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August 14, 2001

Secretary
Washington Utilities &
Transportation Commission
P.O. Box 47250
Olympia, Washington 98504-7250

Re: Docket Number U-991301
480-80 WAC – Parts B - Comprehensive Review, C – Customer Notice, and
D – Price Lists

NW Natural submits the following comments in the above-referenced matter. Only those rules for which we have comments or make editorial suggestions are listed.

480-90-193 WAC Notice to public of tariff changes.

NW Natural does not include suggested edits to this section at this time. However, we do look forward to further discussions and clarification of the proposal.

In general, this version of the notice rules appears to be more in line with the way NW Natural envisioned the rule should be structured. Since this is such a significant departure from earlier versions, we would be interested in knowing what caused the change in direction.

There are some areas where clarification is warranted, including but not necessarily limited to:

480-90-19U.

- Can access be provided in a combination of manners, i.e. current tariff sheets would be available on the internet, but cancelled sheets would only be available in hard copy from the main office. NW Natural does not now, nor do we plan to, publish cancelled sheets on the internet. However, such sheets are available for inspection in our main office in Portland. On the other hand, we would expect that the primary access for current tariff sheets would be by internet.
- What is the definition of “current” when referring to “current cancelled sheets”?
- NW Natural does not have offices in every county it serves. The language in Section (2) Physical access will need further discussion.

480-90-19V

- We will need further clarification as to whether the requirements of this rule are that the utility must post a notice in each and every location accessible to the public, or if the posting is required in only a few locations of the utility's choosing. We are concerned that a requirement to post in every agency could be time consuming and difficult to arrange.
- We will need clarification – is staff suggesting that the utility must meet all (a), (b), and (c), or just select one of the three options?

Recognizing that these comments are general in nature, we reserve the right to make additional comments as this review proceeds.

CHAPTER 480-80

480-80-010 Application of rules.

NW Natural's first preference would be to leave this rule as is with no changes. However, we have included suggested edits to the rule changes proposed by staff in the attachments to this letter in the event staff decides to continue in this direction.

Section (4): NW Natural suggests that this section be relocated to staff's proposed rule identified as 480-80-0X1.

Section (7): This section appears to contradict the statements contained in Section (6); either the tariffs have to comply after the effective date of the rule or they don't have to comply. Section (6) would infer that a utility's existing tariffs do not have to be refilled to comply. Section (7) specifically states that the tariff must comply with these rules. If staff intends that Section (6) be a restatement of the language currently found in WAC 480-80-020 Saving clause, something may have been lost in the translation. It would be our preference that the existing WAC 480-80-020 language be retained in place of staff's proposed Section (6) and Section (7) language.

NW Natural also suggests that the language proposed as a new rule - 480-80-0X2 Severability – instead be included as a new section in this rule. It seems unnecessary to separate this paragraph into a single rule and since it does pertain to the application of rules, generally the fit is natural.

480-80-0X1 Exemptions from rules in chapter 480-80.

Edits are proposed in an attempt to simplify and clarify the language in this rule. We suggest that the reference to "person" be changed to "party" as a rule exemption may be requested from a business entity or utility. The company suggests that Section (4) be eliminated as it states commission policy not appropriate for inclusion in an administrative rule. Section (1) of this rule adequately addresses the considerations given by the Commission when attending to a request for a rule exemption.

Also note that Section (4) from staff's proposed 480-80-010 has been relocated here.

480-80-0X2 Severability.

As noted above, we suggest that the language in this section be incorporated into 480-80-010, thereby eliminating the need for a new rule.

480-80-030 Definitions

NW Natural suggests that this section be moved to a location immediately following 480-80-020 instead of the location presented in staff's proposed rule changes.

480-80-0X4 Telefacsimile filing; 480-80-0X5 Electronic filing.

Staff has proposed two new rules, one that addresses filings by telefacsimile and a second that addresses electronic filings. In addition, several other rules under the Tariffs section address filings by mail. Rather than separate the different methods of delivering tariff filings among multiple rules, we would suggest that a single rule be created to encompass them all. See our proposed attempt at this identified as 480-80-XXX Delivery of Filings.

It would be useful if the rule would specify where the commission procedures on electronic filings can be found and/or how one goes about obtaining a copy of the procedures.

480-80-0X3 Transmittal Letter.

We suggest that this rule be moved to the Tariffs Section behind 480-80-1X1 to improve the flow of the rules. We also offer some editorial changes that might help to simplify and clarify the rule.

NW Natural is not opposed to staff's suggestion to move away from a requirement that each tariff sheet be signed, and we have no problems with staff's desire to eliminate the need to maintain an authorized tariff issuer list. But, it's not entirely clear how including a certification statement in the transmittal letter would accomplish the latter desire. Would staff intend to somehow verify the authority of the issuer before accepting the filing (i.e. by telephone)?

In any event, assuming that such a certification statement in the transmittal letter is appropriate, we would suggest that rather than dictate a legal-like certification as staff has suggested, that a simple statement in the closing body of the letter that would include the same information staff proposes would suffice for this purpose. Because the transmittal letter is signed, dated, and includes the utility's name, staff's suggestion to repeat that information would appear redundant. All that would be necessary then would be a statement that the issuer is authorized by the utility to issue and file tariffs.

How would the certification requirement work when the utility is filing electronically and a signature is not included?

480-80-1X1 Tariff filing instructions; 480-80-1X2 Tariff content; 480-80-1X3 Tariff format.

We found these three sections to be a bit scattered. We have proposed some reorganization and merging of some of the provisions to better create cohesiveness. Please refer to the attached edits.

Here are the hi-lights of our proposed changes.

480-80-1X2

- Re-name this rule to "Tariff requirements and content".
- Move Section (1) from staff's 480-80-1X1 to this rule (as Section (1)).
- Move Section (2)(a) and (b) from staff's 480-80-1X3 to this rule (as Section (2)).
- Legend of symbols. NW Natural believes that this should be an optional section for use only when the utility elects to publish symbols on its approved tariffs. NW Natural does not do this. These symbols have use only to persons that have access to previous tariff versions, and most of our users do not. Showing a symbol on the published tariff would only confuse our users.
- See editorial changes suggested for clarity.

480-80-1X3

- Re-name this rule to "Tariff sheet format".
- Incorporate Section (3)(e) language into Section (1)
- Move Section (6) to 480-80-1X1
- See editorial changes suggested for clarity

480-80-1X1

- Move (3)(c) to proposed new rule 480-80-XXX Delivery of Filings.
- At staff's proposed Section (6) – delete the reference "... justify that the tariff filing is in the public interest" and change it to "... justify the requested tariff sheet revisions". Public interest is the responsibility of the Commission, not necessarily that of the utility.
- Eliminate Section (7). It is not necessary for us to receive a returned copy of the filing from the commission following approval.
- Incorporate Section (6) from staff's proposed 480-80-1X3 into this rule (as Section (4))
- Move staff's proposed Section (2) to Section (6).
- See other editorial changes suggested for clarity.

Because the changes we propose are extensive and somewhat difficult to follow, we stand ready to review our proposed changes at staff's convenience.

480-80-1X4 Substitute pages.

We suggest re-naming this rule to "Substitute tariff filings". See the attachment for suggested editorial changes to help simplify and clarify the rule.

480-80-1X5 Banded rate tariff filings.

We suggest minor editorial changes for clarity.

480-80-1X6 Tariff changes with statutory notice.

See the attachment for suggested editorial changes to help simplify and clarify. We suggest moving Section (3) to NW Natural's proposed new rule 480-80-XXX Delivery of Filings, and simply referencing that rule here.

480-80-1X7 Tariff changes with less than statutory notice.

See the attachment for suggested editorial changes to help simplify and clarify.

480-80-1X8 Tariff changes that do not require statutory notice.

Please clarify the meaning of "service not previously provided".

480-80-1X9 Failure to provide statutory notice.

See attached editorial changes for clarity. We also suggest deleting the last sentence as it does not add clarity to the requirements of the rule.

480-80-1X10 Withdrawing a tariff filing.

See attached editorial changes for clarity.

480-80-1X11 Rejecting tariff changes.

We suggest deleting the first sentence as the second sentence would encompass this particular action.

480-80-1X13 Discontinuing a service or services.

Please clarify the intended definition of "service(s)". See additional edits offered for clarity and simplicity.

III. Price Lists.

We suggest clarifying that this is applicable to telecommunications as follows:

III. Price Lists - Telecommunications

480-80-3X1 Contract for service.

We suggest changing the title to "Written contracts for service" and eliminating Section (1) altogether as it is not important to the rule, nor is it necessarily an action that would require commission oversight. The utility will generally require a written contract when there are tariff or other legal reasons to do so. Certainly providing the commission with copies of any contracts in use would be appropriate.

Thank you again for the opportunity to comment in this proceeding. We look forward to working with staff and others in this matter.

Sincerely,

Onita R. King
Tariff Consultant