8) Transfer of Deposit - When a customer moves to a new address within the utility's service territory the deposit, plus accrued interest and less any outstanding past-due balance owing from the old address, must be transferred or refunded.

(9) Additional Deposit - If a deposit or additional deposit amount is required after establishment of service the reasons must be specified in writing to the customer. Any request for a deposit or additional deposit amount must comply with the standards outlined in this section. If the original deposit was secured by a guarantor and the guarantor does not agree to be responsible for the additional deposit amount the customer will be held responsible for paying the additional deposit.

PSE's comments:

(9) Additional Deposit - If a deposit or additional deposit amount is required after establishment of service the reasons must be specified in writing to the customer. Any request for a deposit or additional deposit amount must comply with the standards outlined in this section. If the original deposit was secured by a guarantor and the customer does not demonstrate the guarantor's agreement to the guarantor does not agree to be responsible for the additional deposit amount the customer will be held responsible for paying the additional deposit.

{COMMENT: By requiring the customer to secure the guarantor's agreement, this revision ensures the utility will not be required to disclose a customer's account information to a third party.}

(10) Deposit Payment Date - Any deposit or additional deposit amount required after service is established is due and payable no sooner than 5:00 p.m. of the sixth business day after notice if the deposit requirement is mailed from within the state of Washington or the ninth business day if mailed from outside the state of Washington. If the utility delivers the notice in person to the customer the deposit or additional deposit amount is due and payable no sooner than 5:00 p.m. of the sixth business day from the date of delivery.

PacifiCorp Comments:

(10) Deposit payment date - Any deposit or additional deposit amount required after service is established is due and payable within no sooner than seven 5:00 p.m. of the sixth business days after notice if the deposit requirement is mailed or delivered in person to the customer's address, from within the state of Washington or the ninth business day if mailed from outside of the state of Washington. If the utility delivers the notice in person to the customer, the deposit or additional deposit amount is due and payable no sooner than 5:00 p.m. of the sixth business day from the date of delivery.

PacifiCorp continues to object to the proposal to extend the time period for when an additional deposit is required if the notice is mailed outside of Washington. As we indicated in our earlier comments, it does not take an additional 3 days to deliver mail from outside Washington. Mail delivered from Vancouver, Washington or Portland, Oregon will arrive in the same amount of time to a customer in Yakima, Washington. If this

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change is mandated in the state of Washington, there would be additional programming costs to facilitate this requirement and significant lead time would be required to accomplish. In addition it would appear to be simpler to indicate the deposit is due seven business days after the notice is sent rather than payable no sooner than 5:00 p.m. of the sixth business day.

Cascade's comments:

(10) Deposit Payment Date - Any deposit or additional deposit amount required after service is established is due and payable no sooner than 5:00 p.m. of the sixth business day after notice if the deposit requirement is mailed ~~from within the state of Washington or the ninth business day if mailed from outside the state of Washington.~~ If the utility delivers the notice in person to the customer the deposit or additional deposit amount is due and payable no sooner than 5:00 p.m. of the sixth business day from the date of delivery.

Although CNG does not mail from outside the state of Washington at this time, we believe that allowing six business days for payment, regardless of the location from which the notice is mailed is sufficient. Outsourced mail facilities do not seem to add three business days and this requirement will add confusion to the process.

(11) Interest on Deposits - Interest on deposits collected from applicants or customers must:

(a) Accrue at the rate calculated as a simple average of the effective interest rate for new issues of one-year treasury bills, computed from December 1 of each year through November 30 of the following year. The commission will advise the utility each year of the specific rate;

(b) Earn the calculated interest rate during January 1 through December 31 of the subsequent year;

(c) Be computed from the time of deposit to the time of refund or when applied directly to the customer's account; and

(d) Be compounded or paid annually.

(12) Refund of Deposit - Deposits plus accrued interest must be applied to the customer's account or refunded at the customer's request when there has been satisfactory payment or upon termination of service.

(a) Satisfactory payment - Satisfactory payment is established when the customer has paid for service for twelve consecutive months in a prompt and satisfactory manner as evidenced by the following:

- (i) The utility has not initiated disconnection proceedings against the customer; and
- (ii) The utility has sent no more than two notices of delinquency to the customer.

(b) Termination of service - Upon termination of service, the utility must return to the customer the deposit amount plus accrued interest, less any amounts due the utility by the customer.

(13) How Deposits are Refunded - Any deposit plus accrued interest must be refunded to the customer no later than fifteen calendar days following completion of twelve months of satisfactory payment or the cancellation of service by one of the following methods:

(a) Applied to the customer's account for service beginning in the thirteenth month; or

(b) At the customer's request, in the form of a check delivered either by mail or in person at the utility's local business office.

Staff's Initial Comments:

(1) *Reformatted Sections (1) and (3)*

(2) *Changed the requirement of delinquent notices*

(3) *Changed employment requirement to "full-time" consecutive employment*

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Staff's Initial Comments:

(1) *Reformatted Sections (1) and (3)*

(2) *Changed the requirement of delinquent notices*

(3) *Changed employment requirement to "full-time" consecutive employment*

- (2b) *Eliminated the requirement for "full-time" consecutive employment.*
- (4) *Clarified qualifications and responsibilities of the guarantor*
- (5) *Clarified how deposits are calculated*
- (6) *Eliminated the option of the customer providing credit cards as a means of establishing credit*
- (7) *13- Clarified language regarding how deposits are refunded.*

WAC 480-90-056 Refusal of service (comb. w /121 Resp. for del. accts).

- (1) The utility may refuse to provide service if:
 - (a) Providing service will cause an adverse affect to other customers or does not comply with government regulations or accepted natural gas industry standards;
 - (b) In the utility's judgment, there are hazardous conditions at the premise or the applicant's or customer's piping or gas burning equipment is hazardous or of such nature that safe and satisfactory service cannot be provided;
 - (c) The applicant or customer does not comply with the utility's request to provide protective devices to protect the utility's or other customers' properties from theft or damage;
 - (d) The utility is unable to obtain all necessary rights-of-way, easements, approvals, and permits;
 - (e) It is not economically feasible to provide service; or
 - (f) The customer is known by the utility to have fraudulently obtained service as described in WAC 480-90-071, Disconnection of service.

PacifiCorp comments:

- (f) ~~To~~ The applicant or customer that is known by the utility to have fraudulently obtained service as described in WAC 480-100-071, Discontinuance/disconnection of service;

- (2) The utility may not refuse to provide service to an applicant or customer because there are outstanding amounts due from a prior customer at the same premise unless the utility can determine, based on objective evidence, that a fraudulent act is being committed, such that the applicant or customer is acting on behalf of the prior customer with the intent to avoid payment.

PacifiCorp comments:

- (2) The utility may not refuse to provide service to an residential applicant or customer because there are outstanding amounts due from a prior customer at the same premise, unless the utility can determine, based on objective evidence, that a fraudulent act is being committed, such that the applicant or customer is acting on behalf of the prior customer with the intent to avoid payment.

Public Counsel comments:

- (2) The utility may not refuse to provide service to an applicant or customer because there are outstanding amounts due from a prior customer at the same premise, unless the utility can determine, based on objective evidence, that a fraudulent act is being committed, such that the applicant or customer is acting on behalf of the prior customer with the intent to avoid payment. *(A utility has the burden of proving that fraud occurred before discontinuing service.)*

As described in current and proposed WAC 480-100-071, a utility has the burden of proving that fraud occurred before discontinuing service. Though it is not clear in the proposed language, the same burden of proof should apply in this refusal of service context.

- (2b) *Eliminated the requirement for “full-time” consecutive employment.*
- (4) *Clarified qualifications and responsibilities of the guarantor*
- (5) *Clarified how deposits are calculated*
- (6) *Eliminated the option of the customer providing credit cards as a means of establishing credit*
- (7) *13- Clarified language regarding how deposits are refunded.*

WAC 480-90-056 Refusal of service (comb. w /121 Resp. for del. accts).

- (1) The utility may refuse to provide service if:
 - (a) Providing service will cause an adverse affect to other customers or does not comply with government regulations or accepted natural gas industry standards;
 - (b) In the utility’s judgment, there are hazardous conditions at the premise or the applicant’s or customer’s piping or gas burning equipment is hazardous or of such nature that safe and satisfactory service cannot be provided;
 - (c) The applicant or customer does not comply with the utility’s request to provide protective devices to protect the utility’s or other customers’ properties from theft or damage;
 - (d) The utility is unable to obtain all necessary rights-of-way, easements, approvals, and permits;
 - (e) It is not economically feasible to provide service; or
 - (f) The customer is known by the utility to have fraudulently obtained service as described in WAC 480-90-071, Disconnection of service.

PacifiCorp comments:

(f) ~~To~~ The applicant or customer that is known by the utility to have fraudulently obtained service as described in WAC 480-100-071, Discontinuance/disconnection of service;

- (2) The utility may not refuse to provide service to an applicant or customer because there are outstanding amounts due from a prior customer at the same premise unless the utility can determine, based on objective evidence, that a fraudulent act is being committed, such that the applicant or customer is acting on behalf of the prior customer with the intent to avoid payment.

PacifiCorp comments:

(2) The utility may not refuse to provide service to an residential applicant or customer because there are outstanding amounts due from a prior customer at the same premise, unless the utility can determine, based on objective evidence, that a fraudulent act is being committed, such that the applicant or customer is acting on behalf of the prior customer with the intent to avoid payment.

Public Counsel comments:

(2) The utility may not refuse to provide service to an applicant or customer because there are outstanding amounts due from a prior customer at the same premise, unless the utility can determine, based on objective evidence, that a fraudulent act is being committed, such that the applicant or customer is acting on behalf of the prior customer with the intent to avoid payment. *(A utility has the burden of proving that fraud occurred before discontinuing service.)*

As described in current and proposed WAC 480-100-071, a utility has the burden of proving that fraud occurred before discontinuing service. Though it is not clear in the proposed language, the same burden of proof should apply in this refusal of service context.

(3) The utility may not refuse service to an applicant or customer who has two or less prior obligations in any one calendar year. A prior obligation is the dollar amount the utility has billed to the customer and for which the utility has not received payment at the time of disconnection of service. The utility must allow the applicant or customer a minimum of two prior obligations in any one calendar year.

PacifiCorp comments

(3) The utility may not refuse service to an applicant or customer who has one two or less prior obligations in any one calendar year. A prior obligation is the dollar amount the utility has billed to the customer for which it has not received payment at the time service has been disconnected. The utility must allow the applicant or customer a minimum of one two prior obligations in any one calendar year.

PacifiCorp believes that one use of prior obligation per calendar year provides customers with a safety net should they be unable to pay their bill while at the same time protecting the Company and the remaining customers from subsidizing those who use prior obligation more than once per year. In addition, prior obligation should be limited to residential customers only.

PSE's comments:

(3) A utility may not refuse service to an applicant or customer that has two or fewer prior obligations during the most recent 12 months that the applicant or customer received service from the utility. When an applicant or customer has had more than two priors during the most recent 12 months that the applicant or customer received service, the utility may not refuse service to the applicant or customer if such applicant or customer pays all prior obligations in full and a deposit if applicable as described in WAC 480-100-051. The utility may not refuse service to an applicant or customer who has two or less prior obligations in any one calendar year. A prior obligation is the dollar amount the utility has billed to the customer and for which the utility has not received payment at the time service has been disconnected. ~~The utility must allow the applicant or customer a minimum of two prior obligations in any one calendar year.~~

{COMMENT: The intent of Staff's proposal appears reasonable. There are two parts to the revisions suggested above. First, as written, Staff's proposal may be interpreted to mean that a utility may not refuse service to a customer if there has ever been a year where the customer had less than three priors. The first sentence of PSE's alternative language is intended to clarify Staff's proposal. The second sentence was included to ensure preservation of the WUTC's policy that service cannot be permanently denied; thus, if the customer pays the outstanding balance and deposit, service must be reinstated.}. {COMMENT: It appears the previous language already clearly states this same issue, so this provision may be redundant.}

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AVISTA comments:

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Additional comment:

This clarifies, after any customer incurred two or more prior obligations, that payments owed the utility are necessary for continuation of service.

Public Counsel's comments:

(3) The utility may not refuse service to an applicant or customer *(because of a prior obligation to the utility)*. ~~who has two or less prior obligations in any one calendar year.~~ A prior obligation is the dollar amount the utility has billed to the customer for which it has not received payment at the time service has been disconnected.

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— Prior obligation. In the last formal draft, staff stated that in order to determine if changes to prior obligation are warranted, "staff needs evidence from the companies that would compel such a change (e.g., the actual number of cases

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and actual circumstances under which abuse occurs, total uncollectible amounts for gas/electric companies with prior obligation as compared to those without it, the adverse affect it has on the utility or other customers supported by evidence provided by the companies." Public Counsel has not seen a showing made by any utility of even the number of prior obligation customers in a given year, much less the costs associated with service to them. We are concerned the record contains no basis from which the Staff might reasonably seek to change the existing and functioning rule. Therefore, we request a staff summary of such evidence that compels staff to weaken important prior obligation protections.

Public Counsel continues to support the retention of current rules regarding prior obligation. This rule is the single most effective mechanism to protect essential energy services for low-income customers in Washington. It should not be weakened. While it has been in effect, prior obligation has not been shown to place an excessive burden on the companies. Without compelling evidence that prior obligation is excessively burdensome, and without a showing that company concerns cannot be mitigated in any other way, Public Counsel continues to oppose the diminishment of current prior obligation protections.

Energy Project's comments:

First and foremost of the exceptions to this general support is the rewording of section 056 Refusal of Service. It is an exception to the extent that we wish to object even more strongly than Public Counsel to any weakening of the existing law regarding prior obligation. At a time when the future of the utility business is cloudy at best it is extremely unwise to reduce or remove any of the existing consumer protections. Rather, this is the time to put in place the consumer protections that will need to be assumed by any future structure to the industry. For example, we believe the staff's inclusion of a new rule regarding Consumer proprietary information (XX6) is a good example of such proactive consumer protection

NWN's comments:

We would request clarification on the proposed Section (3). If we read this correctly, this section would allow the utility to refuse service to an applicant or customer if three or more times in one year, the applicant or customer left unpaid bills. A possible scenario then would be:

- February 5 – customer disconnected for non-payment.
- February 20 – customer reconnected on payment of deposit
(amounts owing for February 5 disconnect not collected by utility per WAC rules)
- April 5 – customer disconnected for non-payment
- April 25 – customer reconnected on payment of deposit
(amounts owing for February 5 and April 5 disconnect not collected by utility per WAC rules)
- September 5 – customer disconnected for non-payment

Utility can refuse to reconnect service until all amounts due from February 5 to September 5, plus a deposit amount, are paid in full.

If this is not correct, please explain what actions the utility is allowed to take when a third incident occurs.

Staff's Initial Comments:

- (1) Combined with WAC 480-90-121 Responsibility for Delinquent Accounts.
- (2) Combined Sections 2-6 under Section 1.
- (3) 3 - Added a minimum number of times prior obligation may be offered to applicants or customers.

WAC 480-90-071 Discontinuance\Disconnection of service

(1)Customer-directed - The utility may require customers to give at least three days notice prior to the date service is to be discontinued. The customer is not responsible for usage after the requested date for discontinuance of service provided the customer gave proper notice. If the customer moves from the service address and fails to request that service be discontinued, the customer will be responsible to pay for service

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taken at that service address until the utility can either confirm that the customer has vacated the premise and can access the meter or that a new responsible party is taking service.

(2) Utility-directed without notice or without further notice - The utility may discontinue service without notice or without further notice when:

(a) After conducting a thorough investigation the utility determines that the customer has tampered with or stolen its property, has used service through an illegal connection, or has fraudulently obtained service. The utility has the burden of proving that fraud occurred. For the purpose of this section a non-sufficient funds check or dishonored electronic payment alone will not be considered fraud.

(i) First offense - The utility may disconnect service without notice when it discovers theft, tampering, or fraud unless the customer immediately pays all of the following:

- a. The tariffed rate for service that the utility estimates was used as a result of the theft, tampering, or fraud;
- b. All utility costs resulting from such theft, tampering, or fraud; and
- c. Any applicable required deposit.

(ii) Second offense - The utility may disconnect service without notice when it discovers further theft, tampering, or fraud. The utility may refuse to reconnect service to a customer who has been twice disconnected for theft, tampering, or fraud subject to appeal to the commission.

(b) After conducting a thorough investigation the utility determines the customer has vacated the premises;

(c) The utility identifies a hazardous condition in the customer's facilities or in the utility's facilities serving the customer.

(d) A customer pays a delinquent account with a check or electronic payment the bank or other financial institution has dishonored after the utility has issued appropriate notice as described in subsection (6) of this section;

(e) The customer has not kept any agreed upon payment arrangement for payment of a delinquent balance after the utility has issued appropriate notice as described in subsection (6) of this section; or

(f) The utility has determined a customer has used service prior to applying for service. The utility must charge the customer for service used in accordance with the utility's filed tariff.

This rule should not be interpreted as relieving the customer or other person of civil or criminal responsibility.

(3) Utility-directed with notice - After properly notifying the customer, as explained in subsection (6) of this section, the utility may discontinue service for any one of the following conditions:

(a) For delinquent regulated charges as billed under WAC 480-90-106, Billing requirements and payment dates, including any required deposit, except that the utility cannot disconnect service when the customer has met the requirements of subsection (5) of this section for medical emergency or has agreed to or maintains agreed upon payment arrangements with the utility, as described in WAC 480-90-xx5, Winter low-income payment program;

(b) For use of gas for purposes or properties other than those specified in the customer's service application;

(c) Under flat rate service for non-metered load, for increased natural gas use without the utility's approval;

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(c) Under flat rate service for non-metered load, for increased natural gas use without the utility's approval;

(d) For refusing to allow the utility access to the customer's premise as required in WAC 480-90-091, Access to premises;

(e) For violating rules, service agreements, or filed tariff(s); or

(f) For use of equipment that detrimentally affects the utility's service to its other customers.

(4) Combination utilities - Gas service may not be disconnected for any amounts owing for regulated electric services or for any amount owing for non-regulated services.

PSE's comments:

While we offer no revised language here, please see comments below in 480-90-072 (1). Additionally, please note by including the last phrase in this rule, it may create a legally valid implication that a non-combination utility is allowed to disconnect for nonpayment of non-regulated services.}

AVISTA comments:

~~(4) Combination utilities - Gas service may not be disconnected for any amounts owing for regulated electric services or for any amount owing for non-regulated services.~~

This rule change would require Avista to change its billing and customer accounting system to show and track separate balances for electricity and natural gas. Avista's current bill clearly depicts the amount of electricity and natural gas purchased and the corresponding amounts owed. The Avista bill treats all amounts owing for regulated services as one payment due. In the event that a customer makes a partial payment for electricity and gas and disconnection occurs, Avista disconnects the electric service, which is the least expensive and most convenient to reconnect for the customer and the utility.

Moreover, Avista attempts to minimize gas disconnections because of issues surrounding pilot relights, safety issues, etc. Avista believes that this proposed new rule should not be adopted for the following reasons.

1. At year-end 1999, 90% of Avista's customers had paid their bill in full on a timely basis.¹ These customers would not benefit in any way by this proposed rule change. Customers who were disconnected represent 1.5% of Avista's customers in Washington. Under the proposed rule, these customers would elect which fuel their partial payment would be directed towards, dictating that the customers' other fuel would be disconnected. Thus, only 1.5% of Avista's customers would potentially be affected by this proposed rule change.
2. The practical effect of this rule would be an increase in the number of disconnections and reconnections of natural gas service (with a reduction in the number of electrical disconnects and reconnects). This would increase costs to the utility and the general ratepayer because disconnection and reconnection of gas meters is more expensive than electric meters.
3. To accommodate this proposed new rule, the company's entire computer billing and customer accounting system would need to be redesigned at increased cost to all customers. The cost of this re-programming effort is estimated to be a minimum of approximately \$5,000,000 and could take 18 months or more to complete. These costs include labor, remittance changes, hardware and software associated with these programming changes, in addition to an estimated \$900,000 per year of on-going expenses for the additional CPU time, storage, print lines, support and costs of multi-page bills.
4. Avista's current bill is easy to understand. Based on a recent survey, 96% of the Company's customers stated that it is important to have a bill that is easy to understand and 90% stated they are satisfied with Avista's current bill.² This proposed rule change addresses an issue that does not appear to be a problem for Avista's customers.
5. This proposed rule change ignores maximizing benefits to customers obtained by efficiencies of merged systems. Simply stated, Avista's combined gas and electric customers enjoy lower costs due to the leveraging of joint systems.

¹ This percentage varies over the course of the year. In May, 1999, 85% of Avista's customers were current; at year-end 1999, 90% were current.

² This is based on a January, 2000 survey conducted by Robinson Research asking customers the importance of providing a bill that is easy to understand and how the customers ranked the Avista bill. --75% of our customers surveyed indicated that it was very important to have a bill that is easy to understand; 21 % stated it is somewhat important. --74% of our customers surveyed indicated that they are very satisfied with Avista's bill; 16% stated they are somewhat satisfied.

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6. The underlying policy intent of the proposed change is not clear. The provision of bundled services is the current policy of the state of Washington. At this time, no deregulation or industry restructuring is contemplated. The Company understands that, in the event that Commission-initiated or Legislatively-mandated restructuring occurs, customer choice options would be necessary for billing and tracking purposes in the future. At that time, utilities would need to modify billing and accounting practices accordingly. Thus, Avista recommends that consumer rules related to customer choice be deferred until a later date.

Energy Project's comments:

We must note that there is a problem with section 90-071 (4) which states Combination utilities may not disconnect a customer's gas when the electricity is disconnected. Avista has suggested that the section should be stricken. If we understand them correctly, Avista has said that when an account is in arrears, they don't have a means to tell which, if either, service is paid in full. In such a case they would choose to disconnect the service that may be disconnected more safely and cheaply - the electricity. Unfortunately, for most low-income homes heating with gas, this amounts to turning off their gas heating. With the exception of a few, newer gas wall heaters or inserts (which aren't likely to appear in most low-income homes), gas heating equipment depends on electricity for fans and safety equipment to work, even if there is a pilot light. If there is no electricity, the safety equipment does not let the gas flow. When the electricity is cut off, the household may have hot water and may be able to cook, but they will not have heat. If they attempt to compensate by using their gas cook stove as a heater (as many are), they run the risk of carbon monoxide poisoning.

(5) Medical emergencies - When the utility has cause to disconnect or has disconnected a residential service, it must postpone disconnection of service or must reinstate service for a grace period of five business days after receiving either verbal or written notification of the existence of a medical emergency. The utility must reinstate service within four hours if the customer contacts the utility between 8:00 a.m. and 5:00 p.m. If the customer contacts the utility after 5:00 p.m., the utility must restore service by 12:00 p.m. the next business day. When service is reinstated, the utility will not require payment of a reconnection charge and/or deposit prior to reinstating service but will bill all such charges on the customers's next regular bill.

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PACIFICORP's comments:

(5) Medical emergencies ~~(Can this be defined?)~~ - When the utility has cause to disconnect or has disconnected a residential service, it must postpone disconnection of service or must reinstate service for a grace period of five business days after receiving either verbal or written notification of the existence of a medical emergency. The utility must reinstate service within four hours if the customer contacts the utility ~~during the business day between 8:00 a.m. and 5:00 p.m.~~ If the customer contacts the utility after ~~the end of the business day, the 5:00 p.m.~~ the utility must restore service by 12:00 p.m. the next business day. When service is reinstated, the utility will not require payment of a reconnection charge and/or deposit prior to reinstating service but will bill all such charges on the customers's next regular bill.

~~For reconnection of service after a medical emergency it is necessary to clarify that if the customer calls during the business day they will be reconnected within 4 hours. If the customer calls after the end of the business day they will be reconnected by Noon of the next business day.~~

NWN' comments:

On Section (5). We do not agree that a four hour reinstatement period is reasonable, as it leaves the utilities more vulnerable to potentially unfair rulings of "at fault" complaints. We would much prefer that the rule be more general to allow that the reinstatement occur on the same day the customer contacts the utility. Our proposed changes follow:

(5) Medical emergencies - When the utility has cause to disconnect or has disconnected a residential service, it must postpone disconnection of service or must reinstate service for a grace period of five business days after receiving either verbal or

6. The underlying policy intent of the proposed change is not clear. The provision of bundled services is the current policy of the state of Washington. At this time, no deregulation or industry restructuring is contemplated. The Company understands that, in the event that Commission-initiated or Legislatively-mandated restructuring occurs, customer choice options would be necessary for billing and tracking purposes in the future. At that time, utilities would need to modify billing and accounting practices accordingly. Thus, Avista recommends that consumer rules related to customer choice be deferred until a later date.

Energy Project's comments:

We must note that there is a problem with section 90-071 (4) which states Combination utilities may not disconnect a customer's gas when the electricity is disconnected. Avista has suggested that the section should be stricken. If we understand them correctly, Avista has said that when an account is in arrears, they don't have a means to tell which, if either, service is paid in full. In such a case they would choose to disconnect the service that may be disconnected more safely and cheaply - the electricity. Unfortunately, for most low-income homes heating with gas, this amounts to turning off their gas heating. With the exception of a few, newer gas wall heaters or inserts (which aren't likely to appear in most low-income homes), gas heating equipment depends on electricity for fans and safety equipment to work, even if there is a pilot light. If there is no electricity, the safety equipment does not let the gas flow. When the electricity is cut off, the household may have hot water and may be able to cook, but they will not have heat. If they attempt to compensate by using their gas cook stove as a heater (as many are), they run the risk of carbon monoxide poisoning.

(5) Medical emergencies - When the utility has cause to disconnect or has disconnected a residential service, it must postpone disconnection of service or must reinstate service for a grace period of five business days after receiving either verbal or written notification of the existence of a medical emergency. The utility must reinstate service within four hours if the customer contacts the utility between 8:00 a.m. and 5:00 p.m. If the customer contacts the utility after 5:00 p.m., the utility must restore service by 12:00 p.m. the next business day. When service is reinstated, the utility will not require payment of a reconnection charge and/or deposit prior to reinstating service but will bill all such charges on the customers's next regular bill.

Avista's comments:

(5) Medical emergencies - When the utility has cause to disconnect or has disconnected a residential service, it must postpone disconnection of service or must reinstate service for a grace period of five business days after receiving either verbal or written notification of the existence of a medical emergency. The utility must reinstate service within four hours if the customer contacts the utility between 8:00 a.m. and 5:00 p.m. If the customer contacts the utility after 5:00 p.m. the utility must restore service by 12:00 p.m. the next business day. When service is reinstated the utility will not require payment of a reconnection charge and/or deposit prior to reinstating service but will bill all such charges on the customer's next regular bill.

PACIFICORP's comments:

(5) Medical emergencies ~~(Can this be defined?)~~ - When the utility has cause to disconnect or has disconnected a residential service, it must postpone disconnection of service or must reinstate service for a grace period of five business days after receiving either verbal or written notification of the existence of a medical emergency. The utility must reinstate service within four hours if the customer contacts the utility during the business day between 8:00 a.m. and 5:00 p.m. If the customer contacts the utility after the end of the business day, the 5:00 p.m. the utility must restore service by 12:00 p.m. the next business day. When service is reinstated, the utility will not require payment of a reconnection charge and/or deposit prior to reinstating service but will bill all such charges on the customers's next regular bill.

~~For reconnection of service after a medical emergency it is necessary to clarify that if the customer calls during the business day they will be reconnected within 4 hours. If the customer calls after the end of the business day they will be reconnected by Noon of the next business day.~~

NWN' comments:

On Section (5). We do not agree that a four hour reinstatement period is reasonable, as it leaves the utilities more vulnerable to potentially unfair rulings of 'at fault' complaints. We would much prefer that the rule be more general to allow that the reinstatement occur on the same day the customer contacts the utility. Our proposed changes follow:

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Further, a customer that waits until 3:00 p.m. or later to contact us will likely be billed the higher after hours reconnect charge because it may not be possible to dispatch a technician to arrive before 5:00 p.m. In such case, the customer should be allowed the option to request service reinstatement during office hours the next day. We assume that nothing in this rule would preclude the availability of that option to the customer.

PSE's comments:

(5) Medical emergencies - When the utility has cause to disconnect or has disconnected a residential service, it must postpone disconnection of service or must reinstate service for a grace period of five business days after receiving either verbal or written notification of the existence of a medical emergency. The utility must reinstate service within four hours if the customer contacts the utility between 8:00 a.m. and 5:00 p.m., unless the customer requests service be reinstated the following morning by 10:00 a.m. If the customer contacts the utility after 5:00 p.m. the utility must restore service by 12:00 p.m. the next business day. When service is reinstated the utility will not require payment of a reconnection charge and/or deposit prior to reinstating service but will bill all such charges on the customer's next regular bill. {COMMENT: With this language, if a customer contacts the utility toward the end of afternoon and service must be reinstated within four hours, the utility may be required to assess an after hours reconnection charge. As written, this rule would not allow the customer to request service be reinstated in the morning, but require them to pay the after hours charge. The recommended revisions provides customers with the alternative of avoiding the after hours reconnection charge.}

Cascade's comments:

Cascade would like clarification on the following sections:

Section (5) Medical emergencies - When service is reinstated the utility will not require payment of a reconnection charge and/or deposit prior to reinstating service but will bill all such charges on the customers next regular bill.

At this time CNG does not issue statements for combined charges (deposits and regular billings) and would like to clarify that any required deposit could be issued on a separate invoice not to be due prior to the next regular bill.

(a) The utility may require that the customer, within five business days, submit written certification from a qualified medical professional stating that the disconnection of gas service would aggravate an existing medical condition of a resident of the household. "Qualified medical professional" means a licensed physician, nurse practitioner, or physician's assistant authorized to diagnose and treat the medical condition without supervision of a physician. Nothing in this section precludes a utility from accepting other forms of certification, but the maximum the utility can require is written certification. If the utility requires written certification, it may require not more than the following information:

- (i) Residence location;
- (ii) An explanation of how the current medical condition will be aggravated by disconnection of service;

PSE's comments:

(iii) Name and relationship of patient to customer. {COMMENT: This is an important existing provision as it avoids confusion when the customer of record is not the resident that has the medical condition.}

- (iii) A statement of how long the condition is expected to last; and
- (iv) The title, signature, and telephone number of the person certifying the condition;

(b) The medical certification is valid only for the length of time the health endangerment is certified to exist but no longer than sixty days, unless renewed;

(c) A medical emergency does not excuse a customer from having to pay delinquent and ongoing charges. The utility may require the customer to do the following within the five-business-day grace period:

- (iii) Pay a minimum of ten percent of the delinquent balance;

written notification of the existence of a medical emergency. The utility must reinstate service on the same day ~~within four hours~~ if the customer contacts the utility between 8:00 a.m. and 5:00 p.m. If the customer contacts the utility after 5:00 p.m. the utility must restore service by 12:00 p.m. the next business day. When service is reinstated the utility will not require payment of a reconnection charge and/or deposit prior to reinstating service but will bill all such charges on the customer's next regular bill.

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(c) A medical emergency does not excuse a customer from having to pay delinquent and ongoing charges. The utility may require the customer to do the following within the five-business-day grace period:

- (iii) Pay a minimum of ten percent of the delinquent balance;

(ii) Enter into an agreement to pay the remaining delinquent balance within one hundred twenty days; and

(iii) Agree to pay subsequent bills when due.

Nothing in this section precludes the utility from agreeing to an alternate payment plan, but the utility may not require the customer to pay more than this subsection prescribes. The utility must send a notice to the customer confirming the payment arrangements within two business days;

(d) If the customer fails to provide an acceptable medical certificate or ten percent of the delinquent balance within the five-business-day grace period, or if the customer fails to abide by the terms of the payment agreement, the utility may not disconnect service without first mailing a written notice providing a disconnection date not earlier than 5:00 p.m. of the third business day after the date of mailing if mailed from within the state of Washington or the sixth business day if mailed from outside the state of Washington or by personally delivering a notice providing a disconnection date of not earlier than 5:00 p.m. of the second business day following the date of delivery;

PACIFICORP comments:

(d) If the customer fails to provide an acceptable medical certificate or ten percent of the delinquent balance within the five business-day-grace period or if the customer fails to abide by the terms of the payment agreement, the utility may not disconnect service without first mailing a written notice providing a disconnection date four business days after the date of the mailing or delivery in person to the customer's address, not earlier than 5:00 p.m. of the third business day after the date of mailing if mailed from within the state of Washington or six business days if mailed from outside the state of Washington, or by personally delivering a notice providing a disconnection date not earlier than 5:00 p.m. of the second business day following the date of delivery.

PacifiCorp suggests greatly simplifying the date when the utility may disconnect should an acceptable medical certification or 10% payment not be received. Disconnection four business days after mailing is a reasonable notice period and simpler than the proposed "5:00 p.m. of the third business day" and "six business days if mailed from outside the State of Washington", which, as we have already stated, there is no basis for.

Is restricting medicals to no more than twice in a 120 day period any restriction on their use since the proposal is that each medical is valid for 60 days at a time?

NWN's comments:

Section (5)(d), and Section (6)(c) regarding different disconnect dates based on in-state or out-of-state mailings. We have significant concerns with the additional three days when notices are mailed from out of state. In NW Natural's case, our billings are mailed from our Portland, Oregon office. The city of Vancouver and outlying areas that we serve in the state of Washington are so close in proximity to Portland, Oregon that they are often thought of as a suburb of Portland. In this instance, the state boundary makes no difference whatsoever in the amount of U.S. mail time required for delivery. If staff insists on different periods based on in-state or out-of-state mailings, then at a minimum the proximity between the mailing place and the recipients should be considered. Possible language (using Section (6) for illustration purposes) would be:

Cascade's comments:

Section (5) (d) & (6)(a)(i) & (6)(a)(iii) -- Although CNG does not mail from outside the state of Washington at this time, we believe that allowing six business days for payment, regardless of the location from which the notice is mailed is sufficient. Outsourced mail facilities do not seem to add three business days and this requirement will add confusion to the process.

(e) A customer may claim medical emergency and be entitled to the benefits described in this subsection only twice within any one hundred twenty day period.

PACIFICORP comments:

(e) A customer may claim medical emergency and be entitled to the benefits described in this subsection ~~no more than only twice~~ ~~twice~~ within any ~~12-month period~~ 120-day period.

Public Counsel's comments:

~~(e) A customer may claim medical emergency and be entitled to the benefits described in this subsection only twice within any 120-day period.~~

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PACIFICORP comments:

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Public Counsel's comments:

~~(e) A customer may claim medical emergency and be entitled to the benefits described in this subsection only twice within any 120-day period.~~

(5)(e) No limit should be imposed upon the duration of the medical exemption. Elderly and seriously ill customers occasionally have prolonged medical episodes that challenge their health and financial status at the same time.

NWN's comments:

With respect to Section (5)(e), the 120 day limitation may be unnecessarily restrictive for instances where the customer suffers from a chronic illness. We suggest changes as follows:

(e) A customer may claim medical emergency and be entitled to the benefits described in this subsection for a maximum period of only twice within any one hundred twenty consecutive days period for any illness identified by a qualified medical professional as non-chronic.

(6) **Disconnection notification requirements** - The utility must notify customers before disconnecting their service except as described in subsection (2) of this section.

Notification consists of the following requirements:

(a) The utility must serve a written disconnection notice on the customer either by mail or by personal delivery to the customer's address with notice attached to the primary door. If the disconnection notice is for nonpayment during the winter months the utility must advise the customer of the payment plan described in WAC 480-090-072, Payment arrangements, and WAC 480-90-xx5, Winter low-income payment program. Each disconnection notice must include:

(i) A disconnection date that is not less than eight business days after the date of personal delivery or mailing if mailed from inside the state of Washington or a disconnection date that is not less than eleven business days if mailed from outside the state of Washington;

PACIFICORP comments:

(i) A disconnection date that is not less than eight business days after the date of personal delivery or mailing; ~~if mailed from inside the state of Washington or a disconnection date that is not less than eleven business days if mailed from outside the state of Washington;~~

NWN's comments:

(i) A disconnection date that is not less than eight business days after the date of personal delivery or mailing ~~if mailed from inside the state of Washington or a disconnection date that is not less than eleven business days if mailed from outside the states of Oregon, Washington, or Idaho, state of Washington;~~

PSE's comments:

(i) A disconnection date that is not less than eight business days after the date of personal delivery or mailing ~~if mailed from inside the state of Washington or a disconnection date that is not less than eleven business days if mailed from outside the state of Washington;~~ {COMMENT: It is not clear that out of state mailing of notices is slower than in state mailing. If Staff has some information to the contrary, it would be helpful to share with the interested parties.}

(ii) All relevant information about the disconnection action including the cause for disconnection, the amount owing, and how to correct the problem;

Public Counsel's comments:

(ii) All relevant information about the disconnection action including the cause for disconnection, the amount owing, and how to correct the problem; *(No customer shall be disconnected for amounts owing that are not related to basic utility charges. The utility may only show the amount actually required for reconnection on any disconnection notice and is prohibited from listing amounts owing for charges not related to basic, tariffed services on any disconnection notice.)*

(5)(e) No limit should be imposed upon the duration of the medical exemption. Elderly and seriously ill customers occasionally have prolonged medical episodes that challenge their health and financial status at the same time.

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With respect to Section (5)(e), the 120 day limitation may be unnecessarily restrictive for instances where the customer suffers from a chronic illness. We suggest changes as follows:

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PACIFICORP comments:

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NWN's comments:

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(6)(a)(2)---Disconnection Notices. A customer's service should not be disconnected for failure to pay for unregulated service or equipment purchase charges. Additionally, staff should ensure that companies do not include overdue amounts for unregulated services or purchases on service disconnection notices. This bill bundling practice coerces customers into making payments that should not be required to keep basic services. Furthermore, customers should be clearly informed that although unpaid installments for equipment or non-basic services might be subject to collection, non-payment of such charges will not lead to disconnection. As is currently the practice in the telecommunications arena, only non-payment of basic services should lead to disconnection.

NWN's comments:

(ii) All relevant information about the disconnection action including the cause for disconnection, the amount owing, and how to avoid disconnection. ~~correct the problem;~~

Cascade's comments:

(ii) All relevant information about the disconnection action including the cause for disconnection, the amount owing, and how to avoid disconnection. ~~correct the problem;~~

(iii) All relevant information about any charges that may be assessed; and

(iv) The utility's name, address, and toll-free telephone number by which a customer may contact the utility to discuss the pending disconnection of service;

(b) If the utility discovers the notice information is inaccurate, the utility must issue another notice to the customer as described in (a) of this subsection;

(c) In addition to the notice required by (a) of this subsection, a second notice must be provided by one of the three options listed below:

(i) Delivered notice - The utility must deliver a second notice to the service premise and attach it to the customer's primary door. The notice must state a scheduled disconnection date that is not earlier than 5:00 p.m. of the second business day after the date of delivery;

PacifiCorp comments:

(i) Delivered notice - The utility must deliver a second notice to the customer's service premise and attach it to the customer's primary door. The notice must state a scheduled disconnection date that is not earlier than 5:00 p.m. of the second ~~three~~ business days after the date of delivery;

(ii) Mailed notice - The utility must mail a second notice which must include a scheduled disconnection date that is not earlier than 5:00 p.m. of the third business day after the date of mailing if mailed from within the state of Washington or the sixth business day if mailed from outside the state of Washington; or

PacifiCorp's comments:

(ii) Mailed notice - The utility must mail a second notice which must include a scheduled disconnection date that is four business days ~~not earlier than 5:00 p.m. of the third business day~~ after the date of mailing; ~~if mailed from within the state of Washington or the sixth business days if mailed from outside the state of Washington;~~ or

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PSE's comments:

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PacifiCorp comments:

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(ii) Mailed notice - The utility must mail a second notice which must include a scheduled disconnection

date that is not earlier than 5:00 p.m. of the third business day after the date of mailing ~~if mailed from within the state of Washington or the sixth business day if mailed from outside the state of Washington;~~ {COMMENT: Same as above.} or

(iii) Telephone notice - The utility must attempt at least two times to contact the customer during regular business hours. A log or record of the calls must be kept for a minimum of ninety calendar days showing the telephone number called, the time of the call, and details of the results of each attempted call. When the utility has been unable to reach the customer by telephone, a written notice must be mailed to the customer providing a disconnection date not earlier than 5:00 p.m. of the third business day after the date of mailing if mailed from within the state of Washington or the sixth business day if mailed from outside the state of Washington or delivering a notice providing a disconnection date of not earlier than 5:00 p.m. of the second business day following the date of delivery;
PacifiCorp comments:

(iii) Telephone notice -The utility may elect to contact the customer by telephone during the business day. If this is the method used to notify the customer of the pending disconnection, ust attempt at least two times to contact the customer during regular business hours. A log or record of the calls must be kept for a minimum of ninety calendar days showing the telephone number called, the time of the call, and details of the results of each attempted call. When the utility has been unable to reach the customer by telephone, a written notice must be provided to the customer either by mailing it to the customer and providing a mailed to the customer providing a disconnection date that is four business days not before 5:00 p.m. of the third business days after the date of mailing if mailed from within the state of Washington or the sixth business days if mailed from outside the state of Washington, or by delivering a notice providing a disconnection date within three business days of not before 5:00 p.m. two business days after of the date of delivery;

With regard to the telephone notice for disconnection, PacifiCorp suggests some clarifying language. If the Company contacts the customer via telephone we agree it is necessary to log the call, however, we do not think it is necessary to specify the number of times the utility must attempt to reach a customer via telephone since the customers who cannot be reached by phone will receive a mailed or delivered notice.
NWN's comments:

(iii) Telephone notice - The utility must attempt at least two times to contact the customer during regular business hours. A log or record of the calls must be kept for a minimum of ninety calendar days showing the telephone number called, the time of the call, and details of the results of each attempted call. When the utility has been unable to reach the customer by telephone, a written notice must be mailed to the customer providing a disconnection date not earlier than 5:00 p.m. of the third business day after the date of mailing ~~if mailed from within the state of Washington or the sixth business day if mailed from outside the states of Oregon, Washington, or Idaho, state of Washington~~ or delivering a notice providing a disconnection date of not earlier than 5:00 p.m. of the second business day following the date of delivery;
Please note that we do not support the requirement for separate criteria. The above revisions are merely intended as a suggested compromise.

Cascade's comments:

(iii) Telephone notice - The utility must attempt at least two times to contact the customer during regular business hours. A log or record of the calls must be kept for a minimum of ninety calendar days showing the telephone number called, the time of the call, and details of the results of each attempted call. When the utility has been unable to reach the customer by telephone, a written notice must be mailed to the customer providing a disconnection date not earlier than 5:00 p.m. of the third business day after the date of mailing or delivering a notice providing a disconnection date of not earlier than 5:00 p.m. of the second business day following the date of delivery;

Section (6)(c) (iii) Telephone notice needs clarification as to when the service may be disconnected if telephone contact is made. Can we assume that it is not prior to 5:00 pm of the second day after contact is made (as delivered notice requirements)?

date that is not earlier than 5:00 p.m. of the third business day after the date of mailing ~~if mailed from within the state of Washington or the sixth business day if mailed from outside the state of Washington;~~ {COMMENT: Same as above.} or

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PacifiCorp comments:

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With regard to the telephone notice for disconnection, PacifiCorp suggests some clarifying language. If the Company contacts the customer via telephone we agree it is necessary to log the call, however, we do not think it is necessary to specify the number of times the utility must attempt to reach a customer via telephone since the customers who cannot be reached by phone will receive a mailed or delivered notice.

NWN's comments:

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Cascade's comments:

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Section (6)(c) (iii) Telephone notice needs clarification as to when the service may be disconnected if telephone contact is made. Can we assume that it is not prior to 5:00 pm of the second day after contact is made (as delivered notice requirements)?

PSE's comments:

(iii) Telephone notice - The utility must attempt at least two times to contact the customer during regular business hours. A log or record of the calls must be kept for a minimum of ninety calendar days showing the telephone number called, the time of the call, and details of the results of each attempted call. When the utility has been unable to reach the customer by telephone, a written notice must be mailed to the customer providing a disconnection date not earlier than 5:00 p.m. of the third business day after the date of mailing if mailed from within the state of Washington or the sixth business day if mailed from outside the state of Washington; {COMMENT: Same as above.}

(d) If the utility has not disconnected service within ten business days of the disconnection date stated in subsection (6)(a)(i) of this section, the disconnection notice will be considered void unless the customer and the utility have agreed upon a payment arrangement. Upon a void notice, the utility must provide a new disconnection notice to the customer as described in (a) of this subsection;

PacifiCorp comments:

(d) If the utility has not disconnected service within ten business days of the disconnection date stated in subsection (6)(a)(I) of this section, the disconnection notice will be considered void unless the customer and the utility have agreed upon a payment arrangement. Upon a void notice, the utility must provide a new disconnection notice to the customer as described in (a) of this subsection;

If the notice cannot be worked within 10 business days any required renoticing should follow the timeline provided in (c) for the second notice or alternatively the utility should be allowed to work the notice until such time any new notices are received by the customer which is the typical practice in the majority of states served by PacifiCorp. Utah is the only state served by the Company, besides Washington, where there is a restriction on working the notice. Utah rules allow fifteen days to work the notice and for notices that are not worked, the Company is required to provide a 48-hour notice of disconnection.

(e) When the service address is different from the billing address, the utility must determine if the customer of record and the service user are the same party. If not, the utility must notice the service user as described in (a) of this subsection prior to disconnecting service;

(f) Except in case of danger to life or property, the utility may not disconnect service on Saturdays, Sundays, legal holidays, or on any other day on which the utility cannot reestablish service on the same or following day;

(g) A utility representative dispatched to disconnect service 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;

(h) When service is provided through a master meter, or when the utility has reasonable grounds to believe service is to other than the customer of record, the utility must undertake reasonable efforts to inform occupants of the service address of the impending disconnection. Upon request of one or more service users, where service is to other than the customer of record, the utility must allow five days past the original disconnection date to permit the service users to arrange for continued service;

(i) Medical facilities - When service is provided to:

Avista comments:

(i) Medical facilities - When service is known to be provided to:

Comment:

PSE's comments:

(iii) Telephone notice - The utility must attempt at least two times to contact the customer during regular business hours. A log or record of the calls must be kept for a minimum of ninety calendar days showing the telephone number called, the time of the call, and details of the results of each attempted call. When the utility has been unable to reach the customer by telephone, a written notice must be mailed to the customer providing a disconnection date not earlier than 5:00 p.m. of the third business day after the date of mailing if mailed from within the state of Washington or the sixth business day if mailed from outside the state of Washington; {COMMENT: Same as above.}

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(i) Medical facilities - When service is provided to:

Avista comments:

(i) Medical facilities - When service is known to be provided to:

Comment:

The Company does not oppose adding new facilities, but it may not be possible to identify all of those listed, unless the affected facilities were to contact the utility.

PSE's comments:

(i) Medical facilities - When service is known to be provided to: {COMMENT: PSE does not oppose adding the various new facilities Staff is proposing to cover under this section, but it may not be possible for a utility to identify all of those listed, especially the "other" category. This can be remedied by inserting the recommended language above. With this language, the WUTC could inform the department of health about the expansion of this rule, which could then inform all affected facilities to contact the utility.}

(i) A hospital, medical clinic, ambulatory surgery center, renal dialysis facility, chemical dependency residential treatment facility, or other medical care facility licensed or certified by the department of health, a notice of pending disconnection must be provided to the secretary of the department of health and to the customer. The department of health secretary or designee may request to delay the disconnection for five business days past the original disconnection date to allow the department to take the necessary steps to protect the interests of the patients residing at the facility; or

(ii) A nursing home, boarding home, adult family home, group care facility, intermediate care facility for the mentally retarded (ICF/MR), intensive tenant support residential property, chemical dependency residential treatment facility, crisis residential center for children or other group home or residential care facility licensed or certified by the department of social and health service, a notice of pending disconnection must be provided to the secretary of the department of social and health services and to the customer. The department of social and health services secretary or designee may request to delay the disconnection for five business days past the original disconnection date to allow the department to take the necessary steps to protect the interests of the patients residing at the facility;

(j) Any customer may designate a third party to receive a disconnection notice or other matters affecting the customer's service. The utility will offer all customers the opportunity to make such a designation. If the utility believes that a customer is not able to understand the effect of the disconnection, the utility will consider a social agency to be the third party. In either case, the utility must delay service disconnection for five business days past the original disconnection date after issuing a disconnection notice to the third party. The utility will determine which social agencies are appropriate and willing to receive the disconnection notice, the name and/or title of the person able to deal with the disconnection, and provide that information to the customer.

Public Counsel's comments:

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(7) For purposes of this section, the date of mailing a notice will not be considered the first day of the notice period.

The Company does not oppose adding new facilities, but it may not be possible to identify all of those listed, unless the affected facilities were to contact the utility.

PSE's comments:

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(7) For purposes of this section, the date of mailing a notice will not be considered the first day of the notice period.

(8) Payments at a payment agency - Payment of any past-due amounts to a designated payment agency of the utility constitutes payment when the customer informs the utility of the payment and the utility has verified the payment.

Public Counsel's comments:

(8) Payments at a payment agency - Payment of any past-due amounts to a designated payment agency of the utility constitutes payment when the customer informs the utility of the payment and the utility has verified the payment. *(A customer who informs a company of payment shall not be disconnected or labeled delinquent during any interval between when they inform the company of payment and when the company verifies payment. If a company is unable to verify payment after a customer informs a company of payment at a payment agency, that company shall wait a minimum of eight days prior to initiating or re-initiating disconnection procedures.)*

--- Payments at a payment agency. The draft language states that payment of past-due amounts will only "constitute payment" after the "customer informs the company of the payment" AND "the company has verified the payment." No disconnection should occur between the time a customer informs a company of payment and the company's verification of that payment. In the proposed draft it appears that a customer who makes a timely payment at a payment agency and then calls to inform the company of that payment could still be labeled delinquent, or worse disconnected, if the payment does not arrive in time and the company fails to verify the payment. It is unacceptable for customers to bear the burden of lag time between payment and posting when it is the companies that have chosen to provide pay stations in lieu of staffed local offices. Public Counsel would like to see it clearly delineated that a customer who informs a company of payment shall not be disconnected or labeled delinquent during any interval between when they pay or inform of payment and when the company processes or verifies payment. As well, to protect customers who pay in time but fail to call, a mandatory grace period should be required which takes into account the longest possible lag-time between payment agency payment and a company's posting of that payment to the account. We are open to considering the appropriate length of time for such a lag.

(9) Remedy and appeals - Service may not be disconnected while the customer is pursuing any remedy or appeal provided by these rules or while engaged in discussions with the utility's representatives or with the commission. Any amounts not in dispute must be paid when due and any conditions posing a danger to health, safety, or property must be corrected. The utility will inform the customer of these provisions when the customer is referred to a utility's supervisor or to the commission.

Public Counsel Comment:

(9) Remedy and appeals. Are these provisions included in the consumer brochure information required in WAC 480-90-041? If not, they should be.

Staff's Initial Comments:

(1) *The requirement that the bills be paid within a minimum of 15 days has been moved to WAC 480-90-106, Billing requirements and payment date (Form of Bills).*

Utility disconnecting service without notice:

(2) *Reformatted text addressing reasons when the utility can disconnect with and without notice to customers.*

a. *Clarifies companies are not required to provide disconnect notice if, after a thorough investigation, it has determined the customer has tampered with or vacated the property. 2a - Combined language addressing obtaining service fraudulently (2g) with tampered or stolen service (2a).*

b. *Allows companies to disconnect without notice if a person is using service prior to ordering service.*

Utility disconnecting service without further notice:

(3) *Added "electronic payment" to 2c, when a customer pays with a check or electronic payment that has been dishonored by a financial institution.*

Customer disconnecting service:

(4) *Customers must provide the date service is to be disconnected.*

(8) Payments at a payment agency - Payment of any past-due amounts to a designated payment agency of the utility constitutes payment when the customer informs the utility of the payment and the utility has verified the payment.

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Customer disconnecting service:

(4) *Customers must provide the date service is to be disconnected.*

1 - Added language allowing the utility to require the customer to provide at least 3 days notice for service disconnection.

(5) Customers are not responsible for service after the requested date for disconnection.

(6) If the customer moves without notifying the utility to disconnect service, the customer will be responsible to pay for service until the utility can either confirm the customer has vacated the premise or that a new responsible party has moved in.

Medical Emergency:

(7) Moved the section for medical emergencies (section 2h of existing rule) to follow reasons for disconnection.

(8) Requires companies to restore disconnected service within four hours after being notified of medical emergency situation. 5-Clarifies when the utility is required to restore service.

(9) Lengthened time of medical certificate from 30 days to 60 days.

(10) Restricted customers who delay disconnection of service via for medical emergencies from no limited amount of times to two times within 60 days.

(11) If utility does not receive medical certificate or ten percent payment of delinquent balance within 5 business days, the utility can disconnect service upon mailed a 3-day notice or personally delivering a notice allowing one business prior to disconnecting service.

(12) If the customer fails to abide by the payment agreement of the medical emergency, the utility can disconnect service upon mailed a 3-day notice or personally delivering a notice allowing one business prior to disconnecting service.

(13) 5e-Combined language with 5d.

Notice procedures:

(14) When the utility mails a notice of disconnect from outside of the Washington State, it must add three business days to the notice due date.

(15) Reformatted the procedures for disconnection.

(16) Utility is no longer required to mail notices; personal delivery is now another option with same due date as if mailed.

(17) Utility is allowed the option of mailing an additional notice or personally delivering a notice if it cannot reach the customer by telephone prior to disconnecting service.

(18) Updated information as to when and how the companies should provide notice to medical facilities and relevant state offices.

Utility-directed with notice -

(19) 3d - Deleted reference to disconnecting service due to willful waste of service.

(20) 4- Added language gas service may not be disconnected for any amount owing with regulated electric service or for any nonregulated service.

WAC 480-90-xx4 Reconnecting service after disconnection.

(1) A gas utility must restore a disconnected service within one business day after the customer has paid, or at the time the utility has agreed to bill, any reconnection charge and:

PacifiCorp comments:

(1) An electric utility must restore a disconnected service ~~within one business day~~ after the customer has paid, or at the time the utility has agreed to bill, any reconnection charge and:

NWN' s comments:

1 - Added language allowing the utility to require the customer to provide at least 3 days notice for service disconnection.

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PacifiCorp comments:

(1) An electric utility must restore a disconnected service ~~within one business day~~ after the customer has paid, or at the time the utility has agreed to bill, any reconnection charge and:

NWN's comments:

(1) A gas utility must make every reasonable effort to restore a disconnected service within one business day, subject to customer's payment of a reconnection charge, when after the customer has paid, or at the time the utility has agreed to bill, any reconnection charge and:

(a) The causes for disconnection not related to a delinquent account are removed and the customer pays all delinquent regulated charges, including any required deposit; or

NWN's comments:

(a) The causes for disconnection not related to a delinquent account are removed and the customer pays all any delinquent regulated charges, ~~including plus~~ any required deposit; or

(b) The customer has entered into an agreed upon payment arrangement for a delinquent account, and any required deposit; or

Avista comments:

(b) The customer has entered into an agreed upon payment arrangement for a delinquent account, and pays any required deposit as defined in WAC 480-100-051(6) Deposit Requirements; or

NWN's comments:

(b) The customer has entered into an agreed upon payment arrangement for a delinquent account, and pays any required deposit; or

(c) The delinquent account is a prior obligation account as defined in WAC 480-90-056, Refusal of service, and the customer has paid or made arrangements for a deposit.

Avista comments:

(c) The delinquent account is a prior obligation account as defined in WAC 480-100-056, Refusal of service, and the customer has paid ~~or made arrangements~~ for any required deposit as defined in WAC 480-100-051(6) Deposit Requirements, unless the customer was disconnected for using service prior to applying for service as defined in WAC 480-100-071(2)(f), Discontinuance of Service, in which case the customer must pay all delinquent regulated charges in addition to a deposit.

NWN's comments:

(c) The delinquent account is a prior obligation account as defined in WAC 480-90-056, Refusal of service, and the customer has paid or made arrangements to pay for a deposit, plus any prior obligation amounts owing to the utility, if applicable.

Public Council's comments:

(c) The delinquent account is a prior obligation account as defined in WAC 480-100-056 Refusal of service, and the customer has paid or made arrangements for a deposit *(as provided in WAC 480-90/100-051(6);)*

(1)(c) Simply supplies reference to options customers/applicants have for paying or making arrangements for paying deposits.

(2) The commission may order reconnection pending resolution of a bona fide dispute between the utility and the customer over the propriety of disconnection.

Staff's Initial Comments:

(1) *New rule created out of current WAC 480-90-072 Discontinuance of service (4).*

(2) *Added that the commission may order re-connection pending resolution of a bona fide dispute over disconnection (current rule language).*

WAC 480-90-072 Payment arrangements.

(1) If a residential customer is billed for both gas and electric service and pays a portion of the total

(1) A gas utility must make every reasonable effort to restore a disconnected service within one business day, subject to customer's payment of a reconnection charge, when after the customer has paid, or at the time the utility has agreed to bill, any reconnection charge and:

(a) The causes for disconnection not related to a delinquent account are removed and the customer pays all delinquent regulated charges, including any required deposit; or

NWN' s comments:

(a) The causes for disconnection not related to a delinquent account are removed and the customer pays ~~all~~ any delinquent regulated charges, ~~including plus~~ plus any required deposit; or

(b) The customer has entered into an agreed upon payment arrangement for a delinquent account, and any required deposit; or

Avista comments:

(b) The customer has entered into an agreed upon payment arrangement for a delinquent account, and pays any required deposit as defined in WAC 480-100-051(6) Deposit Requirements; or

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WAC 480-90-072 Payment arrangements.

(1) If a residential customer is billed for both gas and electric service and pays a portion of the total

amount billed, the gas utility must allow the customer the option of applying the payment to the service of their choice. If the customer makes a partial payment and does not choose to which service the payment will apply, the utility must apply the payment to both services on a prorated basis according to the amounts billed for each service.

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Comment:

Tracking whether or not a customer's payment was applied based on the customers discretion or prorated by the company will require re-programming estimated to cost upwards of \$5,000,000. Additionally, the Company notes that this proposed rule may cause confusion for a customer making partial payments.

PSE's comments:

(1) If a residential customer is billed for both gas and electric service and pays a portion of the total amount billed, the gas utility may first allocate payment to outstanding balances, after which the utility must allow the customer the option of applying the payment to the service of their choice. ~~If the customer makes a partial payment and does not choose to which service the payment will apply, the utility must apply the payment to both services on a prorated basis according to the amounts billed for each service.~~ {COMMENTS: A combined utility provides delivery of energy. One of the reasons combined utilities have been authorized by the Commission is the efficiency of providing both services. If a customer does not pay a portion of their bill, they have not paid for the delivery of energy. PSE urges Staff to acknowledge that disconnecting and reconnecting electrical service rather than gas service (or both services) when a customer has not paid their energy bills is safer, more cost effective, and more convenient both for the customer and utility, and therefore should be the Commission's preferred approach.}

(2) If the utility is delayed in billing a residential customer, the utility must offer payment arrangements that are equal to the length of time the bill was delayed.

Avista comments:

(2) If the utility is delayed in billing a residential customer, the utility must offer payment arrangements that are equal to the length of time the bill was delayed, unless the utility determines a customer used service prior to applying for service as outlined in WAC 480-100-071(2)(f), Discontinuance of Service.

Comment:

This edit incorporates language used in WAC 480-100-071(2)(f).

(3) The utility must offer all residential customers the option of an equal payment plan.

(a) An equal payment plan allows the customer to pay the same amount each month based on historical usage. If historical information is not available, the utility will base the amount on projected usage.

(b) The utility may refuse to offer the equal payment plan to customers who have been removed from the equal payment plan for nonpayment within the past six months or have more than a two month past due balance on their current account. However, the utility may offer the equal payment plan to any customer when the utility believes this would be in the best interest of all parties concerned.

(4) When a residential customer contacts the utility regarding a delinquent account or to avoid a delinquent account, the utility must offer extended payment arrangements appropriate for both the customer and the utility.

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Comment:

It is in the best interest of all utilities to make arrangements appropriate for both the customer and the utility. Avista has worked hard to establish such arrangements which may be, at times, more lenient than six months. Currently there are more than 48,000 Washington customers participating in Avista's Comfort Level Billing Plan. In 1999, Avista made over 111,000 arrangements with its Washington customers. 75% of the "Current Bill Plus \$" arrangements were broken by the customer and the Company does not believe that a mandatory six month arrangement offered to all customers once in their lifetime is feasible to track nor probable that the customer would keep the arrangement. Therefore, Avista recommends that the utility retain the ability to negotiate arrangements appropriate to the customer and the utility as defined in the original rule.

NWN's comments:

NWN disagrees with the proposed language at Section (4)(a) with regard to limiting the availability of the six-month payment arrangement to once in the customer's entire service period. If nothing else, it seems very non-consumer oriented. Since subsection (b) appears to allow the utility to make any other payment arrangement at any time with a customer, it would seem that the need to retain subsection (a) is non-existent. We would suggest changes as follows:

(4) When a residential customer contacts the utility regarding a delinquent account or to avoid a delinquent account, the utility must offer extended payment arrangements appropriate for both the customer and the utility.

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(b) If the customer does not choose to enter into a six-month payment arrangement, then the customer and utility may make arrangements appropriate to both the customer and utility. If the customer does not propose payment arrangements acceptable to the utility, the utility will advise the customer of the payment plan described in WAC 480-90-xx5, Winter low-income payment program, if appropriate.

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- (5) The utility must provide a receipt to customers for all payments made in cash.

Staff's Initial Comments:

- (1) *Moved Sections (3) and (4) of existing rule to separate new rule.*
- (2) *Added that if the utility delayed billing to the customer, it must allow the customer to make payment arrangements equal to the length of time the customer waited for the bill.*
- (3) *Added that utilities who provide both electric and gas service, must prorate payments to each service if the customer has not designated which service should be paid.*
- (4) *Added that the utility must provide receipts for all cash payments.*
- (5) *Added that the customer may enter into a six month payment arrangement on a delinquent account one time prior to disconnection of service.*
- (6) *Clarified how budget payment plans are calculated.*
- (7) *Clarified that rule pertains to residential customers.*

WAC 480-90-xx5 Winter low-income payment program.

(1) During the winter months, between November 15 and March 15, the gas utility may not discontinue residential space heating service if the customer does all of the following:

(a) Notifies the utility of the inability to pay the bill and any required deposit. This notice should be provided within five business days of receiving a delinquent notice unless there are extenuating circumstances. If the customer does not notify the utility within five business days and service is disconnected, the customer can receive the protections of this chapter by paying re-connection charges, if any, and by otherwise fulfilling the requirements of this section;

(b) Provides self-certification of household income for the prior twelve months to a grantee of the Department of community, trade, and economic development. For the purposes of this section, the grantee is a contractor operating low income energy assistance programs for the Department of community, trade, and economic development, or its successor. The grantee will determine that the household income is not higher than the maximum allowed for eligibility under the state's plan for low-income energy assistance. The grantee will also provide a dollar figure to the company that is seven percent of the household income. For the purposes of this section household income is defined as the total income of all household members as determined by the grantee. The grantee may verify information provided in the self-certification;

Energy Project's comments:

Section (1)(b) seems to require of the LIHEAP sub grantees a determination that we don't believe the Commission has jurisdiction to require ("The grantee will . . . determine that the household income . . . provide a dollar figure to the company that is seven percent of the household income."). Further, when determining eligibility is in conjunction with the LIHEAP program, this service does not require any significant effort on the part of the grantee. Unfortunately, the LIHEAP program is quite seasonal. In recent years funding has been released late - into the middle of the heating season - and runs out early. When the funds run out, most grantees no longer eligibilize clients. As a result, customers may not be able to demonstrate their income eligibility for a good part of the heating season, if not for the year in general. Then, too, it is important to realize the LIHEAP funds are only sufficient to serve about 20% of those who are eligible, leaving a very large number at risk.

The suggested mechanism reveals one of the significant failings our system has in trying to serve those who can't pay (as opposed to those who don't or won't). Utilities rely on LIHEAP sub-grantees to determine whether a customer is eligible for a program, usually without paying for that service. Participation in a number of payment programs is often based on

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similar eligibility qualifications. With the limitations of the LIHEAP funding, the sub-grantees can only provide this service for far fewer customers than would qualify and then only for a very short window. At least one Washington utility indicates their greatest level of arrearages and number of shut-offs in the March-April time frame - essentially when the winter moratorium is over. Ideally, payment troubled households should be able to qualify for some sort of assistance at this time. It is also when most the local LIHEAP providers are laying off their intake staff

Avista comments:

Comment: Most of the agencies or grantees in Avista's service area do not have the staff available to take on this additional work. Attention to these additional responsibilities may be necessary.

The grantee will determine that the household income is not higher than the maximum allowed for eligibility under the state's plan for low-income energy assistance. The grantee will also provide a dollar figure to the company that is seven percent of the household income within 30 days of the date the company was notified of the inability to pay as in (a) of this subsection.

Comment: The original language included the 30-day timeframe and in order to ensure the provision is applied, the utility will need timely information from the grantee.

PacifiCorp comments:

(b) Provides self-certification of household income for the prior twelve months to a grantee of the Department of community, trade, and economic development or its successor. For the purposes of this section, the grantee is a contractor operating low-income energy assistance programs for the Department of community, trade, and economic development. The grantee will within 30 days determine that the household income is not higher than the maximum allowed for eligibility under the state's plan for low-income energy assistance. The grantee will ~~also~~ also within 30 days provide a dollar figure to the company that is seven percent of the household income . For the purposes of this section, household income is defined as the total income of all household members as determined by the grantee within 30 days of the date the company is notified of the inability to pay. The grantee may verify information provided in the self-certification;

* Removing the 30 day time limit for the grantee could create excessive and cumbersome administrative work for the company. This change would also delay collection activity. The Company believes 30 days is a reasonable amount of time to complete this necessary work.

PSE's comments:

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(c) Applies for home energy assistance from appropriate government and/or private sector organizations and certifies that any assistance received will be applied to the customer's current and future utility bills;

(d) Applies to the utility or other appropriate agencies for low-income weatherization assistance if such assistance is available for the dwelling;

(e) Agrees to and abides to that agreement to:

(i) Pay all amounts owed to the utility by the following October 15 and pay for continued service; and

(ii) Pay a monthly payment during the winter period . The utility will not require payment of more than seven percent of the customer's monthly income. In addition, the customer must pay one-twelfth of any billings from the date application is made through March 15. A customer may agree to pay a higher percentage of income during this period, but the customer's account

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(e) Agrees to and abides to that agreement to:

(i) Pay all amounts owed to the utility by the following October 15 and pay for continued service; and

(ii) Pay a monthly payment during the winter period . The utility will not require payment of more than seven percent of the customer's monthly income. In addition, the customer must pay one-twelfth of any billings from the date application is made through March 15. A customer may agree to pay a higher percentage of income during this period, but the customer's account

will not be considered past due unless payment during this period is less than seven percent of the monthly income plus one-twelfth of any past due amounts accrued from the date application is made and thereafter. If the customer does not pay the past due bill by the following October 15, the customer will not be eligible for protections under this section, until the past due bill is paid;

NWN's comments:

NWN has only editorial suggestions to the proposed rule. First, references to the Department of Community, Trade, and Economic Development should probably be capitalized. Second, at Section (1)(e), we suggest clarifications as follows:

(e) Agrees to and abides by ~~the agreement to that agreement~~ to:

(i) Pay all amounts owed to the utility by the following October 15 and pay for continued service; and

(ii) Pay a monthly payment each month during the winter period. The utility will not require a monthly payment ~~greater of more~~ than seven percent of the customer's monthly income. In addition, the customer must pay one-twelfth of any billings from the date application is made through March 15. A customer may agree to pay a higher percentage of income during this period, but the customer's account will not be considered past due unless payment during this period is less than seven percent of the monthly income plus one-twelfth of any past due amounts accrued from the date application is made and thereafter. If the customer does not pay the past due bill by the following October 15, the customer will not be eligible for protections under this section until the past due bill is paid;

(f) Notifies and provides documentation to the utility, if requested, that the customer has received any home heating assistance payment from government and/or private sector organizations after being approved for the plan. When the utility receives this information it must recalculate the payments for the customer; and

(g) Pay all amounts owed even if the customer moves.

(2) The utility will:

(a) Assist the customer in fulfilling the requirements under this section;

(b) Be required to transfer an account to a new residence when a customer who has established a plan under this section moves from one residence to another within the same utility's service area;

Cascade's comments:

(b) Be required to transfer an account to a new residence when a customer who has established a plan under this section moves from one residence to another within the same utility's service area. The utility may update the plan as appropriate if the account is transferred to a new residence;

* Section (2) (b) – The proposed text should be added to allow the customer to pay for past and current service.

(c) Be allowed to disconnect service in accordance with WAC 480-90-071, Discontinuance/Disconnection of service, if the customer has not kept the payment arrangements as described in subsection (1) of this section. The utility must also include in the customer's disconnection notice:

(i) A description of the customer's duties outlined in subsection (1) of this section; and

(ii) An explanation that the utility will restore service if the customer contacts the utility and satisfies the other requirements of this section;

(d) Be allowed to disconnect service for practices authorized by law other than for nonpayment as stated in this section;

(e) Allow customers who qualified under subsection (1) of this section and who default on their payment plan and are disconnected in accordance with WAC 480-090-071, Discontinuance/Disconnection of service, to reconnect and maintain the protection afforded under this chapter when they:

will not be considered past due unless payment during this period is less than seven percent of the monthly income plus one-twelfth of any past due amounts accrued from the date application is made and thereafter. If the customer does not pay the past due bill by the following October 15, the customer will not be eligible for protections under this section, until the past due bill is paid;

NWN's comments:

NWN has only editorial suggestions to the proposed rule. First, references to the Department of Community, Trade, and Economic Development should probably be capitalized. Second, at Section (1)(e), we suggest clarifications as follows:

(e) Agrees to and abides ~~by the agreement to that agreement~~ to:

(i) Pay all amounts owed to the utility by the following October 15 and pay for continued service; and

(ii) Pay a monthly payment each month during the winter period. The utility will not require a monthly payment greater of more than seven percent of the customer's monthly income. In addition, the customer must pay one-twelfth of any billings from the date application is made through March 15. A customer may agree to pay a higher percentage of income during this period, but the customer's account will not be considered past due unless payment during this period is less than seven percent of the monthly income plus one-twelfth of any past due amounts accrued from the date application is made and thereafter. If the customer does not pay the past due bill by the following October 15, the customer will not be eligible for protections under this section, until the past due bill is paid;

(f) Notifies and provides documentation to the utility, if requested, that the customer has received any home heating assistance payment from government and/or private sector organizations after being approved for the plan. When the utility receives this information it must recalculate the payments for the customer; and

(g) Pay all amounts owed even if the customer moves.

(2) The utility will:

(a) Assist the customer in fulfilling the requirements under this section;

(b) Be required to transfer an account to a new residence when a customer who has established a plan under this section moves from one residence to another within the same utility's service area;

Cascade's comments:

(b) Be required to transfer an account to a new residence when a customer who has established a plan under this section moves from one residence to another within the same utility's service area. The utility may update the plan as appropriate if the account is transferred to a new residence;

* Section (2) (b) – The proposed text should be added to allow the customer to pay for past and current service.

(c) Be allowed to disconnect service in accordance with WAC 480-90-071, Discontinuance/Disconnection of service, if the customer has not kept the payment arrangements as described in subsection (1) of this section. The utility must also include in the customer's disconnection notice:

(i) A description of the customer's duties outlined in subsection (1) of this section; and

(ii) An explanation that the utility will restore service if the customer contacts the utility and satisfies the other requirements of this section;

(d) Be allowed to disconnect service for practices authorized by law other than for nonpayment as stated in this section;

(e) Allow customers who qualified under subsection (1) of this section and who default on their payment plan and are disconnected in accordance with WAC 480-090-071, Discontinuance/Disconnection of service, to reconnect and maintain the protection afforded under this chapter when they:

- (i) Pay any reconnection charges; and
- (ii) Pay all amounts that would have been due and owing on the date the service is reconnected; and

Public Counsel's comments:

- (ii) Pay all amounts that would have been due and owing on the date the service is reconnected; (or
- (iii) Utilize reconnection protections afforded under sections WAC 480-90/100-056--Medical Emergencies or WAC 480-100 xx4 (1)(c), (2)--Reconnecting service after disconnection;) and

(f) Provide a written copy of the extended payment plan to the customer.

(3) Any customer who has a past due amount owing under this payment plan will not be eligible to reapply for a new extended payment plan unless authorized by the utility.

Staff's Initial Comments:

- (1) This rule is moved from WAC 480-90-072, Payment Arrangements, Sections (3) and (4).
- (2) Reformatted rule to more closely parallel with RCW 80.28.010 (4) and (5).
- (3) Moved definitions of energy assistance grantee and household income from WAC 480-90-021 (5) and (6) to section (1) (b) of this rule.

WAC 480-90-076 Service responsibility (gas)

(1) Customer responsibility - The customer will notify the gas utility, in writing, prior to all changes to their equipment or usage that will materially affect the service to be rendered. The customer will give such notice within a reasonable time so the utility can provide the necessary facilities and acquire additional gas supplies if required. The charge for such necessary facilities, if any, will be in accordance with the utility's filed tariff.

(2) Gas utility responsibility - The gas utility will install and maintain at appropriate locations within its system such equipment that may be necessary to determine the operating characteristics of the system. The Commission may require the utility to provide additional equipment in connection with performing special investigations, if economically feasible.

(3) Changes to utility system - Each gas utility will promptly notify all affected customers of a change to the system that would affect the efficiency of operation or the adjustment of the customer equipment. If an adjustment to the customer's equipment is necessary, the cost will be recovered in accordance with the utility's tariff, except that, when the customer has been notified of a change in service prior to receiving service or when the change is required by law the customer must bear all cost in connection with making such changes.

(4) Standard pressure - Each gas utility must adopt and maintain as constant as practical a standard pressure of gas measured at the outlet of any customer's meter and/or regulator in cases of a high pressure system. The standard pressure adopted will be filed with the commission as part of the gas utility's schedule of rates, rules, and regulations. Pressures other than standard may be furnished to a customer upon mutual agreement between the utility and customer, and provided that such pressure can be maintained without adversely affecting the service being provided to other customers on the system.

(5) Maintenance - Each gas utility must maintain its gas system in a condition that will enable it to furnish safe, adequate, and efficient service and meet applicable state and federal standards.

(6) Interruption of service - The term "interruptions" as used in this rule refers to the temporary discontinuance of gas flow to any customer(s) due to accident, required repairs or replacement, or to the

- (i) Pay any reconnection charges; and
- (ii) Pay all amounts that would have been due and owing on the date the service is reconnected; and

Public Counsel's comments:

- (ii) Pay all amounts that would have been due and owing on the date the service is reconnected; *(or*
- ((iii) Utilize reconnection protections afforded under sections WAC 480-90/100-056--Medical Emergencies or WAC 480-100 xx4 (1)(c), (2)--Reconnecting service after disconnection;)* and

- (f) Provide a written copy of the extended payment plan to the customer.
- (3) Any customer who has a past due amount owing under this payment plan will not be eligible to reapply for a new extended payment plan unless authorized by the utility.

Staff's Initial Comments:

- (1) *This rule is moved from WAC 480-90-072, Payment Arrangements, Sections (3) and (4).*
- (2) *Reformatted rule to more closely parallel with RCW 80.28.010 (4) and (5).*
- (3) *Moved definitions of energy assistance grantee and household income from WAC 480-90-021 (5) and (6) to section (1) (b) of this rule.*

WAC 480-90-076 Service responsibility (gas)

- (1) Customer responsibility - The customer will notify the gas utility, in writing, prior to all changes to their equipment or usage that will materially affect the service to be rendered. The customer will give such notice within a reasonable time so the utility can provide the necessary facilities and acquire additional gas supplies if required. The charge for such necessary facilities, if any, will be in accordance with the utility's filed tariff.
- (2) Gas utility responsibility - The gas utility will install and maintain at appropriate locations within its system such equipment that may be necessary to determine the operating characteristics of the system. The Commission may require the utility to provide additional equipment in connection with performing special investigations, if economically feasible.
- (3) Changes to utility system - Each gas utility will promptly notify all affected customers of a change to the system that would affect the efficiency of operation or the adjustment of the customer equipment. If an adjustment to the customer's equipment is necessary, the cost will be recovered in accordance with the utility's tariff, except that, when the customer has been notified of a change in service prior to receiving service or when the change is required by law the customer must bear all cost in connection with making such changes.
- (4) Standard pressure - Each gas utility must adopt and maintain as constant as practical a standard pressure of gas measured at the outlet of any customer's meter and/or regulator in cases of a high pressure system. The standard pressure adopted will be filed with the commission as part of the gas utility's schedule of rates, rules, and regulations. Pressures other than standard may be furnished to a customer upon mutual agreement between the utility and customer, and provided that such pressure can be maintained without adversely affecting the service being provided to other customers on the system.
- (5) Maintenance - Each gas utility must maintain its gas system in a condition that will enable it to furnish safe, adequate, and efficient service and meet applicable state and federal standards.
- (6) Interruption of service - The term "interruptions" as used in this rule refers to the temporary discontinuance of gas flow to any customer(s) due to accident, required repairs or replacement, or to the

actions of municipal or other agencies. It does not refer to the discontinuance of gas flow to those customers receiving service under an interruptible service schedule. The gas utility will make a reasonable effort to avoid interruption of service and, if an interruption occurs, will endeavor to reestablish service with the shortest possible delay.

(a) **Scheduled interruption** – The gas utility will minimize the inconvenience to customers when it is necessary to make repairs or changes to its facilities that require the interruption of service. The gas utility must notify all customers affected by a scheduled interruption in person or through newspapers, radio announcements, or by other means at least one day in advance of the scheduled interruption.

(b) **Forced (emergency) interruption** - The company may curtail firm gas service in the event of an emergency or when forces beyond the control of the utility require interruption. No curtailment of firm customers will be allowed until all interruptible customers have been curtailed in the affected area.

(c) The utility will individually notify police and fire departments affected by an interruption of service.

(7) **Record of interruptions** – Each gas utility must keep a record of all interruptions of service affecting its customers, including in such record the location, the date and time, the duration, and as accurately as possible, the cause of each interruption. Utilities must submit copies of such records to the commission upon request.

Staff's Initial Comments:

Rule rewritten for clarity.

Included requirement for customer to notify utility and utility to notify Commission when gas is transported to more than one building (this language was proposed at the last workshop).

This rule was renumbered to include paragraph four.

Included definition of "interruption" in paragraph 6 that is included in current rule language.

WAC 480-90-076 Service Responsibility (electric)

(1) **Customer responsibility** - The customer will notify the electric utility in writing prior to changes in the customer's equipment or usage, which will materially affect the service to be rendered. The customer will give such notice within a reasonable time so the utility can provide the necessary facilities and acquire additional power supply if needed. The charge for such necessary facilities, if any, will be in accordance with the utility's filed tariff.

(2) **Electric utility responsibility** - Electric utilities:

(a) Will install and maintain equipment within its system that may be necessary to operate the electric system. The commission may require the utility to provide additional equipment in connection with performing special investigations if economically feasible.

(b) Will promptly notify all affected customers of a change to the service that would affect the efficiency of operation or the adjustment of the customer's equipment. If an adjustment to the customer's equipment is necessary, the cost will be recovered in accordance with the utility's tariff, except that when the customer has been notified of a change in service prior to receiving service or when such that change is required by law, the customer must bear all cost in connection with making changes to the customer's own equipment.

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(b) **Forced (emergency) interruption** - The company may curtail firm gas service in the event of an emergency or when forces beyond the control of the utility require interruption. No curtailment of firm customers will be allowed until all interruptible customers have been curtailed in the affected area.

(c) The utility will individually notify police and fire departments affected by an interruption of service.

(7) **Record of interruptions** – Each gas utility must keep a record of all interruptions of service affecting its customers, including in such record the location, the date and time, the duration, and as accurately as possible, the cause of each interruption. Utilities must submit copies of such records to the commission upon request.

Staff's Initial Comments:

Rule rewritten for clarity.

Included requirement for customer to notify utility and utility to notify Commission when gas is transported to more than one building (this language was proposed at the last workshop).

This rule was renumbered to include paragraph four.

Included definition of "interruption" in paragraph 6 that is included in current rule language.

WAC 480-90-076 Service Responsibility (electric)

(1) **Customer responsibility** - The customer will notify the electric utility in writing prior to changes in the customer's equipment or usage, which will materially affect the service to be rendered. The customer will give such notice within a reasonable time so the utility can provide the necessary facilities and acquire additional power supply if needed. The charge for such necessary facilities, if any, will be in accordance with the utility's filed tariff.

(2) **Electric utility responsibility** - Electric utilities:

(a) Will install and maintain equipment within its system that may be necessary to operate the electric system. The commission may require the utility to provide additional equipment in connection with performing special investigations if economically feasible.

(b) Will promptly notify all affected customers of a change to the service that would affect the efficiency of operation or the adjustment of the customer's equipment. If an adjustment to the customer's equipment is necessary, the cost will be recovered in accordance with the utility's tariff, except that when the customer has been notified of a change in service prior to receiving service or when such that change is required by law, the customer must bear all cost in connection with making changes to the customer's own equipment.

(c) Must maintain its plant in such a condition that will enable it to furnish safe, adequate, and efficient service and meet applicable state and federal standards.

PacifiCorp's comments:

(c) Must maintain its plant in such a condition that will enable it to furnish safe ~~and~~ adequate, ~~and~~ efficient service and meet applicable state and federal standards.

* The Company proposes deleting the term "efficient" since the definition is unclear.

PSE's comments:

(c) Must maintain its plant in such a condition that will enable it to furnish safe, adequate, and efficient service and meet applicable state and federal standards. {COMMENT: Staff is proposing to add "safe" and "efficient" to this section. It would be helpful if Staff explained its intentions and reasons for revising this section to include these new words.}

(d) Will make all reasonable efforts to avoid interruptions of service and, when such interruptions occur, will endeavor to reestablish service with the shortest possible delay.

When it is necessary for an electric utility to make repairs to or change its facilities, ~~the utility~~ the utility may, suspend service for such periods as may be reasonably necessary and in such a manner as to minimize the inconvenience to customers. The utility will individually notify police and fire departments affected by such a suspension. All customers affected by a scheduled interruption will be given notification through newspapers, radio announcements, or other means at least one day in advance.

PacifiCorp's comments:

When it is necessary for an electric utility to make repairs to or change its facilities, ~~excluding meters~~ the utility may, suspend service for such periods as may be reasonably necessary and in such a manner as to minimize the inconvenience to customers. The utility will individually notify police and fire departments affected by such a suspension. All customers affected by a scheduled interruption will be given notification through newspapers, radio announcements, or other means at least one day in advance.

* The Company requests that this rule be clarified to exclude meters from "facilities". The Company believes the intent of the rule is to provide notice for planned interruptions for circuits or areas – not to cover situations where it may be necessary to test or exchange meters necessitating a brief interruption of power.

PSE's comments:

(d) Will make a reasonable effort to avoid interruptions of service and, when such interruptions occur, will endeavor to reestablish service with the shortest possible delay. {COMMENT: Including the word "all" before reasonable creates a tone that really means utilities must do almost anything to avoid interruptions, which is probably not Staff's intent, as the costs could easily exceed the benefits for customers. PSE suggests replacing "all" with "a" will help clarify the requirement and be consistent with Staff's proposed gas rule revision.}

When it is necessary for an electric utility to make repairs to or change its facilities, the utility may, without incurring any liability, suspend service for such periods as may be reasonably necessary and in such a manner as to minimize the inconvenience to customers. The utility will individually notify police and fire departments affected by such a suspension. All customers affected by a scheduled interruption associated with facilities other than meters will be given notification through newspapers, radio announcements, or other means at least one day in advance. {COMMENT: This language is part of the current rule that is important to clarify that utilities are not liable for damages when interruptions are necessary to maintain their systems. As the comment section below does not address this omission, PSE assumes it was unintentional. PSE also suggests clarifying that an electric utility should not have to provide a customer one day notice for meter issues, which typically result in loss of service for a very short duration.}

(e) Must keep a record of all interruptions of service affecting a substantial number of customers, including in such record the location, the date and time, the duration, and, as accurately as possible, the cause of each interruption. Utilities must submit copies of such records to the commission upon request.

(c) Must maintain its plant in such a condition that will enable it to furnish safe, adequate, and efficient service and meet applicable state and federal standards.

PacifiCorp's comments:

(c) Must maintain its plant in such a condition that will enable it to furnish safe ~~and~~; adequate, ~~and efficient~~ service and meet applicable state and federal standards.

* The Company proposes deleting the term "efficient" since the definition is unclear.

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When it is necessary for an electric utility to make repairs to or change its facilities, ~~the utility~~ may, ~~;~~ suspend service for such periods as may be reasonably necessary and in such a manner as to minimize the inconvenience to customers. The utility will individually notify police and fire departments affected by such a suspension. All customers affected by a scheduled interruption will be given notification through newspapers, radio announcements, or other means at least one day in advance.

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When it is necessary for an electric utility to make repairs to or change its facilities, ~~excluding meters~~, the utility may, ~~;~~ suspend service for such periods as may be reasonably necessary and in such a manner as to minimize the inconvenience to customers. The utility will individually notify police and fire departments affected by such a suspension. All customers affected by a scheduled interruption will be given notification through newspapers, radio announcements, or other means at least one day in advance.

* The Company requests that this rule be clarified to exclude meters from "facilities". The Company believes the intent of the rule is to provide notice for planned interruptions for circuits or areas – not to cover situations where it may be necessary to test or exchange meters necessitating a brief interruption of power.

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When it is necessary for an electric utility to make repairs to or change its facilities, the utility may, without incurring any liability, suspend service for such periods as may be reasonably necessary and in such a manner as to minimize the inconvenience to customers. The utility will individually notify police and fire departments affected by such a suspension. All customers affected by a scheduled interruption associated with facilities other than meters will be given notification through newspapers, radio announcements, or other means at least one day in advance. {COMMENT: This language is part of the current rule that is important to clarify that utilities are not liable for damages when interruptions are necessary to maintain their systems. As the comment section below does not address this omission, PSE assumes it was unintentional. PSE also suggests clarifying that an electric utility should not have to provide a customer one day notice for meter issues, which typically result in loss of service for a very short duration.}

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PUBLIC COUNSEL's comments:

(2)(e)—Record of interruptions. Public Counsel believes “substantial number” should be addressed within the Commission’s electric reliability rulemaking to ensure a level of uniformity of reporting and comparability of data across companies. If the Commission chooses not to pursue that rulemaking past its current status, Staff should consider what “number” it deems appropriate in this area.

Staff's Initial Comments:

This rule was renumbered. No other changes were made to this rule.

WAC 480-90-xx6 Customer proprietary information.

(1) A company may not disclose, permit access to, or use customer proprietary information to market service or product offerings to a customer who does not already subscribe to that service or product.

Avista comments:

(1) Unless authorized by the customer, an electric utility may not disclose, permit access to, or use customer proprietary information to market service or product offerings to a customer who does not already subscribe or have reasonable access to that service or product.

Comment:

Avista actively promotes demand-side management services, based on what may be considered to be proprietary information, is related to gas main extensions. While the Company does not believe the intent of this proposed rule would prohibit such marketing efforts, Avista suggests the above edits for purposes of clarification.

PacifiCorp comments:

(1) An electric utility may not disclose, permit access to, or use of customer proprietary information for the purposes of ~~to~~ marketing service or product offerings by other entities, including any electric utility affiliates ~~to a customer who does not already subscribe to that service or product.~~

PSE's comments:

(1) A utility may not disclose, permit access to, or use customer proprietary information to market non-authorized, non-regulated, non-utility service or product offerings to a customer who does not already subscribe to that service or product without prior permission from the commission or customer. {COMMENT: This language ensures utilities can use their customer’s information to market regulated products and services to its customers. PSE assumes Staff did not intend to limit a utility’s ability to target tariffed services, such as targeted conservation programs, time-of-use rate programs, etc., that have been approved by the WUTC. The “without prior commission approval” language is included to allow for circumstances the WUTC may find are in the public interest to use this information including marketing new technologies necessary to make a new, more environmentally beneficial regulated services possible, for example special control technologies for back-up fuel supplies. Additionally, it seems reasonable that if the customer provides specific approval to use their information to receive information about new products and services, the utility should be allowed to do so.}.

(2) A company may not share customer proprietary information with its affiliates to market service or product offerings to a customer who does not already subscribe to that service or product.

Avista comments:

(2) Unless authorized by the customer, a utility may not share customer proprietary information with its affiliates to market service or product offerings to a customer who does not already subscribe to that service or product, unless such information is provided to other providers of such services in a non-discriminatory manner.

Comment:

The Federal Energy Regulatory Commission (FERC) has recognized that alternate energy service providers offer competitive products to utility customers in competition with utility affiliates. To avoid unfair competitive practices, the FERC requires notification on a real-time basis to alternate service providers in the event that proprietary information is made available to a utility affiliate.

PSE's comments:

PUBLIC COUNSEL's comments:

(2)(e)—Record of interruptions. Public Counsel believes “substantial number” should be addressed within the Commission’s electric reliability rulemaking to ensure a level of uniformity of reporting and comparability of data across companies. If the Commission chooses not to pursue that rulemaking past its current status, Staff should consider what “number” it deems appropriate in this area.

Staff's Initial Comments:

This rule was renumbered. No other changes were made to this rule.

WAC 480-90-xx6 Customer proprietary information.

(1) A company may not disclose, permit access to, or use customer proprietary information to market service or product offerings to a customer who does not already subscribe to that service or product.

Avista comments:

(1) Unless authorized by the customer, an electric utility may not disclose, permit access to, or use customer proprietary information to market service or product offerings to a customer who does not already subscribe or have reasonable access to that service or product.

Comment:

Avista actively promotes demand-side management services, based on what may be considered to be proprietary information, is related to gas main extensions. While the Company does not believe the intent of this proposed rule would prohibit such marketing efforts, Avista suggests the above edits for purposes of clarification.

PacifiCorp comments:

(1) An electric utility may not disclose, permit access to, or use of customer proprietary information for the purposes of to marketing service or product offerings by other entities, including any electric utility affiliates to a customer who does not already subscribe to that service or product.

PSE's comments:

(1) A utility may not disclose, permit access to, or use customer proprietary information to market non-authorized, non-regulated, non-utility service or product offerings to a customer who does not already subscribe to that service or product without prior permission from the commission or customer. {COMMENT: This language ensures utilities can use their customer’s information to market regulated products and services to its customers. PSE assumes Staff did not intend to limit a utility’s ability to target tariffed services, such as targeted conservation programs, time-of-use rate programs, etc., that have been approved by the WUTC. The “without prior commission approval” language is included to allow for circumstances the WUTC may find are in the public interest to use this information including marketing new technologies necessary to make a new, more environmentally beneficial regulated services possible, for example special control technologies for back-up fuel supplies. Additionally, it seems reasonable that if the customer provides specific approval to use their information to receive information about new products and services, the utility should be allowed to do so.}

(2) A company may not share customer proprietary information with its affiliates to market service or product offerings to a customer who does not already subscribe to that service or product.

Avista comments:

(2) Unless authorized by the customer, a utility may not share customer proprietary information with its affiliates to market service or product offerings to a customer who does not already subscribe to that service or product, unless such information is provided to other providers of such services in a non-discriminatory manner.

Comment:

The Federal Energy Regulatory Commission (FERC) has recognized that alternate energy service providers offer competitive products to utility customers in competition with utility affiliates. To avoid unfair competitive practices, the FERC requires notification on a real-time basis to alternate service providers in the event that proprietary information is made available to a utility affiliate.

PSE's comments:

(2) A utility may not share or sell customer proprietary information with or to its affiliates or any third party to market non-regulated, non-utility service or product offerings to a customer who does not already subscribe to that service or product without prior permission from the commission or the customer. {COMMENT: These changes are suggested to preserve a utility's ability to utilize third parties (including possibly affiliates) to handle or process proprietary information and possibly to assist the utility with more efficiently providing new or existing regulated services. Please see comment above for prior approval language.}

(3) Customer proprietary information means information that related to the quantity, technical configuration, type, destination, and amount of use of service or products subscribed to by a customer of a regulated company that is available to the company solely by virtue of the customer-company relationship.

Avista comments:

(3) Customer proprietary information means information that relates to the quantity, technical configuration, type, destination, and amount of use of service or products subscribed to by a customer of a regulated utility that is available to the utility solely by virtue of the customer-utility relationship.

Comment:

Avista understands this definition does not include information that is in the public domain such as name, address, and phone number (other than those listed as confidential).

PacifiCorp comments:

(3) Customer proprietary information means information ~~that~~ related to the quantity, technical configuration, type, destination, and amount of use of service or products subscribed to by a customer of a regulated utility that is available to the utility solely by virtue of the customer-utility relationship.

* PacifiCorp would like to be able to offer customers weatherization, and options such as Blue Sky or Equal Pay.

PSE's comments:

(3) Customer proprietary information means information that relates the quantity, ~~technical configuration~~, type, ~~destination~~, and/or amount of ~~use of~~ regulated, utility service(s) or products(s) consumed, purchased, or contracted for subscribed to by a to a specific customer of a regulated utility when that information is available to the utility solely by virtue of the customer-utility relationship {COMMENT: PSE suggests "technical configuration" may be applicable in telecom where the telecom utility may know a great deal about the customer's specific network, but is probably not applicable in the energy sector. Also, destination seems more associated with telecom where customers may purchase foreign exchange-type service. PSE suggests those two should be dropped. The other suggested revision is to clarify that what Staff is trying to avoid is a utility revealing specific details about a specific customer, not preventing the utility from disclosing gross statistics such as residential therm sales; rather, it appears Staff is trying to prevent disclosure of a specific customer's gas consumption, firm contract demand, etc..}

Cascade's comments:

The rule as originally proposed would preclude the utilities from encouraging customers to look to investing in add load appliances, which ultimately benefit all ratepayers. Add load appliances produce incremental margin for the life of the appliance without any incremental investment which ultimately results in lower rates.

Staff's Initial Comments:

New rule adopted from current telecommunication rules (WAC 480-120-151)

WAC 480-90-081 Service connections.

(1) The gas utility will furnish, install, and maintain piping and other fittings to the customer's fuel line up to the point of delivery. As of the effective date of this rule, the point of delivery will be at the outlet of the meter or at the connection to a customer's piping, whichever is farther downstream.

(2) The customer may be required to pay for or install any service connection such as pipes and fittings in compliance with the gas utility's standards and filed tariff(s). The service piping and fittings up to the point

(2) A utility may not share or sell customer proprietary information with or to its affiliates or any third party to market non-regulated, non-utility service or product offerings to a customer who does not already subscribe to that service or product without prior permission from the commission or the customer. {COMMENT: These changes are suggested to preserve a utility's ability to utilize third parties (including possibly affiliates) to handle or process proprietary information and possibly to assist the utility with more efficiently providing new or existing regulated services. Please see comment above for prior approval language.}

(3) Customer proprietary information means information that related to the quantity, technical configuration, type, destination, and amount of use of service or products subscribed to by a customer of a regulated company that is available to the company solely by virtue of the customer-company relationship.

Avista comments:

(3) Customer proprietary information means information that relates to the quantity, technical configuration, type, destination, and amount of use of service or products subscribed to by a customer of a regulated utility that is available to the utility solely by virtue of the customer-utility relationship.

Comment:

Avista understands this definition does not include information that is in the public domain such as name, address, and phone number (other than those listed as confidential).

PacifiCorp comments:

(3) Customer proprietary information means information ~~that~~ related to the quantity, technical configuration, type, destination, and amount of use of service or products subscribed to by a customer of a regulated utility that is available to the utility solely by virtue of the customer-utility relationship.

* PacifiCorp would like to be able to offer customers weatherization, and options such as Blue Sky or Equal Pay.

PSE's comments:

(3) Customer proprietary information means information that relates the quantity, ~~technical configuration~~, type, ~~destination~~, and/or amount of ~~use of~~ regulated, utility service(s) or products(s) consumed, purchased, or contracted for subscribed to by a to a specific customer of a regulated utility when that information is available to the utility solely by virtue of the customer-utility relationship {COMMENT: PSE suggests "technical configuration" may be applicable in telecom where the telecom utility may know a great deal about the customer's specific network, but is probably not applicable in the energy sector. Also, destination seems more associated with telecom where customers may purchase foreign exchange-type service. PSE suggests those two should be dropped. The other suggested revision is to clarify that what Staff is trying to avoid is a utility revealing specific details about a specific customer, not preventing the utility from disclosing gross statistics such as residential therm sales; rather, it appears Staff is trying to prevent disclosure of a specific customer's gas consumption, firm contract demand, etc..}

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(2) The customer may be required to pay for or install any service connection such as pipes and fittings in compliance with the gas utility's standards and filed tariff(s). The service piping and fittings up to the point

of delivery will become the property of the utility who will accept all responsibility for future maintenance and operations in accordance with its filed tariffs.

NWN's comments:

NW Natural's current tariffs define the point of delivery as "the meter at the interconnection between the Company's distribution facilities and customer's house line." We assume that the proposed rule does not require a change to this definition, and that no changes in procedure are necessary to comply with this proposed rule.

Staff's Initial Comments:

Currently, the rule does not define the point of delivery. The changes to the rule now specifies where that point of delivery will be for all new gas systems.

WAC 480-90-086 Service entrance facilities.

A gas utility may require customers to:

- (1) Provide entrance facilities at the easiest access point to the utility's distribution system; and

Public Counsel's comments:

(1) *(Comply with reasonable requirements to)* provide entrance facilities at the easiest access point to the utility's distribution system; and

* The current language of WAC 480-100-081 protects customers from unreasonable demands, stating that companies may only require customers to "comply with reasonable requirements" with regard to both "access point" as well as "free from tampering" requirements. This reasonable language should be retained.

- (2) Comply with reasonable requirements to keep those facilities free from tampering or interference.

Staff's Initial Comments:

No changes were made to this rule.

WAC 480-90/100-091 Access to premises.

- (1) Authorized representatives of a gas utility have the right to enter a customer's property during reasonable hours to perform meter reading, maintenance, testing, installation, or removal of the utility's property. Gas utility representatives must provide a means of identification upon request.
- (2) When performing maintenance, testing, or installing or removing the utility's property, the utility must restore the customer's property as close as possible to the condition prior to the utility's action or make other such arrangements as agreed to with the customer.

PSE's comments:

(2) When performing maintenance, testing, or installing or removing the utility's property, the utility must restore the customer's property as close as reasonably practicable possible to the condition prior to the utility's action ~~or unless otherwise defined in the utility's tariff~~ or other such arrangements as agreed to with the customer.

{COMMENT: It is important to note that when customers place extravagant landscaping or buildings that block access to a utility's facilities, all customers will pay the restoration costs. The only individual that can influence the cost of restoring property is the individual customer who makes landscaping, construction, and other decisions. It seems that there should be some reasonable limit. PSE suggests allowing utilities to elaborate in tariffs is reasonable to allow for variations between what might be considered reasonable among the different utilities.}

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NWN's comments:

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PSE's comments:

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Staff's Initial Comments:

(1) Revised per water rule and stakeholder comments

WAC 480-90-096 Gas utility's responsibility for complaints and disputes.

(1) When a gas utility receives a complaint in any form from a customer or an applicant for service it must acknowledge receipt of the complaint and

(a) Provide the name of the utility's contact to the complainant;

PSE's comments:

(a) Upon request, identify ~~Provide the name of~~ the utility's contact to the complainant; {COMMENT: As discussed in the workshops, requiring utility representatives in the call center to give their name is not necessary, as long as the customer can identify the rep to her/his supervisor. Some call center staff may not be comfortable providing their names to the general public as it may expose them to real or perceived personal risk. Changing the requirement to identify alleviates our concern. If Staff receives complaints from customers because the utility rep would not provide their name, it would be most helpful for Staff to share this information with other parties.}

(b) Investigate the complaint promptly;

PSE's comments:

(b) Investigate the complaint promptly as required by the particular case; {COMMENT: This is existing language that was left out of this draft, though was not commented on below. PSE suggests retaining this language is reasonable, to allow utilities to prioritize investigation of complaints.};

(c) Report the results of the investigation to the complainant;

(d) Take corrective action, if warranted, as soon as possible under the circumstances;

PSE's comments:

(d) Take corrective action, if warranted, as soon as possible under the circumstances; {COMMENT: PSE supports Staff's inclusion of the phrase "...as soon as possible under the circumstances."}

(e) Inform the complainant that the decision may be appealed to a supervisor at the utility; and

Avista comments:

(e) If the complainant is dissatisfied with the results or decision, inform the complainant that the decision may be appealed to a supervisor at the utility; and

PacifiCorp comments:

(e) Inform the complainant ~~that the decision may be appealed to a supervisor at the utility; and~~

PSE's comments:

(e) If the complainant is dissatisfied with the results or decision, the utility's representative must inform the complainant that the decision may be appealed to a supervisor at the utility and must provide the name or department of such supervisory personnel and a telephone number by which the supervisor may be contacted; and {COMMENT: Staff's proposal is a clear change from the existing rules, but since this is not addressed in the comment section below, PSE assumes Staff's revision was unintentional. Rather than using the internal appeal process as a contingency for when customers are dissatisfied, Staff's language would require the rep to offer an appeal in every circumstance. Requiring an appeal of every decision will needlessly result in more appeals, increasing costs for utilities and the Commission (if the rest of this proposed rule is adopted) which will be born by all customers. Additionally, requiring an appeal in cases where customers are satisfied will also create unrealistic expectations for customers, as they may begin expecting different results by appealing in situations where the resolution was reasonable.}

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PacifiCorp comments:

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PSE's comments:

(e) If the complainant is dissatisfied with the results or decision, the utility's representative must inform the complainant that the decision may be appealed to a supervisor at the utility and must provide the name or department of such supervisory personnel and a telephone number by which the supervisor may be contacted; and {COMMENT: Staff's proposal is a clear change from the existing rules, but since this is not addressed in the comment section below, PSE assumes Staff's revision was unintentional. Rather than using the internal appeal process as a contingency for when customers are dissatisfied, Staff's language would require the rep to offer an appeal in every circumstance. Requiring an appeal of every decision will needlessly result in more appeals, increasing costs for utilities and the Commission (if the rest of this proposed rule is adopted) which will be born by all customers. Additionally, requiring an appeal in cases where customers are satisfied will also create unrealistic expectations for customers, as they may begin expecting different results by appealing in situations where the resolution was reasonable.}

(f) Inform the complainant of:

- (i) The complainant's right to speak to a supervisor; and
- (ii) The complainant's right to file a complaint with the commission and provide the commission's address and toll-free telephone number.

Avista comments:

~~(f) Inform the complainant:~~

- ~~(i) Of the complainant's right to speak to a supervisor; and~~
- ~~(ii) If the complainant is still dissatisfied after speaking with a supervisor, the supervisor must inform the complainant of their~~ Of the complainant's right to file a complaint with the commission and provide the commission's address and toll-free telephone number.

PacifiCorp comments:

~~(f) Inform the complainant:~~

- ~~(i) Of the complainant's right to speak to a supervisor at the utility; and~~

PSE's comments:

~~(f) Inform the complainant~~ If a complainant remains dissatisfied with the utility's decision and remedy, if applicable, after talking with a supervisor, the supervisor must inform the complainant of their

~~(i) The complainant's right to speak to a supervisor; and~~

~~(ii) The complainant's right to file a complaint with the commission and provide the commission's address and toll-free telephone number.~~ right to file a complaint with the commission and provide the commission's address and toll-free telephone number. . {COMMENT: First, (f) (i) is redundant to (e). Second, the existing rule requires a supervisor to advise complainants of their ability to appeal to the WUTC only if the complainant remains dissatisfied. Staff's proposal would have the rep inform all complainants of their right to appeal to the WUTC; again, since the comment section below does not address this change, PSE assumes it was unintentional. PSE suggests the current process where if the customer is not satisfied with the rep they talk to the supervisor, then if still not satisfied they are informed of their ability to go to the WUTC is more reasonable. It allows the utility a reasonable opportunity to solve issues with customers.}

(2) Applicants, customers, or their representatives may file with the commission:

- (a) An informal complaint as described in WAC 480-09-150 Informal complaints; or
- (b) A formal complaint against the utility as described in 480-09-420 Pleadings and briefs - Applications for authority - Protests.

(3) When the commission refers an informal complaint to the utility, the utility must:

- (a) Investigate and report the results to the commission within two business days. The commission may grant an extension of time for responding to the complaint if requested and warranted;

PacifiCorp comments:

(a) Investigate and report the results to the commission within ~~two~~ three business days. The commission may grant an extension of time for responding to the complaint, if requested and warranted;

* Two business days is oftentimes too short of a time for an investigation and response. PacifiCorp recommends three business days which is also consistent with the Company's recent merger commitment and gives an additional day to provide better information to the commission.

(b) Keep the commission informed of progress toward the solution and the final result; and

(c) Respond to the commission's request for additional informal complaint information within three business days of the request or at a date specified by the commission.

Avista's comments:

(c) Respond to the commission's request for additional informal complaint information within three business days of the request or at a date agreed upon specified by the Commission and the utility.

PacifiCorp comments:

~~(c) Respond to the commission's request for additional informal complaint information within three business days of the request or at a date specified by the commission~~ The commission will investigate the utility response and report the complaint resolution to the utility within 30 calendar days.

(f) Inform the complainant of:

- (i) The complainant's right to speak to a supervisor; and
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Avista comments:

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- ~~(ii) If the complainant is still dissatisfied after speaking with a supervisor, the supervisor must inform the complainant of their~~ Of the complainant's right to file a complaint with the commission and provide the commission's address and toll-free telephone number.

PacifiCorp comments:

~~(f) Inform the complainant:~~

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PSE's comments:

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* PacifiCorp questions the need to add the additional language regarding providing additional information back to the commission within 3 business days. However, it would be helpful to receive resolution from the commission within a specified period of time to allow the utility to proceed with collections or other necessary action. This would preclude the customer from getting further behind in their bills and also provide closure to an issue.

PSE's comments:

(c) Respond to the commission's request for additional informal complaint information, provided such information exists, within a reasonable amount of time depending on the nature of the underlying informal complaint ~~three business days of the request or at a date specified by the commission.~~ {COMMENT: PSE understands Staff's desire to establish some reasonable standards for responses to informal data requests associated with informal complaints. Three days, however, is probably not a reasonable standard in non-emergency situations. PSE suggests its proposed language above is flexible enough to allow for different time lines depending on the relative importance of the issue while providing Staff the language it desires to push a utility, if the utility is unreasonably delaying its responses. Additionally, the statement that the information must exist is to clarify that Staff would not be requesting the utility to perform new studies or analysis that do not exist, which is a legal standard typically observed by Staff. }

(4) Each gas utility must keep a record of all complaints for at least three years and, upon request, make them readily available for commission review. The record must contain:

- (a) The complainant's name and address;
- (b) The date and nature of the complaint;
- (c) The action taken;
- (d) The final result; and
- (e) All correspondence and records regarding the complaint.

PacifiCorp comments:

(e) All ~~correspondence and~~ records regarding the complaint. (PacifiCorp includes the correspondence in the complaint record.)

PSE's comments:

(e) All correspondence and official documents ~~records~~ regarding the complaint. {COMMENT: (a)-(e) define the record, so PSE suggests using the phrase "official documents" instead of record, to avoid creating a circular definition.}

Staff's Initial Comments:

- (1) Added requirement (a) to subsection (1),
- (2) Added requirement (c) to subsection (3), and
- (3) Changed record keeping requirement for all complaints from one to three years.
- (4) 4 - Added the company's complaint record must include all correspondence and records regarding the complaint.
- (5) 2b - Corrected applicable rule.

WAC 480-90-106 Billing requirements and payment date.

(1) Customer bills must:

- (a) Be issued at intervals not to exceed two one-month billing cycles;

PSE's comments:

(a) Be regularly scheduled ~~issued at~~ for intervals not to exceed two one-month billing cycles; {COMMENT: PSE's suggested revision will ensure that utilities are not found to be in violation of the rules when a bimonthly bill is held for investigation.}

* PacifiCorp questions the need to add the additional language regarding providing additional information back to the commission within 3 business days. However, it would be helpful to receive resolution from the commission within a specified period of time to allow the utility to proceed with collections or other necessary action. This would preclude the customer from getting further behind in their bills and also provide closure to an issue.

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PacifiCorp comments:

(e) All ~~correspondence and~~ records regarding the complaint. (PacifiCorp includes the correspondence in the complaint record.)

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PSE's comments:

(a) Be regularly scheduled ~~issued at~~ for intervals not to exceed two one-month billing cycles; {COMMENT: PSE's suggested revision will ensure that utilities are not found to be in violation of the rules when a bimonthly bill is held for investigation.}

- (b) Show the total amount due and payable;
- (c) Show the date the bill becomes delinquent if not paid;
- (d) Include the utility's business address, business hours, and toll-free telephone number and emergency telephone number by which a customer may contact the utility;
- (e) Show the current and previous meter readings, the current read date, and the total amount of therms used;
- (f) Show the amount of therms used for each billing rate, the applicable billing rates per therm, the basic charge or minimum bill, and any other applicable tariff charges;

Avista's comments:

A customer's bill may be more complicated for a customer to understand if the therms used per billing rate, the applicable billing rate per therm and the basic charge are broken out separately on each bill. In addition to the comments in WAC 480-90-071 (4.), the results of another customer survey conducted by Robinson Research indicated a number of customer responded that "*the company's billing procedures were excellent*", when asked "What the company does particularly well?"

- (g) Compare energy usage information for the current month and the same billing month of the previous year for the following:

- (i) Number of days in billing period;
- (ii) Therms used;
- (iii) Average therms used per day;

Avista Comments:

- (g) Compare energy usage information for the current month and the same billing month of the previous year for the following:

- (i) Number of days in billing period;
- (ii) Kilowatts used;
- (iii) Average kilowatts used per day;

Comment: Avista's bill currently displays the average daily use and the average daily temperature for the current month and the same billing month of the previous year. While Avista supports Staff's recommendation to require that utilities provide energy usage comparison, the Company believes that customers are satisfied with the information on Avista's bill and that there should not be additional details required as a result of this proposed language.

PacifiCorp comments:

- (g) Compare energy usage information for the current month and same billing month of the previous year, if available, for the following:

- (h) Show the amount of any municipal tax surcharges and their respective percentage rates.
 - (i) Clearly identify when a bill has been prorated. A prorated bill will be issued when service is provided for a fraction of the billing period. Unless otherwise specified in the utility's tariff, the charge will be prorated in the following manner:
 - (i) Flat rate service will be prorated on the basis of the proportionate part of the period that service was taken.
 - (ii) Metered service will be billed for the amount metered. The basic or minimum charge will be billed in full.

- (j) Clearly identify when a bill is based on an estimation.
 - (i) A utility must detail its method(s) for estimating customer bills in its tariff on file with the commission.

PacifiCorp comments:

- (i) Estimates shall be based on the best available information; The utility must detail its method(s) for estimating customer bills in its tariff on file with the commission;

- (b) Show the total amount due and payable;
- (c) Show the date the bill becomes delinquent if not paid;
- (d) Include the utility's business address, business hours, and toll-free telephone number and emergency telephone number by which a customer may contact the utility;
- (e) Show the current and previous meter readings, the current read date, and the total amount of therms used;
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- (iii) Average kilowatts used per day;

Comment: Avista's bill currently displays the average daily use and the average daily temperature for the current month and the same billing month of the previous year. While Avista supports Staff's recommendation to require that utilities provide energy usage comparison, the Company believes that customers are satisfied with the information on Avista's bill and that there should not be additional details required as a result of this proposed language.

PacifiCorp comments:

(g) Compare energy usage information for the current month and same billing month of the previous year, if available, for the following:

- (h) Show the amount of any municipal tax surcharges and their respective percentage rates.
 - (i) Clearly identify when a bill has been prorated. A prorated bill will be issued when service is provided for a fraction of the billing period. Unless otherwise specified in the utility's tariff, the charge will be prorated in the following manner:
 - (i) Flat rate service will be prorated on the basis of the proportionate part of the period that service was taken.
 - (ii) Metered service will be billed for the amount metered. The basic or minimum charge will be billed in full.
- (j) Clearly identify when a bill is based on an estimation.
 - (i) A utility must detail its method(s) for estimating customer bills in its tariff on file with the commission.

PacifiCorp comments:

(i) Estimates shall be based on the best available information; ~~The utility must detail its method(s) for estimating customer bills in its tariff on file with the commission;~~

(ii) The utility may not estimate for more than two consecutive billing cycles, unless the cause of the estimation is due to inclement weather, terrain, or a previous arrangement with the customer.

Avista comments:

(ii) The utility may not estimate for more than two consecutive billing cycles for utilities on a bimonthly billing cycle or for more than four consecutive billing cycles for utilities on a monthly billing cycle, unless the cause of the estimation is due to inclement weather, terrain, or a previous arrangement with the customer.

Comments: Avista agrees that a utility should not repeatedly estimate a customer's bill unless the cause is due to weather, terrain or access to the meter. The suggested edit provides consistency among utilities in Washington based on billing schedules.

PacifiCorp comments:

(ii) The utility may not estimate for more than ~~four~~ two consecutive billing cycles, unless the cause of the estimation is inclement weather, terrain, or a previous arrangement with the customer; If estimated bills are caused by the inability of the utility to access the customer's meter, the utility will be allowed to disconnect service by giving proper notice as required in WAC 480-_____.

* PacifiCorp believes the new bill estimate requirements are particularly onerous. The Company's procedures for estimating bills should not be tariffed. Two billing cycles, or two months, is too short of a time. In addition, it should be made clear that the utility will be allowed to disconnect if access is a problem. This is a last resort for PacifiCorp and something we would rather not do – but the rules should clearly state this is the consequence of estimated reads due to access.

PSE's comments:

~~(ii) The utility may not estimate for more than two consecutive billing cycles, unless the cause of the estimation is due to inclement weather, terrain, or a previous arrangement with the customer.~~

{COMMENT: It is not clear why Staff believes this new rule is necessary. PSE again suggests this provision be dropped because it is not needed. If Staff believes energy utilities' estimated meter reading practices have been abusive or in some manner unreasonable or unacceptable, it would be most helpful if Staff provided a detailed explanation. }

(k) Clearly identify determination of maximum demand. Utilities providing service to any customer on a demand basis must detail in their filed tariff the method of applying charges and of ascertaining the demand.

(2) The minimum time allowed for payment after the bill's mailing date must be fifteen days, if mailed within the state of Washington, or eighteen days if mailed outside the state of Washington.

PacifiCorp comments:

(2) The minimum time allowed for payment after the bill's mailing date must be fifteen days ~~if mailed within the state of Washington, or eighteen days if mailed outside the state of Washington.~~

NWN's comments:

Our comment here at Section (2) is the same as that in earlier rules regarding the in-state vs. out-of-state differences. Suggested edits to Sections (2) and (3) follow:

(2) The minimum time allowed for payment after the bill's mailing date must be fifteen days, ~~if mailed within the state of Washington, or eighteen days if mailed from outside the state of Oregon, Washington, or Idaho.~~

Cascade's comments:

(2) The minimum time allowed for payment after the bill's mailing date must be fifteen days, ~~if mailed within the state of Washington, or eighteen days if mailed outside the state of Washington.~~

* Although CNG does not mail from outside the state of Washington at this time, we believe that allowing six business days for payment, regardless of the location from which the notice is mailed is sufficient. Outsourced mail facilities do not seem to add three business days and this requirement will add confusion to the process.

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(3) The utility must allow a customer to change a payment date when the customer has a satisfactory reason for the change. A satisfactory reason may include, but is not limited to, adjustment of a billing cycle to parallel receipt of income. The preferred payment date must be prior to the next billing date.

PacifiCorp comments:

The utility must allow a customer to change a payment date when the customer has a satisfactory reason for the change. ~~The utility will not be required to change the customer's billing cycle. A satisfactory reason may include, but is not limited to, adjustment of a billing cycle to parallel receipt of income.~~ The preferred payment date must be prior to the next billing date.

* The Company will not be able to change the customer's billing cycle and bills will still be mailed to customers on the same date.

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Staff's Initial Comments:

- (1) Added total amount owed will be listed on bill.
- (2) Added that utility must include business address, toll-free telephone number, business hours and emergency telephone number on bill.
- (3) Added information to be included on bill in order to calculate bill amount.
- (4) Changed what information is to be provided in order to compare bill with previous year's usage.
- (5) Clarified tax information to be included on bill.
- (6) Added utility may not estimate bill for more than two consecutive billing cycles. Clarified when estimations for more than two consecutive billing cycles can occur.
- (7) Added three days to bill due date if bill is mailed outside of the state.
- (8) Added when a customer requests a preferred payment date, it must be requested prior to the next bill date.
- (9) Moved reference of the 15-day minimum for billing from WAC 480-90-071 (1)(a), Disconnection of service.
- (10) Added method of estimation of bills must be detailed in the utility's tariff.
- (11) 1a - Changed issuing bills from "two months" to "two one-month billing cycles."
- (12) 1f - Require the company to provide usage comparison for the "current month" in addition to the same billing month of the previous year.
- (13) 1fiv - Eliminated the requirement to include the average temperature per day on the bills.

WAC 480-90-161 Complaint meter test (combined rule).

WAC 480-90-161 Complaint Meter Test

WAC 480-90-156 Dispute as to meter accuracy

WAC 480-90-116 Refund for inaccurate metering

(1) The gas utility must test and report to the customer the accuracy of a meter within fifteen business days after receiving a request from a customer. The utility must allow the customer to order one meter test free of charge during a twelve month period. If the customer is disputing the accuracy of the meter, the customer must allow the utility access for meter testing.

PacifiCorp comments:

(3) The utility must allow a customer to change a payment date when the customer has a satisfactory reason for the change. A satisfactory reason may include, but is not limited to, adjustment of a billing cycle to parallel receipt of income. The preferred payment date must be prior to the next billing date.

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PacifiCorp comments:

(1) An electric utility must test and report to the customer the accuracy of a meter within ~~fifteen~~ ~~20~~ business days after receiving a request from a customer. The utility must allow the customer to order one meter test free of charge during a twelve-month period. If the customer disputes the accuracy of the meter, the customer must allow the utility access for meter testing.

Cascade's comments:

(1) The gas utility must test and report to the customer the accuracy of a meter within fifteen business days not including transit time if the meter is shipped by a third party carrier to the utility's shop, after receiving a request from a customer. The utility must allow the customer to order one meter test free of charge during a twelve month period. If the customer is disputing the accuracy of the meter, the customer must allow the utility access for meter testing.

* Section (1) - Added language to be consistent with Section (3).

PSE's comments:

(1) The gas utility must initiate a test and report to the customer of the accuracy of a meter within ten fifteen business days after receiving a request from a customer and report results to the customer upon completion of the test. {COMMENT: PSE's recommendation returns the language to its existing requirement that utilities initiate the test within 10 days. PSE supports the current standard. If Staff has some evidence that indicates the current rule is not fair or reasonable, or that customers are somehow harmed by the current rule, it would be most helpful if Staff could provide a written explanation with supporting material such as customer complaint counts, so we could understand why Staff is proposing such a significant change. Additionally, PSE suggests it may appear unreasonable to require the same timing on gas and electric meter tests when gas meters must be removed and shipped back to the meter shop and electric meters are typically tested on site.}. The utility must allow the customer to order one meter test free of charge during a twelve month period. If the customer is disputing the accuracy of the meter, the customer must allow the utility access for meter testing.

(2) The customer may, at the customer's option, either witness the meter test or designate a representative to witness the test. The customer may require the meter to be sealed upon removal in the customer's or the customer representative's presence. The seal must not be broken until the test is made in the customer's or the customer representative's presence, or until permission to break the seal has been granted by the commission. The utility must report the results of the meter test to the customer.

(3) A customer may request the utility to perform additional meter tests within twelve months of the last meter test. The utility must immediately inform the customer of any additional meter test charges. If the customer elects to have the meter test performed, the utility will perform the test and report the test results to the customer within fifteen business days, not including transit time if the meter is shipped by a third party carrier to the utility's shop. If the additional meter test results show the meter is performing accurately as described in WAC 480-90-151, Metering tolerance, the utility may charge the customer for performing the additional meter tests. The charge of the meter test must be listed in the utility's tariff. The utility may not charge the customer for any additional meter test that shows the meter is performing outside acceptable tolerance levels as defined in WAC 480-90-151, Metering tolerance.

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* As part of PacifiCorp's merger commitment the Company has committed to a stretch target of performing meter tests and reporting back to the customer within 15 working days. We do not believe that this stretch target should be the minimum requirement in the state of Washington. The 20 working days to perform the test and report to the customer is a more reasonable requirement for a threshold and mirrors the Company's requirement under Oregon rules.

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PSE's comments:

(3) A customer may request the utility to perform additional meter tests within twelve months of the last meter test, but the additional meter test will not delay disconnection of service under WAC 480-90-071 (9). {COMMENT: The current rule provides the utility with the option of refusing to perform the test. Part of the reason this language probably exists so that customers cannot indefinitely delay disconnection by requesting (and paying for) meter tests. PSE does not object to dropping the utility's right to refuse additional meter tests as long as three provisions added. First is that meter test charge applies, as included in Staff's proposal. Second is that the additional meter test will not delay disconnection. Third is that the language below that states the utility must initiate the test within 10 days, rather than complete it within 15 days. While the current language on extra meter tests requires the extra test to be completed, the existing language also allows the utility to refuse to perform it. Thus, in order to avoid wasting resources, a utility can now refuse the extra test. Changing this language to "initiate" rather than "complete" allows utilities to retain some flexibility to manage its resources. }. The utility must immediately inform the customer of any additional meter test charges. If the customer elects to have the meter test performed, the utility will initiate perform the test and report the test results to the customer within ten fifteen business days and report results of the test to the customer as soon as possible upon completion of the test not including the transit time if the meter is shipped by a third party carrier to the utility's shop. If the additional meter test results show the meter is performing accurately as described in WAC 480-90-151, Metering tolerance, the utility may charge the customer for performing the additional meter tests. The charge of the meter test must be listed in the utility's tariff. The utility may not charge the customer for any additional meter test that shows the meter is performing outside acceptable tolerance levels as defined in WAC 480-90-151, Metering tolerance.

(4) If the customer disputes any meter test result, the utility or the customer may contact the commission to review the complaint. When the commission has notified the utility that a complaint has been received regarding the customer's meter, the utility will not change the meter set assembly in any manner unless authorized by the commission. If the utility violates this provision, the commission may consider it as supporting the customer's dispute since the change might affect the proof of the dispute. The commission may require the utility to perform an additional test and report the test results to the commission within ten business days.

(5) If a meter test reveals a meter error greater than specified as acceptable in WAC 480-90-146, Initial accuracy of meters, the utility must repair or replace the meter at no cost to the customer. The utility will adjust the bills to the customer based on the best information available to determine the appropriate charges.

(a) The utility must refund the customer back to the date the customer was first billed for a defective meter, but for not more than six months.

(b) In cases where the customer will be billed for additional meter usage, the utility will bill to the date the customer was first billed for a defective meter, but for not more than six months. The utility will offer payment arrangements in accordance with WAC 480-90-072, Payment arrangements.

PUBLIC COUNSEL's Comments:

~~(5)(b) In cases where the customer will be billed for additional meter usage, the utility must bill to the date the customer's usage was first measured by a defective meter, limited to a maximum correction period of six months. The utility will offer payment arrangements in accordance with subsection (2) of WAC 480-100-072, Payment Arrangements.~~

~~(The utility shall not charge or disconnect a customer for any past due amount relating to meter inaccuracy.)~~

~~(5)(b) Public Counsel continues to oppose any retroactive collection of revenues from a customer by a company for faulty meters. It is a company's obligation, not the customer's, to keep meters accurate and companies should bear the risk for meter inaccuracies.~~

~~Furthermore, this proposed section as written diminishes the company's incentive to monitor accurately. Companies have the equipment, expertise and authorization to keep meters accurate and to discover inaccuracies. Customers do not. Lacking expertise and equipment, customers are unable to discover inaccuracies that cost them and unable to contest company determinations that a customer has benefited from an inaccuracy. Thus, the content and wisdom of the current rule should be retained.~~

~~At the very least, no customer should ever be disconnected or threatened with disconnection for a past due amount relating to meter inaccuracy.~~

PSE's comments:

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PUBLIC COUNSEL's Comments:

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~~At the very least, no customer should ever be disconnected or threatened with disconnection for a past due amount relating to meter inaccuracy.~~

(6) Reports - the commission may require the utility to provide meter test results to the commission in response to a customer's complaint. These reports must contain the name and address of the customer, the meter manufacturer's name, the manufacturer's or utility's meter number, the size or capacity of the meter, the date the meter was tested, the reading of the meter when tested, the accuracy of the meter as found, and the accuracy of the meter after adjustment.

Staff's Initial Comments:

(1) Staff suggest combining the following rules into one:

WAC 480-90-161 Complaint Meter Test

WAC 480-90-156 Dispute as to meter accuracy

WAC 480-90-116 Refund for inaccurate metering

(2) Deleted utility option of refusing meter test

(3) Deleted "initiate" in section (1) and changed to must test and report results to customer within ten business. Extended time frame for testing the meter and reporting to the customer from 10 days to 15 days and allowed time for shipping meter to third party carrier.

(4) Moved WAC 480-90-156 and 480-90-116 to this rule.

(5) Added if the customer requests additional meter tests, the utility must inform the customer of the meter test charges.

(6) Clarified that utility may use "best information available" to adjust bills due to meter inaccuracy.

(7) Clarified customer will not be billed for more than six months for additional meter usage as well as limiting refunds to six months.

(8) 1- Added language stating if customer is disputing the accuracy of the meter, the customer must allow the company access to the meter.

WAC 480-90-211 Payment locations.

(1) The gas utility must provide payment agencies in locally accessible locations where applicants and customers can make cash and urgent payments as needed to receive service. Payment agencies must clearly post and maintain regular business hours.

Public Counsel's comments:

("Locally accessible" is defined as ensuring access to payment agencies that the average low-income, elderly or disabled applicants and customers of an area served will find convenient and truly accessible.)

* Public Counsel approves of the addition of "locally accessible" language to the rule above, though we are concerned as to how the term will be applied in practice. Thus, before we can comment on the adequacy of payment station access provided in this section, Public would appreciate a statement of formal or informal guidelines staff might have regarding what does and does not meet the "locally accessible" test in various contexts.

PSE's Comments:

(1) The gas utility must provide payment agencies in locally accessible locations where applicants and customers can cash payments ~~payments at no charge to the applicants and customers as needed to receive service.~~ {COMMENT: Staff's proposal to include a new provision that pay stations cannot charge a fee may not, all things considered, be an optimal balancing of interests among customers. Pay station services are not free to utilities and customers, yet Staff's proposal would require telling customers it costs less to use a pay station than to purchase a stamp. This is not true. Staff's rule would result in the large majority of our customers that choose the more efficient process of paying their bills by mail to subsidize the small minority of our customers that choose to utilize pay stations. While

(6) Reports - the commission may require the utility to provide meter test results to the commission in response to a customer's complaint. These reports must contain the name and address of the customer, the meter manufacturer's name, the manufacturer's or utility's meter number, the size or capacity of the meter, the date the meter was tested, the reading of the meter when tested, the accuracy of the meter as found, and the accuracy of the meter after adjustment.

Staff's Initial Comments:

(1) Staff suggest combining the following rules into one:

WAC 480-90-161 Complaint Meter Test

WAC 480-90-156 Dispute as to meter accuracy

WAC 480-90-116 Refund for inaccurate metering

(2) Deleted utility option of refusing meter test

(3) Deleted "initiate" in section (1) and changed to must test and report results to customer within ten business. Extended time frame for testing the meter and reporting to the customer from 10 days to 15 days and allowed time for shipping meter to third party carrier.

(4) Moved WAC 480-90-156 and 480-90-116 to this rule.

(5) Added if the customer requests additional meter tests, the utility must inform the customer of the meter test charges.

(6) Clarified that utility may use "best information available" to adjust bills due to meter inaccuracy.

(7) Clarified customer will not be billed for more than six months for additional meter usage as well as limiting refunds to six months.

(8) 1- Added language stating if customer is disputing the accuracy of the meter, the customer must allow the company access to the meter.

WAC 480-90-211 Payment locations.

(1) The gas utility must provide payment agencies in locally accessible locations where applicants and customers can make cash and urgent payments as needed to receive service. Payment agencies must clearly post and maintain regular business hours.

Public Counsel's comments:

("Locally accessible" is defined as ensuring access to payment agencies that the average low-income, elderly or disabled applicants and customers of an area served will find convenient and truly accessible.)

* Public Counsel approves of the addition of "locally accessible" language to the rule above, though we are concerned as to how the term will be applied in practice. Thus, before we can comment on the adequacy of payment station access provided in this section, Public would appreciate a statement of formal or informal guidelines staff might have regarding what does and does not meet the "locally accessible" test in various contexts.

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(1) The gas utility must provide payment agencies in locally accessible locations where applicants and customers can cash payments ~~payments at no charge to the applicants and customers as needed to receive service.~~ {COMMENT: Staff's proposal to include a new provision that pay stations cannot charge a fee may not, all things considered, be an optimal balancing of interests among customers. Pay station services are not free to utilities and customers, yet Staff's proposal would require telling customers it costs less to use a pay station than to purchase a stamp. This is not true. Staff's rule would result in the large majority of our customers that choose the more efficient process of paying their bills by mail to subsidize the small minority of our customers that choose to utilize pay stations. While

Staff's intentions are understandable, it does not seem fair to require this subsidy. Additionally, it might be necessary for some pay stations to charge service fees to ensure wide coverage. Therefore, PSE suggests this statement be omitted. However, if Staff believes some language is necessary, the following statement could be included: "If a payment agency charges a service fee, such fee must be reasonable." In general, pay stations could not charge more than the cost of a money order and stamp, which is reasonable. } ~~Payments agencies must clearly post and maintain regular business hours.~~ {COMMENT: PSE will not object to this requirement, but we suggest (as in our prior comments) it is not necessary for the Commission to try and impose a rule telling competitive businesses to post business hours. }

(2) The utility and its payment agencies must provide receipts for any cash payments made by the applicants or customers.

(3) The utility must provide, at a minimum, a toll-free telephone number for applicants and customers to use during business hours in order to receive information relating to services and rates, to accept and process orders for service, to explain charges on customer bills, to adjust charges made in error, and to generally act as representatives of the utility.

PSE's comments:

~~(3) The utility must provide, at a minimum, a toll free telephone number for applicants and customers to use during business hours in order to receive information relating to services and rates, to accept and process orders for service, to explain charges on customer bills, to adjust charges made in error, and to generally act as representatives of the utility.~~ {COMMENT: PSE supports the revisions to this section, but suggests this section does not appear to address payment location issues, which is the title of this section. We suggest moving it to 041-Information to Consumers.}

(4) The utility must provide written notice to its affected customers and to the commission at least thirty days prior to the closing of any business office, customer service center, or payment agency. In the event a payment agency is closed on less than thirty days notice, written notification is required as soon as the utility becomes aware of the closure. At a minimum, the following information is required:

Public Counsel's comments:

(Companies shall provide applicants and customers reasonable access to company representatives for conducting business.)

Customers have expressed increasing frustrations with the frequent closings and inconvenience of payment agency locations. Public Counsel is especially concerned about customers who wish to pay their bill immediately to avoid disconnection but are unable to do so in person. Given the level of frustration among customers and companies' inadequate internal definitions of "reasonable access" and "convenience," more clarity needs to be written into the rule.

We are equally concerned with a perceived correlation between the decreasing availability of local payment options and the level of uncollectibles experienced by utilities, and suggest that the commission and the utilities consider the wisdom of pursuing a strategy which makes the company more inaccessible to consumers who wish to pay for service.

Customer concerns about diminishing access to in-person customer service agents need to be thoughtfully addressed in these proceedings. Public Counsel continues to recommend that before the Commission codifies the current shift away from in-person customer service, it should carefully consider the adverse combination of telephone-centered service and low telephone penetration rates within low-income and other vulnerable populations. Households dependent upon public assistance are especially likely to lack telephones. Thus, relying on the telephone as the predominate means to communicate with customers, particularly about their ability to avoid shut-off or to negotiate payment plans, is likely to fail. The lack of a telephone makes it difficult for low-income households to negotiate payment plans or to contact consumer groups or social service providers that could help them avoid disconnection. Closing local customer service options to rely on distant telephone service centers can only make these problems worse for low-income customers.

Similarly, while Public Counsel is generally supportive of improving access to the utility through electronic means over the internet, we remain concerned that access to vital information technology is disproportionately limited for rural and limited income consumers.

Until companies can show that telephone-centered customer service will not have an adverse effect on Washington's low-income populations, the language from the introductory paragraph in the current electric rule (480-100-311) should be retained: "Companies shall provide applicants and customers reasonable access to company representatives for conducting business."

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- (a) The communities affected by the closing;
- (b) The date of the closing;
- (c) A listing of other methods and facility locations available for payment of cash or urgent payments; and
- (d) A listing of other methods and locations for obtaining business office and customer service center services.

PacifiCorp's comments:

~~(4) The utility must provide written notice to its affected customers and to the commission at least thirty days prior to the closing of any business office, customer service center, or payment agency. In the event that a payment agency is closed on less than thirty days notice, written notification is required as soon as the utility becomes aware of the closure. At a minimum, the following information is required:~~

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- ~~(d) A listing of other methods and locations for obtaining business office and customer service center services.~~

(a) Standard Method—The utility must maintain and notify customers of a toll-free telephone number that lists payment agencies by community and one of the following:

Identify payment agencies by community in a conspicuous location on the utility's website;

or

Mail customers a quarterly bulletin listing payment agencies by community.

(b) Alternative Method—The utility may submit an alternative plan to the Commission for approval. The utility must receive Commission approval prior to implementing the alternative method.

{COMMENTS: There are two primary components to PSE's suggestion on this rule. First addresses the existing language that requires 30 days notice to the Commission prior to closing a pay station. PSE suggests our listing of pay stations on our website and on our Voice Response Unit addresses Staff's need to be informed regarding locations of our payment agencies. Staff's access to this information through these means is much more efficient than receiving, processing, and maintaining routine informational filings and also probably provides Staff with more updated and accurate information. Therefore, PSE suggests the proposed language is an improvement over the existing rule. Second, PSE's language addresses Staff's concern that customers be able to identify the

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location of payment agencies. Informing customers of a toll-free telephone number to call for current payment agencies and listing the information on a website is a more efficient means to get information to customers that use paystations than a notice.}

Staff's Initial Comments:

- (1) Changed title of section
- (2) Deleted definition of urgent payment
- (3) Changed "reasonable access" to convenient location in section 1.
1-Changed "convenient" to "locally accessible."
- (4) Deleted business office designation
- (5) Deleted requirement that business offices be accessible in person.
- (6) Added company must notify customers of payment agency closures.

WAC 480-090-XX7 Gas customer notification requirements

A gas utility must notice its customers once, either prior or after commission action, depending on the type of filing.

(1) Customer notice prior to commission action:

(a) Each affected customer must receive at least thirty days notice prior to the requested effective date when a gas utility proposes to:

Avista comments:

(a) Each affected customer must receive at least ~~thirty~~ **fifteen** days notice prior to the requested effective date when a gas utility proposes to:

Comment:

Staff's proposed rule change would, in effect, double the effective notice requirement on some filings. The requirement to have customer notification completed (which is generally done by through a 28 day billing cycle bill insert) 30 days prior to the effective date means that at least 60 days would be required for a proposed tariff to go into effect.

Avista recognizes the Commission Staff's intent of providing adequate time for customers to be aware of specific filings. Avista shares this interest. The Company proposes that fifteen days notice prior to the requested date be adopted. This proposal would mean that on average customers would have 30 days notice. Even the last customers to be notified would have two weeks to voice their concerns to the Commission. This time period has worked well in other states in which Avista operates, such as Oregon and California.

(i) Increase recurring monthly rates;

PacifiCorp comments:

~~(i) Increase recurring monthly rates;~~

NWN's comments:

As proposed, Section (1) of this rule would require the utility to do one of two things: either always notify customers under this rule by direct mailing, or make any filing with the commission at least 60 days prior to the effective date rather than the currently required 30 days. Neither of these are acceptable options. Therefore, we would suggest that Section (1) be revised as follows:

(1) Customer notice prior to commission action:

(a) Each affected customer must receive notice coincident with the filing made to the commission,
~~at least thirty days notice prior to the requested effective date~~ when a gas utility proposes to:

(i) Increase recurring monthly rates other than purchased gas adjustment changes;

location of payment agencies. Informing customers of a toll-free telephone number to call for current payment agencies and listing the information on a website is a more efficient means to get information to customers that use paystations than a notice.}

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- (2) *Deleted definition of urgent payment*
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(a) Each affected customer must receive ~~notice coincident with the filing made to the commission,~~
~~at least thirty days notice prior to the requested effective date~~ when a gas utility proposes to:

(i) Increase recurring monthly rates other than purchased gas adjustment changes;

- (ii) File a general rate increase that will be:
 - a. Addressed in an open meeting; or
 - b. Addressed in a formal hearing process (see WAC 480-80-125, Notice by utility to customers concerning hearing, for content of notice);

(iii) Restrict access to services (e.g., discontinuing a service, limit access to service by imposing a new usage level on existing services, etc.);

PacifiCorp comments:

~~(iii) Restrict access to services (e.g., discontinue a service, limit access to service by imposing a new usage level on existing services, etc.);~~

(iv) Change the ownership or control of the operating company (see WAC 480-143-210, Transfer customer notice requirements, for content of notice);

PacifiCorp comments:

~~(iv) change the ownership or control of the operating company (see WAC 480-143-210, Transfer customer notice requirements, for content of notice);~~

(b) At a minimum, a gas utility must notify:

- (i) Each customer that will be affected by the company's proposal; and
- (ii) The public affairs section of the commission.

(c) Content of notice for rate change (informal process). Each customer notice must contain, at a minimum:

- (i) Date the notice is issued;
- (ii) Utility name and address;
- (iii) A clear explanation of the proposal that ensures customers understand the proposed change and the impact of the change;
- (iv) The utility's reasons for the change (use examples as needed);
- (v) A comparison of current and proposed rates by service;
- (vi) An example of the proposal based on an average customer's use (for example: an average residential customer uses __ therms per month. Usage multiplied by proposed rate = \$ per month.)
- (vii) When the rates will be billed (i.e., monthly or bi-monthly);
- (viii) Date the change would go into effect;
- (ix) An explanation that the commission has the authority to set final rates that may vary from the utility's request and may be either higher or lower, depending on the results of the investigation;
- (x) A description of how and where the customers may contact the utility if they have specific questions or need additional information about the proposal; and
- (xi) The utility must include public involvement language in the notice. A utility may chose from either (A) or (B), below.

(A) All comments to the Commission must be submitted in writing or presented at the public meeting on this case. 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; or 360-664-3604(fax); or

(B) A utility may use language of its own. The following information must be included if this option is chosen:

- (ii) File a general rate increase that will be:
 - a. Addressed in an open meeting; or
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(B) A utility may use language of its own. The following information must be included if this option is chosen:

1. A brief explanation of how to participate in the commission's process by attending an open meeting, writing a letter, e-mail, or fax;
2. How to contact the commission for process questions or notification of the scheduled open meeting date; and
3. The commission's mailing address, voice and fax number, and e-mail address.

(d) Methods of notice permitted - Notice may be accomplished by bill insert, bill message, printing on back of the billing envelope, or a separate mailing to all affected customers.

PSE Comments:

Customer Notice Issues:

Rather than address changes to Staff's proposed new customer notice rule with revised rule language, PSE offers the following discussion, in the hope that it will communicate our ideas and proposal more clearly than technical rule language. Additionally, it seems the process will be more productive by focusing on what the various parties mean, and if we can come to complete or partial consensus on specific notice requirements, then turn our collective energy toward writing it up in a rule.

PSE supports Staff's two stated interests regarding customer notification:

3. Customers have a right to know when their energy provider proposes to change rates or access to an existing service.

4. Where public participation is feasible, customer notice should be early enough to permit it.

While Staff's proposal regarding the timing and methods of noticing customers for changes that increase rates or limit access to service do support Staff's interests, PSE does have significant concerns with Staff's proposed rule. As an alternative, PSE offers the following proposal for Staff's consideration. This proposal has the following benefits:

- It meets Staff's stated interests;
- Nearly all customers will have access to more and more timely information than provided under the existing rules;
- The benefits and costs of customer notices, which are reaped and born by customers, are better aligned than in Staff's proposal;
- By utilizing more efficient technologies, PSE's proposal is more cost effective than Staff's proposal, which, based on last year would cost PSE's customers approximately \$450,000 a year.
- In practice, this proposal retains the 30 day statutory notice requirement in RCW 80.28.060, which Staff's proposal eliminates, unless utilities use direct mail notices for all pre-notification.

Actions Requiring Pre-Notification

PSE accepts Staff's list of utility actions that require notification prior to effectiveness. The difference is in requirements for how the pre-notification must be performed, which is discussed below.

Differentiating Pre-Notification Requirements—Rate Increases

PSE suggests that it would be most reasonable to differentiate the pre-notification methods based on significance of the proposed increase. This is reasonable for two reasons. First, customers are not going to be as interested in insignificant rate changes, both from how the increase impacts their budgets and in their desire to participate in any kind of public participation activities. Therefore, the benefits customers perceive from notification of insignificant rate increases is smaller than for notification of larger increases. Second, different notification methods have different costs. PSE's proposal differentiates notification method based on the magnitude of the proposed rate increase, requiring the more expensive methods for the significant filings.

PSE suggests breaking proposed rate increases into two categories. Those that result in more than a 3% increase in revenue for the affected class and those less than a 3% impact. The 3% class revenue impact was taken from WAC 480-09-310, which explains a general rate increase is one that increases revenues by more than 3% or rate restructuring that increases any class' revenue by 3%. While PSE does not necessarily believe customers would perceive a 3% revenue increase as "significant," it is an objective value that the Commission has indicated in the past had some degree of significance.

Methods of Pre-Notification—Rate Increases Less than 3% Impact on Revenues

Utilities would be required to notify affected customers using at least one of the following methods, which would begin commensurate with providing the Commission the statutory 30 day notice:

- 1 Post pre-recorded information on a tollfree telephone number for customers to access AND post notification

1. A brief explanation of how to participate in the commission's process by attending an open meeting, writing a letter, e-mail, or fax;
2. How to contact the commission for process questions or notification of the scheduled open meeting date; and
3. The commission's mailing address, voice and fax number, and e-mail address.

(d) Methods of notice permitted - Notice may be accomplished by bill insert, bill message, printing on back of the billing envelope, or a separate mailing to all affected customers.

PSE Comments:

Customer Notice Issues:

Rather than address changes to Staff's proposed new customer notice rule with revised rule language, PSE offers the following discussion, in the hope that it will communicate our ideas and proposal more clearly than technical rule language. Additionally, it seems the process will be more productive by focusing on what the various parties mean, and if we can come to complete or partial consensus on specific notice requirements, then turn our collective energy toward writing it up in a rule.

PSE supports Staff's two stated interests regarding customer notification:

3. Customers have a right to know when their energy provider proposes to change rates or access to an existing service.
4. Where public participation is feasible, customer notice should be early enough to permit it.

While Staff's proposal regarding the timing and methods of noticing customers for changes that increase rates or limit access to service do support Staff's interests, PSE does have significant concerns with Staff's proposed rule. As an alternative, PSE offers the following proposal for Staff's consideration. This proposal has the following benefits:

- It meets Staff's stated interests;
- Nearly all customers will have access to more and more timely information than provided under the existing rules;
- The benefits and costs of customer notices, which are reaped and born by customers, are better aligned than in Staff's proposal;
- By utilizing more efficient technologies, PSE's proposal is more cost effective than Staff's proposal, which, based on last year would cost PSE's customers approximately \$450,000 a year.
- In practice, this proposal retains the 30 day statutory notice requirement in RCW 80.28.060, which Staff's proposal eliminates, unless utilities use direct mail notices for all pre-notification.

Actions Requiring Pre-Notification

PSE accepts Staff's list of utility actions that require notification prior to effectiveness. The difference is in requirements for how the pre-notification must be performed, which is discussed below.

Differentiating Pre-Notification Requirements—Rate Increases

PSE suggests that it would be most reasonable to differentiate the pre-notification methods based on significance of the proposed increase. This is reasonable for two reasons. First, customers are not going to be as interested in insignificant rate changes, both from how the increase impacts their budgets and in their desire to participate in any kind of public participation activities. Therefore, the benefits customers perceive from notification of insignificant rate increases is smaller than for notification of larger increases. Second, different notification methods have different costs. PSE's proposal differentiates notification method based on the magnitude of the proposed rate increase, requiring the more expensive methods for the significant filings.

PSE suggests breaking proposed rate increases into two categories. Those that result in more than a 3% increase in revenue for the affected class and those less than a 3% impact. The 3% class revenue impact was taken from WAC 480-09-310, which explains a general rate increase is one that increases revenues by more than 3% or rate restructuring that increases any class' revenue by 3%. While PSE does not necessarily believe customers would perceive a 3% revenue increase as "significant," it is an objective value that the Commission has indicated in the past had some degree of significance.

Methods of Pre-Notification—Rate Increases Less than 3% Impact on Revenues

Utilities would be required to notify affected customers using at least one of the following methods, which would begin commensurate with providing the Commission the statutory 30 day notice:

- 1 Post pre-recorded information on a tollfree telephone number for customers to access AND post notification

information on the utility's web site (if available). The utility would be required to include a standing message in the bill package (back of envelope, or front or back of the bill) providing the phone number and web site, informing customers that they can seek information on minor regulatory filings at those sources.

2 Bill inserts,

3 Direct mail notification.

Methods of Pre-Notification—Rate Increases that have 3% or Greater Revenue Impact

Utilities should be required to notify affected customers using at least one of the following methods, which would begin commensurate with providing the Commission the statutory 30 day notice:

1 Insert a summary bill print message that identifies the magnitude of the proposed revenue impact for the customers' class and direct the customer to call a toll-free telephone number for additional pre-recorded information and directing customers to the utility's web site (if available) that would include the complete notice information.

2 Bill inserts,

3 Direct mail notification.

4 An acceptable media package that includes the notice information or summary messages directing customers to call the toll-free telephone number and check the utility's web site (if available).

Pre-Notification Requirements for Discontinuance of an Existing Service

When utilities propose to discontinue a service that customers are purchasing, the utility should be required to notify those customers currently taking the service that it will no longer be offered. Utilities should be required to notify customers using direct mail or bill insert, beginning commensurate with the 30 statutory notice requirement.

Balancing of Interests

PSE's customer notification process outlined above is a reasonable alternative position to meeting Staff's stated interests. Utilizing the pre-recorded information at a toll-free telephone number would make information that is currently required to be posted at pay stations and business offices available to more people, since only 5% of our total billings are paid at pay stations. Additionally, this approach would make the information available to customers with 30 days notice, effectively sooner than the current requirements, which require customers have an opportunity to view the information when they receive their bills or when they pay their current bill at a pay station. Overall, PSE suggests this proposal is a better balancing of various public interests than Staff's proposal and could save our customers upwards of half a million dollars per year. We are, however, open to considering any and all other ideas in trying to find a proposal that meets the public interest.

(2) Customer notice after commission action:

(a) Each affected customer must receive notice on the first bill after commission decision when a utility increases rates for:

(i) Non-recurring charges (e.g., late payment fees, NSF fees, etc.);

PacifiCorp comments:

~~(i) Non recurring charges (e.g., late payment fees, NSF fees, etc.);~~

(ii) Local taxes;

PacifiCorp comments:

~~(ii) Local taxes; or~~

(iii) Purchase gas cost adjustment; or

(iv) Conservation program rates.

PacifiCorp comments:

~~(iii) Conservation program rates.~~

(b) At a minimum, a utility must notify:

(i) Each customer affected by the utility's proposal; and

(ii) The public affairs department of the commission.

information on the utility's web site (if available). The utility would be required to include a standing message in the bill package (back of envelope, or front or back of the bill) providing the phone number and web site, informing customers that they can seek information on minor regulatory filings at those sources.

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(b) At a minimum, a utility must notify:

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

(d) Methods of notice permitted - In addition to the methods permitted in subsection

(1)(d) of this section, notice after commission action may be accomplished by publication in the utility's newsletter.

(3) Commission assistance on customer notice. The commission's public affairs section is available to assist utilities with customer notice questions. The public affairs department will also review and offer suggestions on draft customer notice language. If a utility would like assistance, the utility should submit the notice for review at least one week prior to the planned notice printing date.

(4) Other customer notice. The commission may require notification to customers other than described in this section when the effect of a utility's proposal is such that there is a significant impact on customer rates, access to services, or when customer education is needed. (E.g., education on what a PGA filing is).

Staff's Initial Comments:

(1) *This rule is designed to ensure that customers of a regulated natural gas company proposing a change in its rates or services receive adequate information to understand the change and the affects on them and to determine whether or not to become involved in the commission's decision-making process. A good customer notice meets three basic ideas: to notify intent, to educate, and to involve consumers. Currently, customer notice requirements are contained in WAC 480-80-120 Notice to the public of tariff changes, and WAC 480-80-125 Notice by utilities to customers concerning hearing, governed by 80.28.060 RCW. It is staff's intent (this chapter is currently opened for review) to repeal 480-80-120 and replace that requirement with the new proposed customer notice rules. In WAC 480-80-125, the formal hearing notice, staff will update the language and will recommend that it remain within chapter 480-80.*

(2) *Please see "Principles underlying customer notice practices".*

Avista comments:

Comment: Avista reads this proposed rule to mean that notices for special contract filings would not need to be sent to customers other than the customer(s) who would be served by the special contract.

PACIFICORP's comments:

(1) We would like to discuss the proposed noticing rule at the next workshop.

PSE comments:

Rather than address changes to Staff's proposed new customer notice rule with revised rule language, PSE offers the following discussion, in the hope that it will communicate our ideas and proposal more clearly than technical rule language. Additionally, it seems the process will be more productive by focusing on what the various parties mean, and if we can come to complete or partial consensus on specific notice requirements, then turn our collective energy toward writing it up in a rule.

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- In practice, this proposal retains the 30 day statutory notice requirement in RCW 80.28.060, which Staff's proposal eliminates, unless utilities use direct mail notices for all pre-notification.

Public Counsel's comments:

Public counsel supports this effort to notify customers of company proposals and to foster public involvement in commission decision that effect energy service.

III. Records and Reporting Rules:

WAC 480-90-031 Accounting system requirements.

- (1) Gas utilities in the state of Washington must use the uniform system of accounts applicable to major and non-major gas utilities as published by the Federal Energy Regulatory Commission (FERC) in the Code of Federal Regulations.
- (2) Gas utilities having multi-state operations must maintain records in such detail that the costs of property located and business done in this state in accordance with geographic boundaries can be readily ascertained.
- (3) Any deviation from the uniform system of accounts, as prescribed by the FERC, will only be accomplished after due notice and order of this commission.

Staff's Initial Comment:

This revision separates accounting aspects of rule -031 from the reporting aspects. The language is re-written for clarity.

WAC 480-90-xx8 Financial reporting requirements.

- (1) Annual Reports - Gas utilities must use the annual report form (FERC Form No. 2) promulgated by the Federal Energy Regulatory Commission for purposes of annual reporting to this commission. Data required by RCW 80.04.080, Annual Reports, but not included in the FERC Form No. 2, must also be submitted with the annual report. Utilities must submit the annual report for the preceding calendar year, along with the regulatory fee, by May 1st of each year.

PacifiCorps' comments:

(a) Electric utilities will use the annual report form (FERC Form No. 1) promulgated by the Federal Energy Regulatory Commission for purposes of annual reporting to this commission. Data required by RCW 80.04.080 Annual Reports, but not included in the FERC Form No. 1, must also be submitted with the annual report. Utilities must submit the annual report for the preceding calendar or fiscal year, along with the regulation fees, four months after the close of the preceding calendar or fiscal year ~~by May 1 of each year;~~

- PacifiCorp is converting to fiscal year reporting and has made recommended language changes to reflect this option.

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(2) Utilities with multi-state or multi-service operations must also submit to this commission a supplement to its annual report which includes the amount of property, revenues, expenses, taxes, depreciation, etc., necessary to furnish utility service to its customers in the state of Washington. The supplement to the annual report must include the average customer count and total unit sales per customer class for the calendar year.

PacifiCorp's comments:

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(3) Combination and multi-state utilities must submit their cost allocation methods necessary to develop the results of operations for the state of Washington with the annual report. Approval of cost allocation schemes for rate making purposes is only accomplished by commission order.

(4) The total gas utility results of operations reported by each utility in its annual report to the commission must agree with the results of operations shown on its books and records.

(5) Commission Basis Reports (Annual) - The intent of the "Commission Basis" report is to depict the gas operations of a utility under normal temperature and gas supply conditions during the reporting period. The commission basis report includes the following:

(a) Utilities must report booked results of gas operations and rate base along with the necessary adjustments as accepted by the commission in the utility's most recent general rate case or subsequent orders;

(b) Utilities must adjust their actual results of operations for out of period items, non-operating, non-recurring, extraordinary items, or any other item that materially distorts reporting period earnings and rate base;

(c) Utilities must adjust booked revenues and gas supply expenses to reflect operations under normal temperature and gas supply conditions before the achieved return on rate base is calculated; and

(d) Commission basis reports should not include adjustments that annualize price, wage, or other cost changes during a reporting period, nor include new theories or approaches which have not been previously addressed and resolved by the Commission.

(6) Utilities must submit the basis of any cost allocations and the allocation factors necessary to develop the commission basis results of gas operations for the state of Washington.

(7) Commission Basis reports are due within four months of the end of a utility's fiscal year.

(8) Quarterly Reports - Gas utilities must file a report of actual results for Washington operations within forty five days of the end of each quarter. The results of operations report must contain each of the three monthly balances and the latest twelve months ending balance for all accounts of the uniform system of accounts. The report must include the average customer counts and total unit sales per customer class for each reported period.

PacifiCorp's comments:

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* PacifiCorp questions whether quarterly reports are necessary. Un-normalized information is subject to significant month-to-month variations relating to weather, hydro conditions, thermal generation, market conditions and other influences.

- (9) **Additional Reporting** - This section will not supercede any reporting requirement specified in a commission order or limit the commission's ability to request additional information.

Staff's Initial Comments:

- (1) *This revision separates reporting aspects of rule -031 into a separate rule. The Commission basis report is changed to an annual filing. The monthly report is changed to a quarterly filing with specific required contents. Other language is re-written for clarity.*
- (2) *Account 191 reporting requirement has been move to the PGA Rule.*

WAC 480-90-032 Expenditures for political activities.

- (1) The commission will not allow either direct or indirect expenditures for lobbying, political information, political education, or political advertising for ratemaking purposes.
- (2) Political information, education, and advertising activities include, but are not limited to:
- (a) Encouraging support or opposition to ballot measures, legislation, candidates for an office, or current public office holders.
 - (b) Soliciting support for political action committees.
 - (c) Gathering data for political mailing lists.
 - (d) Soliciting political contributions or recruiting political volunteers.
 - (e) Advertising to influence public opinion with respect to legislative, administrative, or electoral matters, or any controversial issue of public importance.

Staff Initial Comment:

Organizes all political expenditures into one rule. Item (e) is from 480-90-043.

WAC 480-90-036 Securities, affiliated interests, and transfers of property

- (1) Before a gas utility issues securities it must file with the commission a statement in accordance with chapter 80.08 RCW and chapter 480-146 WAC.
- (2) Before a gas utility enters into an arrangement with an affiliated interest it must file with the commission a verified copy of the contract or arrangement in accordance with chapter 80.16 RCW and chapter 480-146 WAC.
- (3) Before a gas utility transfers property it must apply for, and obtain, commission approval in accordance with chapter 80.12 RCW and chapter 480-143 WAC.

Staff's Initial Comments:

Rewritten for clarity and consistency with other rule makings.

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Staff's Initial Comments:

Rewritten for clarity and consistency with other rule makings.

WAC 480-90-043 Promotional advertising.

- (1) The commission will not allow expenses for promotional advertising for ratemaking purposes.
 - (a) The term "promotional advertising" means advertising to encourage any person or business to select or use the service or additional services of a gas utility, to select or install any appliance or equipment designed to use the gas utility's service, or to influence consumers' opinions of the gas utility.
- (2) As used in this rule the term "promotional advertising" does not include:
 - (a) Advertising which informs customers how to conserve energy or how to reduce peak demand for energy;
 - (b) Advertising required by law or by regulation, including advertising under Part 1 of Title II, of the National Energy Conservation Policy Act;
 - (c) Advertising regarding service interruptions, safety measures, or emergency conditions;
 - (d) Advertising concerning employment opportunities with the gas utility;
 - (e) Announcements or explanations of existing or proposed tariffs or rate schedules;
 - (f) Notices of meetings or commission hearings concerning gas utility rates and tariffs.

Staff's Initial Comments:

Restricts rule to just promotional advertising; maintains prohibition on allowing promotional advertising in rates.

WAC 480-90-181 Retention and preservation of records and reports.

- (1) The gas utility must retain all records and reports for three years unless otherwise specified by the publication referenced in subsection (2) of this section. No records may be destroyed prior to the expiration of the time specified by the publication referenced in subsection (2) of this section.
- (2) The *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies*, published by the National Association of Regulatory Utility Commissioners is prescribed as the requirement for the state of Washington. This document is available at the commission's branch of the Washington state library. The commission secretary will provide a copy of the document on request, subject to any charge, or a copy may be ordered directly from the National Association of Regulatory Utility Commissioners.

Staff's Initial Comments:

Rewritten for clarity.

WAC 480-90-xx9 Purchased gas adjustment.

- (1) A purchased gas adjustment (PGA) clause is an accounting and rate adjustment procedure that gas utilities use to recover actual gas costs. Gas utilities must file with the commission for recovery of expected gas cost changes and amortization of accumulated book balances.
- (2) A gas utility must include its PGA procedures in its tariff.

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 - (c) Advertising regarding service interruptions, safety measures, or emergency conditions;
 - (d) Advertising concerning employment opportunities with the gas utility;
 - (e) Announcements or explanations of existing or proposed tariffs or rate schedules;
 - (f) Notices of meetings or commission hearings concerning gas utility rates and tariffs.

Staff's Initial Comments:

Restricts rule to just promotional advertising; maintains prohibition on allowing promotional advertising in rates.

WAC 480-90-181 Retention and preservation of records and reports.

- (1) The gas utility must retain all records and reports for three years unless otherwise specified by the publication referenced in subsection (2) of this section. No records may be destroyed prior to the expiration of the time specified by the publication referenced in subsection (2) of this section.
- (2) The *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies*, published by the National Association of Regulatory Utility Commissioners is prescribed as the requirement for the state of Washington. This document is available at the commission's branch of the Washington state library. The commission secretary will provide a copy of the document on request, subject to any charge, or a copy may be ordered directly from the National Association of Regulatory Utility Commissioners.

Staff's Initial Comments:

Rewritten for clarity.

WAC 480-90-xx9 Purchased gas adjustment.

- (1) A purchased gas adjustment (PGA) clause is an accounting and rate adjustment procedure that gas utilities use to recover actual gas costs. Gas utilities must file with the commission for recovery of expected gas cost changes and amortization of accumulated book balances.
- (2) A gas utility must include its PGA procedures in its tariff.

- (3) A gas utility must make a PGA filing at least annually. If the utility believes that a PGA filing is unnecessary in any given year, then it must file supporting documents demonstrating why a rate change is not necessary.
- (4) A gas utility must file a monthly report of the activity in account 191, Unrecovered Purchased Gas Costs, for Washington within 30 days after the end of each month. The report must show the beginning balance, monthly entry and ending balances for each Washington sub-account included in account 191, Unrecovered purchased gas costs. PGA incentive amounts must be shown separately.

CMS's comments:

A gas utility must make a PGA filing a minimum of one time in any calendar year and at least once in any twelve-month period. If the utility believes that a filing is unnecessary when required then it must file a statement demonstrating why a rate change is not necessary.

Staff's Initial Comments:

New rule to codify existing procedures and to require at least an annual filing (or an explanation).

Deleted the PGA reporting requirement in 480-90-03x and included a monthly reporting requirement here (paragraph 4) in its place.

IV. Gas Metering & Standards Rules:

WAC 480-90-101 Heating value of gas.

- (1) A gas utility must state in its tariff the minimum heating value of gas delivered to customers. The minimum heating value of the gas must be sufficient to uniformly operate an appliance.
- (2) **Test Equipment** - If a gas utility provides and maintains its own gas calorimeter, the calorimeter and accessories must be installed in a suitable area. The calorimeter and its location and accuracy must be approved by the Commission.
- (3) If a gas utility does not maintain its own gas calorimeter, the utility's supplier must provide the calorimetric results to the commission upon request.
- (4) A gas utility may use a caloroptic indicator to determine the heat value when a mixture of liquified petroleum gas and air are used.
- (5) **Test Requirements** - Each gas utility must take at least one daily heat value test of the gas supplied to its customers.
- (6) The total heating value must be stated in British thermal units per cubic foot.
- (7) The average daily heat values must be determined by taking the average of all daily heat values measured throughout the day. The average monthly heating value must be the average of all daily average values for the calendar month.
- (8) For billing purposes, the gas utility may apply the average heating value for a given month to the following month provided the procedure is written in the utility's tariff.
- (9) **Records** - Each gas utility must keep complete records of each heat value test. These records must be accessible to the commission and its' authorized representatives.
- (10) The utility must adopt standard forms that record the heating value, gas analysis, and specific gravity results. The forms are subject to the approval of the Commission. Each form must be retained as a record at the station where the tests were made for at least two years.

- (3) A gas utility must make a PGA filing at least annually. If the utility believes that a PGA filing is unnecessary in any given year, then it must file supporting documents demonstrating why a rate change is not necessary.
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CMS's comments:

A gas utility must make a PGA filing a minimum of one time in any calendar year and at least once in any twelve-month period. If the utility believes that a filing is unnecessary when required then it must file a statement demonstrating why a rate change is not necessary.

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- (10) The utility must adopt standard forms that record the heating value, gas analysis, and specific gravity results. The forms are subject to the approval of the Commission. Each form must be retained as a record at the station where the tests were made for at least two years.

Staff's Initial Comments:

- (1) *Rewritten for clarity*
- (2) *The term "liquefied petroleum gas" was reinserted in section 4 to help clarify the fuel mixture.*
- (3) *"For billing purposes" was added back to section eight as was written in the original rule.*

WAC 480-90-126 Meter readings.

The meter is required to record or indicate the volume of gas taken, measured in units of cubic feet or other volumetric unit. The gas utility, upon request, must supply the customer with all variables and formulas to enable the customer to compute billable units, typically therms.

WAC 480-90-131 Meter charges (old title "Installation of meter set assembly").

- (1) A gas utility will make no charge for furnishing and installing a standard meter required to determine the billing to be made for gas service in accordance with its filed tariff. The utility may charge for additional metering or metering equipment requested by the customer or required by the utility's tariff for services beyond determining the billing for gas service.
- (2) A meter will not be required on flat rate service.

Staff's Initial Comments:

- (1) *Rewritten for clarity and stakeholders' comments.*
- (2) *Amended to clarify that the utility can charge for special (additional) metering equipment (i.e. telemetry - [need to tariff]).*

WAC 480-90-136 Meter set assembly location.

- (1) The customer must furnish a convenient and unobstructed location to install the meter set assembly that is acceptable to the gas utility.
- (2) A meter set assembly may include a meter, regulator, valve, and adjacent components. The meter set assembly must be accessible to the utility to read, inspect, repair, test, and make changes. The meter set assembly must be installed at the building wall and, whenever possible, away from doors, windows, building overhangs, intake ducts, and other outside areas where gas can accumulate and migrate into buildings.
- (3) Meter set assemblies must be located outside buildings whenever possible. When it becomes necessary to locate meters inside buildings, the gas utility must keep a record of all meter set assemblies that are located inside buildings, including in such record the location, installation date, and leak history. Utilities must submit copies of such records to the commission upon request.

NWN's comments:

NW Natural's comments on this rule apply to Section (3). Please explain why staff thinks it is necessary to receive prior notice when inside meter sets are installed? It would seem sufficient for the utility to maintain complete records that would be available should staff request them.

Staff's Initial Comments:

- (1) *Rewritten for clarity*
- (2) *The term "liquefied petroleum gas" was reinserted in section 4 to help clarify the fuel mixture.*
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NW Natural's comments on this rule apply to Section (3). Please explain why staff thinks it is necessary to receive prior notice when inside meter sets are installed? It would seem sufficient for the utility to maintain complete records that would be available should staff request them.

In NW Natural's territory, it is very common for meter sets to be installed inside the building in downtown office buildings, malls, and department stores. Unless the intent is to exclude meter set assemblies for this type of large commercial customer, we would suggest changes to Section (3) as follows:

(3) Residential and commercial meter set assemblies ~~must will~~ be installed outside at the building wall except where an outside location is not feasible. All outside meter set assemblies must be placed, whenever possible, away from doors, windows, building overhangs, intake ducts, and other outside areas where gas can accumulate and migrate into buildings.

~~When it is not feasible to install residential or commercial meter set assemblies at the building wall the utility must provide prior notice to the commission of such installations. When it becomes necessary to locate meters inside buildings the~~ Each gas utility must keep a record of all meter set assemblies that are located inside buildings, including in such record the location, installation date, and leak history. Utilities must submit copies of such records to the commission upon request.

PSE's comments:

(3) Where feasible, residential and commercial meter set assemblies should must be installed outside at the building wall. All meter set assemblies should ~~must~~ be placed, whenever possible, away from doors, windows, building overhangs, intake ducts, and other outside areas where gas can accumulate and migrate into buildings unless vent piping or regulators with an over-pressure shut-off that would not vent gas to the atmosphere is utilized or other mitigation measures are taken consistent with the utility's safety standards. The location must be acceptable to the utility. {COMMENT: It appears Staff's position is that MSA must be located outside, at the wall, etc., unless it is not feasible to do so. While this is PSE's preference in locating MSAs, PSE is concerned with the interpretation of "feasible" as used in Staff's draft. PSE would interpret feasible broader than just physically feasible to include situations where the customer would not choose gas if the MSA could not be located in another manner. If feasible is to mean physically feasible, this rule could negatively affect PSE gas penetration into the multifamily market. The recommended language probably pushes this rule in the direction of establishing a norm rather than a requirement. Additionally, PSE suggests restoring language that the utility must find the location acceptable (which is in the current rule) helps to provide utilities with a stronger position to ensure proper placement of the MSA. } ~~When is not feasible to install residential or commercial meter assemblies at the building wall the utility must provide prior notice to the commission of such installations.~~ {COMMENT: At this point, it is not clear why the WUTC needs to be informed prior to each such installation if . It would be helpful if Staff explained why this new reporting requirement is necessary in addition to the record keeping in the next sentence.} ~~When it becomes necessary to locate meters~~ are located inside buildings, the gas utility must keep a record of all meter set assemblies that are located inside buildings, including in such record the location, installation date, and leak history. Utilities must submit copies of such records to the commission upon request.

(4) The meter set assembly must be protected with a protective barrier whenever damage by vehicles or marine traffic is likely to occur.

Staff's Initial Comments:

(1) *The rule was rewritten for clarity and three sections were added that mimic the accepted industrial gas standards for meter placement. The first standard addresses placement of the meter set assembly away from areas where gas can migrate into buildings. Equipment can and eventually will fail. This part of the rule makes adjustment for equipment failure. It is a standard practice within the gas industry to place equipment away from these areas however, when it becomes impossible to do so, another location can be chosen.*

(2) *Generally meter set assemblies are located outdoors. In the event a meter must be placed inside a building, the Commission must be notified and a record would be kept of all new systems installed. We think this would be a rare occasion.*

(3) *The third standard addresses damage to meters in areas where they would be vulnerable to vehicular accidents.*

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(4) Coupled with WAC 480-90-081, Service connection, a provision for installing the meter set assembly at the building wall was added in paragraph 2.

(5) Paragraph 3 was rewritten so approval by the Commission would not be necessary. Instead the utilities would need to maintain records of meter set assemblies located indoors.

WAC 480-90-141 Identification of meters.

Gas utilities must identify each meter by a unique series of serial numbers, letters, or combination of both, placed in a conspicuous position on the meter, along with the utility's name or initials.

PSE's comments:

Gas utilities must identify each meter by a unique series of serial numbers, letters, or combination of both, placed in a conspicuous position on the meter, ~~along with the utility's name or initials.~~ {COMMENT: In the electric rule, there is a reference to the gas safety implications that require a utility's name/initials be placed on the meter. It does not seem that placing the name or initials on a meter would really add much to safety but could result in significant cost burdens, especially if this rule requires a utility to change the name plate on every meter simply because of a name change. If a customer or third party damages a meter or suspects a gas leak but does not know the name and telephone number of the gas utility, it is probably more reasonable (and desirable) to expect the individual will dial 911 rather than inspect the meter to find the utility's name then go and look up the utility's telephone number in a phone book. Therefore, it appears the costs of this rule probably are greater than the potential benefits.}

Staff's Initial Comments:

Rewritten for clarity.

WAC 480-90-146 Initial accuracy of meters.

- (1) Each meter must be in good mechanical shape and adjusted to read as accurate as practical before placed in service. Meters are required to be free of leaks and deliver gas without noticeable fluctuation due to mechanical operation of the meter.
- (2) The Gas Utility must seal all meters in service or use a sealing method acceptable to the Commission.

Staff's Initial Comments:

Rewritten For Clarity.

WAC 480-90-151 Metering tolerance.

A meter must not deviate more than two percent fast or slow at each test rate.

Staff's initial Comments:

Rewritten for clarity.

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Staff's Initial Comments:

Rewritten For Clarity.

WAC 480-90-151 Metering tolerance.

A meter must not deviate more than two percent fast or slow at each test rate.

Staff's initial Comments:

Rewritten for clarity.

WAC 480-90-166 Statement of meter test procedures.

(1) The gas utility must submit to the commission a statement in its tariff describing its practice under these rules covering:

(a) The description of test methods used and frequency of tests for determining the meter accuracy.

The description must include, but is not limited to:

(i) Test group detail and selection procedures.

(ii) Performance standard details for meters that exceed the maximum allowable tolerance for slow as well as fast meters.

(iii) The corrective action and time period that will be implemented.

(iv) Reference to an industry standard such as ANSI C12.1 or ANSI/[isrt]ASQC-Z1.9 that will establish acceptable criteria for numerical analysis.

(b) The description of meter testing equipment and accuracy determination methods.

(c) The name of the testing laboratory making meter tests if gas companies do not maintain meter testing equipment.

(d) The testing and adjustment program of meters prior to installation and periodic tests after installation.

(2) If a gas utility changes any portion of the meter test procedure after submission to the commission, a revised tariff must be submitted.

Staff's Initial Comments:

The rule has been rewritten for clarity only.

WAC 480-90-171 Frequency of periodic meter tests.

(1) The minimum periodic test interval for gas meters, other than orifice meters is as follows:

(a) Meters with capacity up to 3,000 cubic feet per hour - every 10 years;

(b) Meters with capacity 3,000 cubic feet per hour and over - every 5 years

(2) The minimum periodic test interval for orifice meters is as follows:

(a) Differential gauges - at least once each three months;

(b) Orifice plate - at least once each year

(3) A meter sampling program may be implemented by the utility in lieu of the basic periodic test interval as provided for under WAC 480-90-166, Statement of meter test procedures.

Staff's Initial Comments:

No changes were made to this rule.

WAC 480-90-176 Meter history records.

WAC 480-90-166 Statement of meter test procedures.

- (1) The gas utility must submit to the commission a statement in its tariff describing its practice under these rules covering:
 - (a) The description of test methods used and frequency of tests for determining the meter accuracy. The description must include, but is not limited to:
 - (i) Test group detail and selection procedures.
 - (ii) Performance standard details for meters that exceed the maximum allowable tolerance for slow as well as fast meters.
 - (iii) The corrective action and time period that will be implemented.
 - (iv) Reference to an industry standard such as ANSI C12.1 or ANSI/[isrt]ASQC-Z1.9 that will establish acceptable criteria for numerical analysis.
 - (b) The description of meter testing equipment and accuracy determination methods.
 - (c) The name of the testing laboratory making meter tests if gas companies do not maintain meter testing equipment.
 - (d) The testing and adjustment program of meters prior to installation and periodic tests after installation.
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Staff's Initial Comments:

The rule has been rewritten for clarity only.

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 - (a) Meters with capacity up to 3,000 cubic feet per hour - every 10 years;
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- (2) The minimum periodic test interval for orifice meters is as follows:
 - (a) Differential gauges - at least once each three months;
 - (b) Orifice plate - at least once each year
- (3) A meter sampling program may be implemented by the utility in lieu of the basic periodic test interval as provided for under WAC 480-90-166, Statement of meter test procedures.

Staff's Initial Comments:

No changes were made to this rule.

WAC 480-90-176 Meter history records.

(1) The gas utility must establish records showing the history of each meter purchased and installed. Each record must be maintained for the life of the meter plus three months. The records are subject to approval of the Commission and must contain the following information at a minimum:

- (a) Date of purchase;
- (b) Gas utility's identification number ;
- (c) Type, model, or series of meter; and
- (d) Current meter location.

(2) The utility must maintain the meter history from the meter's last shop maintenance and "out proof test" through to service, removal and "in proof test" plus six months. The records are subject to approval of the commission and must contain, at a minimum, the following information:

- (a) Date and nature of repairs;
- (b) Date and results of the "out proof test";
- (c) Date and results of the "in proof test";
- (d) Date, location, and index reading when placed in service;
- (e) Date, location, and index reading when removed from service; and
- (f) Date, complainant's name and address, and results of any complaint test(s) made while the meter was in service.

(3) Overhauled meters that meet new meter standards may be retired and re-enter the system as new meters.

Staff's Initial Comments:

Eliminates the manufacturer's number and takes into account recommendations from the workshop.

V. Electric Metering Rules:

WAC 480-100-086 Meter Location

Subject to the utilities' requirements, customers must provide a place to install the metering equipment that is:

- (1) Readily accessible to utility employees without risks of bodily harm and
- (2) Free from vibration, corrosive atmosphere, and abnormal temperatures

Upon request by a customer or a customer's representative, electric utilities must provide a written description of acceptable meter installation parameters applicable to the customer's electrical service needs.

Staff's Initial Comments:

Rule rewritten for clarity

WAC 480-100-121 Meter Charges

(1) An electric utility will make no charge for furnishing and installing the meter or meters required to determine the billing to be made for electric service in accordance with its filed tariff. The utility may

(1) The gas utility must establish records showing the history of each meter purchased and installed. Each record must be maintained for the life of the meter plus three months. The records are subject to approval of the Commission and must contain the following information at a minimum:

- (a) Date of purchase;
- (b) Gas utility's identification number ;
- (c) Type, model, or series of meter; and
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(2) The utility must maintain the meter history from the meter's last shop maintenance and "out proof test" through to service, removal and "in proof test" plus six months. The records are subject to approval of the commission and must contain, at a minimum, the following information:

- (a) Date and nature of repairs;
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- (d) Date, location, and index reading when placed in service;
- (e) Date, location, and index reading when removed from service; and
- (f) Date, complainant's name and address, and results of any complaint test(s) made while the meter was in service.

(3) Overhauled meters that meet new meter standards may be retired and re-enter the system as new meters.

Staff's Initial Comments:

Eliminates the manufacturer's number and takes into account recommendations from the workshop.

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WAC 480-100-121 Meter Charges

(1) An electric utility will make no charge for furnishing and installing the meter or meters required to determine the billing to be made for electric service in accordance with its filed tariff. The utility may

charge for additional metering requested by the customer for service beyond determining the billing to be made for electric service.

(2) No meter shall be required on unmetered load.

Staff's Initial Comments:

Rule rewritten for clarity and stakeholders' comments.

WAC 480-100-126 Meter readings, multipliers, and test constants (combining WAC 480-100-126 Meter reading and WAC 480-100-156 Multipliers and test constants)

(1) Electric utilities must use electric meters or other such devices to accurately record or indicate the quantity of electricity sold to consumers. Such measuring devices will allow utilities to calculate a customer's consumption in units of kilowatt-hours or other units as filed in the company's tariffs, approved by the commission.

(2) Electric utilities that decide to either measure a customer's consumption with a device that employs a multiplier or calculate consumption from recording devices must provide customers, upon request, with information sufficient to enable the customer to compute the quantity consumed.

(3) Indirect reading meters and those that operate from instrument transformers must have the multiplier plainly marked on the dial of the instrument or otherwise suitably marked.

(4) The watt-hour constant for the meter itself must be placed on all watt-hour meters (as specified in ANSI C12.1).

PacifiCorp's comments:

~~(4) The watt hour constant for the meter itself must be placed on all watt hour meters (as specified in ANSI C12.1).~~

* PacifiCorp questions the requirement for recorder underglass devices. Most recording meters now have built in recorders that are electronically downloaded to computers for analysis. These all have date and time stamps. We would like to discuss this issue further with Staff.

Staff's Initial Comments:

(1) Staff proposes combining the following electric rules:

WAC 480-100-126 Meter reading

WAC 480-100-156 Multipliers and test constants

(2) Rule rewritten for clarity. Language adopted as suggested by stakeholders regarding units specified in tariff and specification of constants by ANSI C12.1. Language deleted regarding charts based on input from companies that no such metering devices are still in use.

WAC 480-100-131 Meter identification

Electric utilities must identify each meter by a unique series of serial numbers, letters or combination of both, placed in a conspicuous position on the meter.

Staff's Initial Comments:

charge for additional metering requested by the customer for service beyond determining the billing to be made for electric service.

(2) No meter shall be required on unmetered load.

Staff's Initial Comments:

Rule rewritten for clarity and stakeholders' comments.

WAC 480-100-126 Meter readings, multipliers, and test constants (combining WAC 480-100-126 Meter reading and WAC 480-100-156 Multipliers and test constants)

(1) Electric utilities must use electric meters or other such devices to accurately record or indicate the quantity of electricity sold to consumers. Such measuring devices will allow utilities to calculate a customer's consumption in units of kilowatt-hours or other units as filed in the company's tariffs, approved by the commission.

(2) Electric utilities that decide to either measure a customer's consumption with a device that employs a multiplier or calculate consumption from recording devices must provide customers, upon request, with information sufficient to enable the customer to compute the quantity consumed.

(3) Indirect reading meters and those that operate from instrument transformers must have the multiplier plainly marked on the dial of the instrument or otherwise suitably marked.

(4) The watt-hour constant for the meter itself must be placed on all watt-hour meters (as specified in ANSI C12.1).

PacifiCorp's comments:

~~(4) The watt-hour constant for the meter itself must be placed on all watt-hour meters (as specified in ANSI C12.1).~~

* PacifiCorp questions the requirement for recorder underglass devices. Most recording meters now have built in recorders that are electronically downloaded to computers for analysis. These all have date and time stamps. We would like to discuss this issue further with Staff.

Staff's Initial Comments:

(1) Staff proposes combining the following electric rules:

WAC 480-100-126 Meter reading

WAC 480-100-156 Multipliers and test constants

(2) Rule rewritten for clarity. Language adopted as suggested by stakeholders regarding units specified in tariff and specification of constants by ANSI C12.1. Language deleted regarding charts based on input from companies that no such metering devices are still in use.

WAC 480-100-131 Meter identification

Electric utilities must identify each meter by a unique series of serial numbers, letters or combination of both, placed in a conspicuous position on the meter.

Staff's Initial Comments:

Revisions made for language clarity. The requirement for companies to include its name or initials on the meter face was dropped following the last workshop. Staff agrees there is not a significant safety issue surrounding identification of electric meter ownership as there is with gas meters and the public's ability to readily identify the responsible utility.

WAC 480-100-136 Accuracy requirements for electric meters (combining WAC 480-100-136 Initial accuracy of meters, WAC 480-100-141 Accuracy of watt-hour meters, and WAC 480-100-146 Accuracy of demand meters)

(1) Initial accuracy

(a) All meters must be in good order and adjusted to register as nearly correct as practicable prior to being put into service. All meters in service must be sealed by the use of a sealing device acceptable to the commission;

(b) Before returning a meter to service, the electric utility must:

- (i) Inspect the meter for correctness of register ratio and register constant;
- (ii) Repair or replace all worn or damaged parts; and
- (iii) If necessary, recalibrate the meter to measure accurately.

PSE's comments:

~~(b) Before returning a meter to service, the electric utility must:~~

- ~~(i) Inspect the meter for correctness of register ratio and register constant;~~
- ~~(ii) Repair or replace all worn or damaged parts; and~~
- ~~(iii) If necessary, recalibrate the meter to measure accurately.~~

{COMMENT: (b) is redundant and not necessary, as returning a meter to service is the same as putting it in service. Additionally, this requirement is redundant to the meter testing sample program allowed below in 100-176. Therefore, PSE suggests this section is not needed.}

(2) Watt-hour meter accuracy

(a) The requirements for watt-hour meters used for measuring electrical quantities supplied include, but are not limited to:

- (i) All meters must be of proper design for the circuit on which they are used, be in good mechanical and/or electronic condition, have adequate insulation, correct internal connections, and correct register;
- (ii) Mechanical meters must not creep at "no load" more than one full revolution of the disk in five minutes when:
 - (A) The load wires are disconnected and potential is impressed or
 - (B) In a shop test where the load wires are disconnected and the permissible voltage variation is impressed;

PacifiCorp's comments:

~~(ii) Mechanical meters must not creep at "no load" more than one full revolution of the disk in five minutes when:~~

(b) All meters must be capable of registering no more than plus or minus 2.0 percent error when subject to a test current ranging between five and ten percent of the meter's rating, at the meter's rated voltage, and at unity power factor;

PSE's comments:

Revisions made for language clarity. The requirement for companies to include its name or initials on the meter face was dropped following the last workshop. Staff agrees there is not a significant safety issue surrounding identification of electric meter ownership as there is with gas meters and the public's ability to readily identify the responsible utility.

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PSE's comments:

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- ~~(i) Inspect the meter for correctness of register ratio and register constant;~~
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- ~~(iii) If necessary, recalibrate the meter to measure accurately.~~

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 - (A) The load wires are disconnected and potential is impressed or
 - (B) In a shop test where the load wires are disconnected and the permissible voltage variation is impressed;

PacifiCorp's comments:

~~(ii) Mechanical meters must not creep at "no load" more than one full revolution of the disk in five minutes when:~~

(b) All meters must be capable of registering no more than plus or minus 2.0 percent error when subject to a test current ranging between five and ten percent of the meter's rating, at the meter's rated voltage, and at unity power factor;

PSE's comments:

(b) All meters must be capable of registering no more than plus or minus 2.0 percent error when subject to test a current ranging between five and ten percent of the meter's nameplate test current value rating, at the meter's rated voltage, and at unity power factor;

(c) All meters must be capable of registering no more than plus or minus 2.0 percent error when subject to a test current ranging between seventy-five and one hundred fifty percent of the meter's rating, at the meter's rated voltage, and at unity power factor;

PSE's comments"

(c) All meters must be capable of registering no more than plus or minus 2.0 percent error when subject to a test current ranging between seventy-five and one hundred fifty percent of the meter's nameplate test current value rating, at the meter's rated voltage, and at unity power factor;

(d) All meters must be capable of registering no more than plus or minus 3.0 percent error when subject to approximately one hundred percent rated test current, at the meter's rated voltage, and at a fifty percent lagging power factor;

PSE's comments:

(d) All meters must be capable of registering no more than plus or minus 3.0 percent error when subject to approximately one hundred percent of the meter's nameplate test current value ~~rated test current~~, at the meter's nameplate rated voltage ~~test current rating~~, and at a fifty percent lagging power factor;

(e) All polyphase meters must have the elements in balance within 2.0 percent when subject to approximately one hundred percent rated test load at both unity and fifty percent lagging power factor;

PSE's comments:

(e) All polyphase meters must have the elements in balance within 2.0 percent when subject to approximately one hundred percent of the nameplate test current value, at the meter's rated voltage, rated test load at both unity and fifty percent lagging power factor; {COMMENT: Meters have a two ratings on their nameplates, which makes the original text confusing: a Test Amps Rating (which is usually 30 Amps on a 200 Amp house meter, and a Meter Rating (which is the maximum continuous operating current for the meter (in this case 200 Amps). The suggested revisions help clarify.)

(f) All meters used with instrument transformers must be adjusted so that the over-all accuracy of the metering installation will meet the requirements of this section;

(g) Adjustment for such errors is not necessary when instrument transformers with the following accuracy characteristics are used:

(i) Instrument current transformers: The combined effect of ratio error and phase angle on the accuracy of the meter at any load power factor from sixty percent lagging to unity does not exceed 0.6 percent at ten percent rated current, or 0.3 percent at approximately one hundred percent rated current;

(ii) Instrument potential transformers: The combined effect of ratio error and phase angle on the accuracy of the meter from ninety percent rated voltage to one hundred ten percent rated voltage, at any load power factor from sixty percent lagging to unity, does not exceed 0.3 percent;

PSE's comments:

~~(f) All meters used with instrument transformers must be adjusted so that the over-all accuracy of the metering installation will meet the requirements of this section;~~

~~(g) Adjustment for such errors is not necessary when instrument transformers with the following accuracy characteristics are used:~~

(b) All meters must be capable of registering no more than plus or minus 2.0 percent error when subject to ~~test~~ a current ranging between five and ten percent of the meter's nameplate test current value rating, at the meter's rated voltage, and at unity power factor;

(c) All meters must be capable of registering no more than plus or minus 2.0 percent error when subject to a test current ranging between seventy-five and one hundred fifty percent of the meter's rating, at the meter's rated voltage, and at unity power factor;

PSE's comments"

(c) All meters must be capable of registering no more than plus or minus 2.0 percent error when subject to a test current ranging between seventy-five and one hundred fifty percent of the meter's nameplate test current value rating, at the meter's rated voltage, and at unity power factor;

(d) All meters must be capable of registering no more than plus or minus 3.0 percent error when subject to approximately one hundred percent rated test current, at the meter's rated voltage, and at a fifty percent lagging power factor;

PSE's comments:

(d) All meters must be capable of registering no more than plus or minus 3.0 percent error when subject to approximately one hundred percent of the meter's nameplate test current value ~~rated test current~~, at the meter's nameplate rated voltage ~~test current rating~~, and at a fifty percent lagging power factor;

(e) All polyphase meters must have the elements in balance within 2.0 percent when subject to approximately one hundred percent rated test load at both unity and fifty percent lagging power factor;

PSE's comments:

(e) All polyphase meters must have the elements in balance within 2.0 percent when subject to approximately one hundred percent of the nameplate test current value, at the meter's rated voltage, ~~rated test load~~ at both unity and fifty percent lagging power factor; {COMMENT: Meters have a two ratings on their nameplates, which makes the original text confusing: a Test Amps Rating (which is usually 30 Amps on a 200 Amp house meter, and a Meter Rating (which is the maximum continuous operating current for the meter (in this case 200 Amps). The suggested revisions help clarify.}

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(g) Adjustment for such errors is not necessary when instrument transformers with the following accuracy characteristics are used:

(i) Instrument current transformers: The combined effect of ratio error and phase angle on the accuracy of the meter at any load power factor from sixty percent lagging to unity does not exceed 0.6 percent at ten percent rated current, or 0.3 percent at approximately one hundred percent rated current;

(ii) Instrument potential transformers: The combined effect of ratio error and phase angle on the accuracy of the meter from ninety percent rated voltage to one hundred ten percent rated voltage, at any load power factor from sixty percent lagging to unity, does not exceed 0.3 percent;

PSE's comments:

~~(f) All meters used with instrument transformers must be adjusted so that the over-all accuracy of the metering installation will meet the requirements of this section;~~

~~(g) Adjustment for such errors is not necessary when instrument transformers with the following accuracy characteristics are used:~~

~~(i) Instrument current transformers: The combined effect of ratio error and phase angle on the accuracy of the meter at any load power factor from sixty percent lagging to unity does not exceed 0.6 percent at ten percent rated current, or 0.3 percent at approximately one hundred percent rated current;~~

~~(ii) Instrument potential transformers: The combined effect of ratio error and phase angle on the accuracy of the meter from ninety percent rated voltage to one hundred ten percent rated voltage, at any load power factor from sixty percent lagging to unity, does not exceed 0.3 percent;~~

{COMMENT: PSE suggests it may be better to move these provisions down to 151, to keep all instrument transformer requirements together.}

PacifiCorp's comments:

~~(b) All meters must be capable of registering no more than plus or minus 2.0 percent error when subject to a test current ranging between five and ten percent of the meter's rating, at the meter's rated voltage, and at unity power factor;~~

~~(c) All meters must be capable of registering no more than plus or minus 2.0 percent error when subject to a test current ranging between seventy-five and one hundred fifty percent of the meter's rating, at the meter's rated voltage, and at unity power factor;~~

~~(d) All meters must be capable of registering no more than plus or minus 3.0 percent error when subject to approximately one hundred percent rated test current, at the meter's rated voltage, and at a fifty percent lagging power factor;~~

~~(e) All polyphase meters must have the elements in balance within 2.0 percent when subject to approximately one hundred percent rated test load at both unity and fifty percent lagging power factor;~~

~~(f) All meters used with instrument transformers must be adjusted so that the over-all accuracy of the metering installation will meet the requirements of this section;~~

~~(g) Adjustment for such errors is not necessary when instrument transformers with the following accuracy characteristics are used:~~

~~(i) Instrument current transformers: The combined effect of ratio error and phase angle on the accuracy of the meter at any load power factor from sixty percent lagging to unity does not exceed 0.6 percent at ten percent rated current, or 0.3 percent at approximately one hundred percent rated current;~~

~~(ii) Instrument potential transformers: The combined effect of ratio error and phase angle on the accuracy of the meter from ninety percent rated voltage to one hundred ten percent rated voltage, at any load power factor from sixty percent lagging to unity, does not exceed 0.3 percent;~~

(3) Demand meter accuracy

(a) The requirements for demand meters, demand registers, or demand attachments used to measure a customer's service include, but are not limited to:

(i) The device must be in good mechanical and electrical condition;

(ii) The device must have the proper multiplier, indicating scale, resetting apparatus, and contact device if used;

(iii) The device must not register at no load.;

(b) The device must achieve the following accuracies:

(i) Curve-drawing meters that record quantity-time curves, and integrated- demand meters must be accurate to within plus or minus 2.0 percent of full scale throughout their working range;

(ii) Timing elements measuring specific demand intervals must be accurate to within plus or minus 2.0 percent and the timing element that provides the time of day record of when the demand occurs must be accurate to within plus or minus four minutes in twenty-four hours;

(iii) Lagged-demand meters must be accurate to within plus or minus 4.0 percent of final indication;

~~(i) Instrument current transformers: The combined effect of ratio error and phase angle on the accuracy of the meter at any load power factor from sixty percent lagging to unity does not exceed 0.6 percent at ten percent rated current, or 0.3 percent at approximately one hundred percent rated current;~~

~~(ii) Instrument potential transformers: The combined effect of ratio error and phase angle on the accuracy of the meter from ninety percent rated voltage to one hundred ten percent rated voltage, at any load power factor from sixty percent lagging to unity, does not exceed 0.3 percent;~~

{COMMENT: PSE suggests it may be better to move these provisions down to 151, to keep all instrument transformer requirements together.}

PacifiCorp's comments:

~~(b) All meters must be capable of registering no more than plus or minus 2.0 percent error when subject to a test current ranging between five and ten percent of the meter's rating, at the meter's rated voltage, and at unity power factor;~~

~~(c) All meters must be capable of registering no more than plus or minus 2.0 percent error when subject to a test current ranging between seventy five and one hundred fifty percent of the meter's rating, at the meter's rated voltage, and at unity power factor;~~

~~(d) All meters must be capable of registering no more than plus or minus 3.0 percent error when subject to approximately one hundred percent rated test current, at the meter's rated voltage, and at a fifty percent lagging power factor;~~

~~(e) All polyphase meters must have the elements in balance within 2.0 percent when subject to approximately one hundred percent rated test load at both unity and fifty percent lagging power factor;~~

~~(f) All meters used with instrument transformers must be adjusted so that the over all accuracy of the metering installation will meet the requirements of this section;~~

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(3) Demand meter accuracy

(a) The requirements for demand meters, demand registers, or demand attachments used to measure a customer's service include, but are not limited to:

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(iii) The device must not register at no load.;

(b) The device must achieve the following accuracies:

(i) Curve-drawing meters that record quantity-time curves, and integrated- demand meters must be accurate to within plus or minus 2.0 percent of full scale throughout their working range;

(ii) Timing elements measuring specific demand intervals must be accurate to within plus or minus 2.0 percent and the timing element that provides the time of day record of when the demand occurs must be accurate to within plus or minus four minutes in twenty-four hours;

(iii) Lagged-demand meters must be accurate to within plus or minus 4.0 percent of final indication;

(c) Mechanical and lagged demand meters must be tested at load points above fifty percent of full scale as specified in ANSI-C12.1.

PacifiCorp's comments:

~~(3) Demand meter accuracy~~

~~(a) The requirements for demand meters, demand registers, or demand attachments used to measure a customer's service include, but are not limited to:~~

~~(i) The device must be in good mechanical and electrical condition;~~

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~~(b) The device must achieve the following accuracies:~~

~~(i) Curve drawing meters that record quantity time curves, and integrated demand meters must be accurate to within plus or minus 2.0 percent of full scale throughout their working range;~~

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~~(iii) Lagged demand meters must be accurate to within plus or minus 4.0 percent of final indication;~~

~~(c) Mechanical and lagged demand meters must be tested at load points above fifty percent of full scale as specified in ANSI C12.1.~~

* PacifiCorp believes the proposed rule contains too much detailed information with the potential to become outdated rather quickly. Instead of all of this detailed information a reference to ANSI C12.1, which provides national consensus standards, should be provided.

Staff's Initial Comments:

Staff proposes combining the following electric rules:

WAC 480-100-136 Initial accuracy of meters

WAC 480-100-141 Accuracy of watthour meters

WAC 480-100-146 Accuracy of demand meters

This new rule was rewritten for clarity and includes suggestions from stakeholders.

WAC 480-100-176 Statement of meter test procedures

Electric utilities must include in their tariffs a statement describing their practice under these rules covering:

(1) A description of methods used and frequency of tests for determining electric meter accuracy. The description must include, but is not limited to:

(a) Test group detail and selection procedures;

(b) Performance standard details for meters that exceed the maximum allowable tolerance for slow as well as fast meters;

(c) The corrective action and time period that will be implemented; and

(d) Reference to an industry standard such as ANSI C12.1 or ANSI/[isrt]ASQC-Z1.9 that will establish acceptable criteria for numerical analysis.

(2) A description of meter testing equipment, including methods employed to ascertain and maintain accuracy of all testing equipment.

(c) Mechanical and lagged demand meters must be tested at load points above fifty percent of full scale as specified in ANSI-C12.1.

PacifiCorp's comments:

~~(3) Demand meter accuracy~~

~~(a) The requirements for demand meters, demand registers, or demand attachments used to measure a customer's service include, but are not limited to:~~

~~(i) The device must be in good mechanical and electrical condition;~~

~~(ii) The device must have the proper multiplier, indicating scale, resetting apparatus, and contact device if used;~~

~~(iii) the device must not register at no load;~~

~~(b) The device must achieve the following accuracies:~~

~~(i) Curve drawing meters that record quantity time curves, and integrated demand meters must be accurate to within plus or minus 2.0 percent of full scale throughout their working range;~~

~~(ii) Timing elements measuring specific demand intervals must be accurate to within plus or minus 2.0 percent and the timing element that provides the time of day record of when the demand occurs must be accurate to within plus or minus four minutes in twenty-four hours;~~

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(2) A description of meter testing equipment, including methods employed to ascertain and maintain accuracy of all testing equipment.

(3) The name of the testing laboratory making meter tests if electric utilities do not maintain meter testing equipment.

PSE's comments:

(3) ~~The name of the testing laboratory making meter tests~~ If an electric utility does not maintain meter testing equipment, the utility must state that it will use a qualified testing laboratory {COMMENT: If a utility uses a testing laboratory and the name is specified in the tariff, the utility would have to file a tariff revision just to change labs. This does not seem to be efficient or necessary.}

(4) The testing and adjustment program used for meters prior to installation and periodically after installation, if applicable.

If an electric utility changes any portion of its meter test procedures after they have been approved by the commission, the utility must submit a revised tariff.

Staff's Initial Comments:

(1) Rule rewritten for clarity.

(2) Subsection (2) language revised to reflect original rule language which was more understandable.

WAC 480-100-181 Meter history records

(1) Electric utilities must keep records showing the history of each meter purchased and installed. Such records must be maintained for the life of the meter plus three months. The form of such records are subject to approval of the commission and must contain the following information at a minimum:

(a) The approximate date of purchase;

(b) The manufacturer's name and meter number or the utility's own unique meter identification number;

(c) The place(s) of installation; and

(d) The readings at the time of each installation and each removal.

(2) The records must also include the date of all tests made on the meter, together with data recorded and computations made in order to determine its accuracy. If a test is a complaint test, the records must also include the complainant's name and the meter's calculated accuracy before and after the test.

Staff's Initial Comments:

Rule revised for clarity only. Subsection (1)(b) was revised to recognize that only one unique number (either the manufacturer's or the utility's) is required to track an individual meter.

Comments:

Staff suggests deferring development of a net metering rule at this time because the State Legislature is considering amendments or revisions to the authorizing statute (RCW 80.60) during the current session.

VI. Electric Safety and Standards Rules:

WAC 480-100-151 Instrument Transformers

(3) The name of the testing laboratory making meter tests if electric utilities do not maintain meter testing equipment.

PSE's comments:

(3) ~~The name of the testing laboratory making meter tests~~ If an electric utility does not maintain meter testing equipment, the utility must state that it will use a qualified testing laboratory {COMMENT: If a utility uses a testing laboratory and the name is specified in the tariff, the utility would have to file a tariff revision just to change labs. This does not seem to be efficient or necessary.}

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Comments:

Staff suggests deferring development of a net metering rule at this time because the State Legislature is considering amendments or revisions to the authorizing statute (RCW 80.60) during the current session.

VI. Electric Safety and Standards Rules:

WAC 480-100-151 Instrument Transformers

(1) Instrument transformers used in conjunction with metering equipment to measure customers' service must:

- (a) Be in proper mechanical condition and have electrical insulation satisfactory for the service on which they are used; and
- (b) Have characteristics such that the combined inaccuracies of all transformers supplying one or more meters in a given installation will not exceed the following:

100 % Power Factor		50% Power Factor	
10% Current	100% Current	10% Current	100% Current
1.5% error	0.75% error	3.0% error	2.0% error

PSE's Comments:

100 % Power Factor		50% Power Factor	
10% Current	100% Current	10% Current	100% Current
1.5% error	0.75% error	3.0% error	2.0% error

(2) Meters used in conjunction with instrument transformers must be adjusted so that the overall accuracies will meet the requirements specified in WAC 480-100-136 Accuracy requirements for electric meters.

(a) Instrument transformers may be tested with the meter with which they are associated, or separately. Except as provided in these rules, if the transformers are tested separately, the meters must also be tested to assure that the overall installation meets the prescribed accuracy requirements;

(b) Instrument transformer test results must be kept on record and available for use when transformers are installed;

(3) Phase shifting transformers must have secondary voltages that are within plus or minus one percent of the voltage impressed on primary terminals, when tested under balanced line voltage conditions.

PSE's comments:

(4) All meters used with instrument transformers must be adjusted so that the over-all accuracy of the metering installation will meet the requirements of this section;

(5) Adjustment for such errors is not necessary when instrument transformers with the following accuracy characteristics are used:

(i) Instrument current transformers: The combined effect of ratio error and phase angle on the accuracy of the meter at any load power factor from sixty percent lagging to unity does not exceed 0.6 percent at ten percent rated current, or 0.3 percent at approximately one hundred percent rated current;

Instrument potential transformers: The combined effect of ratio error and phase angle on the accuracy of the meter from ninety percent rated voltage to one hundred ten percent rated voltage, at any load power factor from sixty percent lagging to unity, does not exceed 0.3 percent;

{COMMENT: It seems more appropriate to locate all instrument transformer requirements in one rule, rather than including these above in 136.}

Staff's Initial Comments:
Rule rewritten for clarity.

(1) Instrument transformers used in conjunction with metering equipment to measure customers' service must:

- (a) Be in proper mechanical condition and have electrical insulation satisfactory for the service on which they are used; and
- (b) Have characteristics such that the combined inaccuracies of all transformers supplying one or more meters in a given installation will not exceed the following:

100 % Power Factor		50% Power Factor	
10% Current	100% Current	10% Current	100% Current
1.5% error	0.75% error	3.0% error	2.0% error

PSE's Comments:

100 % Power Factor		50% Power Factor	
10% Current	100% Current	10% Current	100% Current
1.5% error	0.75% error	3.0% error	2.0% error

(2) Meters used in conjunction with instrument transformers must be adjusted so that the overall accuracies will meet the requirements specified in WAC 480-100-136 Accuracy requirements for electric meters.

(a) Instrument transformers may be tested with the meter with which they are associated, or separately. Except as provided in these rules, if the transformers are tested separately, the meters must also be tested to assure that the overall installation meets the prescribed accuracy requirements;

(b) Instrument transformer test results must be kept on record and available for use when transformers are installed;

(3) Phase shifting transformers must have secondary voltages that are within plus or minus one percent of the voltage impressed on primary terminals, when tested under balanced line voltage conditions.

PSE's comments:

(4) All meters used with instrument transformers must be adjusted so that the over-all accuracy of the metering installation will meet the requirements of this section;

(5) Adjustment for such errors is not necessary when instrument transformers with the following accuracy characteristics are used:

(i) Instrument current transformers: The combined effect of ratio error and phase angle on the accuracy of the meter at any load power factor from sixty percent lagging to unity does not exceed 0.6 percent at ten percent rated current, or 0.3 percent at approximately one hundred percent rated current;

Instrument potential transformers: The combined effect of ratio error and phase angle on the accuracy of the meter from ninety percent rated voltage to one hundred ten percent rated voltage, at any load power factor from sixty percent lagging to unity, does not exceed 0.3 percent;

{COMMENT: It seems more appropriate to locate all instrument transformer requirements in one rule, rather than including these above in 136.}

Staff's Initial Comments:

Rule rewritten for clarity.

WAC 480-100-161 Portable indicating instruments and reference standards
(combining: WAC 480-100-161 Portable indicating instruments and WAC 480-100-201 Accuracy of test standards).

(1) Electric utilities must maintain all portable indicating electrical instruments used to determine quality of electrical service, such as volt-meters, ammeters, and watt-meters, and all fixed-location meter testing equipment in use in reasonable working order and, if in question, must check it against suitable reference standards. If suitable reference standards are not available within the utility, the utility must check its portable instruments at a standardizing laboratory meeting specifications recommended by the meter manufacturer. The electric utility must annually certify as accurate the reference standards the utility maintains and may not use them in the field as working instruments.

(2) Electric utilities must adjust portable analog indicating instruments that are found appreciably in error at zero. If a portable analog indicating instrument is in error by more than one percent at commonly used scale deflections, the electric utility must adjust it, unless the instrument is accompanied by a calibration card.

PSE's comments:

(2) Electric utilities must adjust portable analog indicating instruments used to determine quality of electrical service that are found appreciably in error at zero. If a portable analog indicating instrument is in error by more than one percent at commonly used scale deflections, the electric utility must adjust it, unless the instrument is accompanied by a calibration card.

(3) Electric utilities must keep history and calibration records for each portable and fixed-location instrument and any reference standard as long as they are in service.

PacifiCorp's Comments:

~~WAC 480-100-161 Portable indicating instruments and Reference standards and Standardizing Equipment (combining: WAC 480-100-161 Portable indicating instruments and WAC 480-100-201 Accuracy of test standards).~~

~~(1) Electric utilities must maintain all portable indicating electrical instruments used to determine quality of electrical service, such as volt meters, ammeters, and watt meters, and all fixed location meter testing equipment in use in reasonable working order and, if in question, must check it against suitable reference standards. If suitable reference standards are not available within the utility, the utility must check its portable instruments at a standardizing laboratory meeting specifications recommended by the meter manufacturer. The electric utility must annually certify as accurate the reference standards the utility maintains and may not use them in the field as working instruments.~~

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PSE's comments:

(3) Electric utilities must keep history and calibration records for each portable and fixed-location instrument used to determine quality of electrical service and any reference standard as long as they are in service. {COMMENT: As in our previous comments, PSE suggests it is not necessary for ALL instruments to be as finely calibrated if the instrument is not used to determine quality of electrical service. The above suggested language ensures the rule will only apply to instruments that need to be calibrated so closely.}

Staff's Initial Comments:

*Rewritten for clarity. This rule is a combination of:
WAC 480-100-161 Portable indicating instruments, and
WAC 480-100-201 Accuracy of test standards.*

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WAC 480-100-161 Portable indicating instruments, and
WAC 480-100-201 Accuracy of test standards.*

Staff revised subsection (2) of this rule to reflect the fact it relates to analog instruments, based on industry comments. Staff also adopted the suggestion of requiring testing on an annual rather than semi-annual basis.

PacifiCorp's comments:

- Electric utilities shall maintain a basic watt-hour reference standard that is calibrated annually with National Institute of Standards Technology (NIST) or an approved testing laboratory traceable to NIST.
- Electric utility reference standards shall comply with the most current version of ANSI C12.1.
- Each electric utility must install and maintain accurate and reliable customer metering systems which are in compliance with NIST standards of measurement.
- Each electric utility shall have written policies and practices to ensure the accuracy, proper installation, safety, maintenance and security of its customer metering devices and systems.
- Each electric utility shall report changes in metering policies and practices annually to the Commission.
- Each electric utility shall address reference standards certification procedures and frequency in their metering policy.
- Each electric utility shall provide annual certification of its analog voltmeters used to verify accuracy of field measuring instruments.

WAC 480-100-186 Standard Frequency

Each electric utility supplying alternating current must design and maintain its distribution system for a standard operating frequency of sixty cycles per second under normal operating conditions.

Staff's Initial Comments:

This rule was revised to reflect the fact that North American electric utilities have adopted sixty cycles per second as the standard frequency. The previous draft's reference to the Western Systems Coordinating Council was dropped based on the recognition that the Commission cannot delegate its authority to establish rules and standards.

WAC 480-100-191 Standard Voltage and Permissible Variation

(1) Voltage means the voltage existing with loads operating under stable conditions. Each electric utility must adopt standard voltages for its different classes of standard voltage service and file these standards with the commission in the form of tariffs.

(2) Electric utilities are required to maintain the voltage on their distribution system reasonably constant and any allowed variation must be a gradual change in voltage as a result of normal changes in load. The voltage on each primary distribution feeder must be maintained as follows: voltage variations may not be more than five percent above or below the standard voltage adopted, and the total voltage variation from minimum to maximum value may not exceed eight percent of the standard voltage. A utility may allow greater voltage variation than that specified in this rule in case of emergency service or when service is supplied directly from a transmission line. A utility may also permit greater voltage variations in an area where the revenues received do not justify close voltage regulation. In such cases, electric utilities are required to provide the best voltage regulation that is economically and technically practicable under the circumstances.

(3) Voltage variations in excess of those specified, caused by the action of the elements, by infrequent and unavoidable fluctuations of short duration due to system operation, or by the operation of power

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apparatus on the customer's premises which necessarily requires large starting currents and only affects the user of such apparatus, will not be considered a violation of this rule.

(4) Customers must control and operate the equipment on their premises in such a way that its starting and operating characteristics will not cause an instantaneous voltage drop of more than four percent of the standard voltage as measured at the point of interconnection with the electric utility. Likewise, customers must control and operate their equipment in such a way that it does not cause damage or interfere with the normal operation of the electric utility's facilities nor of the facilities or equipment of another customer. Utilities are not required to monitor customers' equipment and its interactions with third party or utility equipment on an on-going basis.

Staff's Initial Comments:

The rule was rewritten for clarity. Staff added the final sentence to subsection (4) to clarify that utilities are not required to continuously monitor the actions or installations of its customers.

Staff believes the rule applies to customers as well as utilities.

WAC 480-100-206 Reports of accidents

Each electric utility must notify the commission no later than the second business day following discovery of any accident that results in death or serious injury to any person occurring in its plant or through electrical contact with its facilities. Utilities may initially notify the commission orally or through electronic mail of such accidents. Utilities must submit a follow-up written report to the commission within fifteen business days of initial notification that includes at a minimum:

- (1) The name and address of the person or persons injured;
- (2) The time and place of the accident;
- (3) Whether the accident resulted in a fatality;
- (4) A brief description of how the accident occurred; and
- (5) A brief description of any necessary medical treatment that was provided.

Staff's Initial Comments:

The rule was revised for clarity and to reflect existing practice by the utilities. The interval between initial discovery of the incident and first reporting to the Commission was increased from one to two business days based on stakeholder comments. Clarification was made that reporting is required for electrical contacts only.

Comments:

Staff is withdrawing its suggestion to establish a new rule related to safety. Staff is currently involved in a rule making regarding electrical distribution system reliability in Docket No. UE- 991168. Staff believes that it may be more appropriate to discuss safety issues in the context of that docket rather than this one.

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