

AMENDATORY SECTION (Amending WSR 05-06-051, filed 2/28/05, effective 3/31/05)

WAC 480-90-023 Definitions. "Account and usage information"

means customer-specific data information contained in the records a utility keeps for each customer to provide and bill for utility service including, but not limited to, the customer's name, account number, address where service is provided, customer contact information, services the utility is providing or has provided to the customer, energy usage, customer financial information, bills the utility has issued, payment history, and medical or low-income status.

"Affiliated interest" means a person or corporation as defined in RCW 80.16.010.

"Aggregate data" means any collection of customer data by a utility from which identifiable customer information has been removed or modified so that the information cannot be attributed to any individual customer.

"Applicant" means any person, corporation, partnership, government agency, or other entity that applies, or is named in an application as a person having joint responsibility, for service with

a gas utility or who reapplies for service at a new or existing location after service has been (~~discontinued~~) disconnected if the utility requires the person to reapply for service.

"British thermal unit" (Btu) means the quantity of heat required to raise the temperature of one pound of water at 60° Fahrenheit and standard pressure, one degree Fahrenheit.

"Business day" means Monday through Friday, 8:00 a.m. until 5:00 p.m., except for official state holidays.

"Commission" means the Washington utilities and transportation commission.

"Control" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a company, whether through the ownership of voting shares, by contract, or otherwise.

"Cubic foot of gas" means a volumetric unit of measure used in sales and testing.

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

"Customer" for purposes of this chapter may also include a person or

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

~~((**"Cubic foot of gas"** means a volumetric unit of measure used in sales and testing.~~

~~**"Sales volume"** means 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.~~

~~**"Testing volume"** means a cubic foot of gas for testing purposes is the amount that occupies a volume of one cubic foot at a temperature of 60° Fahrenheit and pressure of 14.73 pounds per square inch absolute.)~~ **"Customer information"** means private customer information and proprietary customer information as defined in RCW 19.29A.010 and personal information as defined in RCW 19.255.010.

"Gas" means any fuel or process gas, whether liquid petroleum gas, manufactured gas, natural gas, or any mixture of these.

"Gas utility (utility)" means any business entity (e.g., corporation, company, association, joint stock association, or partnership) or person, including a lessee, trustee, or court appointed receiver, that is subject to the commission's jurisdiction and that owns, controls, operates, or manages any gas plant in Washington and manufactures, transmits, distributes, sells, or furnishes gas to the public for compensation.

"Liquefied petroleum gas" means 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.

"Manufactured gas" means any gas produced artificially by any process.

"Natural gas" means a mixture of gaseous hydrocarbons (chiefly methane) and nonhydrocarbons that occur naturally in the earth.

"Primary purpose" means a business need to provide regulated utility services as required by state or federal law, or as specifically authorized in the utility's effective tariff or by the commission.

"Sales volume" means 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.

"Subsidiary" means any company in which the gas utility owns directly or indirectly five percent or more of the voting securities, unless the utility demonstrates it does not have control.

"Testing volume" means a cubic foot of gas for testing purposes is the amount that occupies a volume of one cubic foot at a temperature of 60° Fahrenheit and pressure of 14.73 pounds per square inch absolute.

"Therm" means a unit of heat equal to 100,000 Btus.

~~(("Gas utility" (utility) means 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:~~

~~Owns, controls, operates, or manages any gas plant in Washington state;~~

~~Manufactures, transmits, distributes, sells, or furnishes gas to the public for compensation; and~~

~~Is subject to the commission's jurisdiction.)~~ **Written consent**

means permission or authorization in writing, whether electronic or ~~in~~
~~hard (paper) copy.~~

Other terms. 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.

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and

34.05.353. WSR 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-90-023, filed 2/28/05, effective 3/31/05.

Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 01-11-003

(Docket No. UG-990294, General Order No. R-484), § 480-90-023, filed 5/3/01, effective 6/3/01.]

AMENDATORY SECTION (Amending WSR 01-11-003, filed 5/3/01, effective 6/3/01)

WAC 480-90-128 Disconnection of service. (1) Customer-directed.

The utility may require customers to give at least three days' advance

notice of customer-directed disconnection prior to the date the utility must disconnect service (~~((is to be discontinued))~~). The customer is not responsible for usage after the requested date for (~~((discontinuance))~~) disconnection of service, provided the customer gave (~~((proper))~~) the utility the notice required in this rule and the utility's tariff. If the customer moves from the service address and fails to request that service be (~~((discontinued))~~) disconnected, the customer will be responsible (~~((to pay))~~) for paying for service taken at that service address until the utility can confirm (~~((either))~~) the date that the customer (~~((has))~~) vacated the premises and the utility can access the meter, if necessary, or that a new responsible party is taking service at that address.

(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 the utility's 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 nonsufficient~~

~~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 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 that 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 section 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((7)) as ((explained)) required in subsection ((+6)) (4) of this section, the utility may ((discontinue)) disconnect service for any one of the following conditions:

(a) ((For)) The customer has delinquent charges associated with regulated gas service ((or, for regulated gas and regulated electric service if the utility provides both services)), including any required deposit((7)); however, the utility ((cannot)) may not disconnect service when the customer has met the requirements of

subsection ~~((5))~~ (8) of this section for medical conditions or emergencies or has agreed to ~~((or))~~ and maintains agreed-upon payment arrangements with the utility, as described in WAC 480-90-143~~((7))~~ Winter low-income payment program;

(b) ~~((For use of))~~ Gas service the utility provides is being used for purposes or properties other than those specified in the customer's service application;

(c) ~~((Under))~~ Flat-rate service for nonmetered load~~((7-for))~~ has increased natural gas use without the utility's approval;

(d) ~~((For refusing))~~ The customer refuses to allow, or utility representatives are otherwise unable to obtain, access to the customer's premises as required in WAC 480-90-168, Access to premises; identification;

(e) ~~((For violating))~~ Violation of utility rules, service agreements, or filed tariff(s); or

(f) ~~((For use of))~~ Equipment is being used that detrimentally affects the utility's service to its other customers or may result in detrimental impacts to the safety of those customers or other persons, customers' equipment or property, or utility service.

~~((4))~~ (3) A utility may not disconnect gas service ~~((may not be disconnected))~~ for amounts ~~((that may be owed))~~ the customer may owe the utility for nonregulated services.

~~((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 during the same business day if the customer contacts the utility prior to the close of the business day and requests a same-day reconnection. Otherwise, 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 must bill all such charges on the customer's next regular bill or on a separate invoice.~~

~~(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 not require more than the following information:~~

~~(i) Residence location;~~

~~(ii) An explanation of how the current medical condition will be aggravated by disconnection of service;~~

~~(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 a five-business-day grace period:~~

~~(i) 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 of having reached the agreement;~~

~~(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 states of Washington, Oregon, or Idaho, or the sixth business day if mailed from outside the states of Washington, Oregon, and Idaho, 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;~~

~~(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.~~

~~(6))~~ (4) Disconnection notification requirements. The utility must notify a customer ~~((s))~~ as provided in this subsection before disconnecting ~~((their))~~ the customer's service, except as described in subsection ~~((2))~~ (7) of this section. ~~((Notification consists of the following requirements:))~~

(a) The utility must ~~((serve a written))~~ provide at least two separate disconnection notices to 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 480-90-138, Payment arrangements, and WAC 480-90-143, 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 states of Washington, Oregon, or Idaho, or a disconnection date that is not less than eleven business days if mailed from outside the states of Washington, Oregon, and Idaho.~~

~~(ii))~~).

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

(ii) The utility must provide the second disconnection notice electronically (if the utility has such contact information and customer consent to electronic delivery of notices) at least two business days before the disconnection date and by one of the three options listed below:

(A) Delivered notice. The utility must deliver a paper copy of the second notice to the service premises and attach it to the

customer's primary door at least two business days before the disconnection date.

(B) Mailed notice. The utility must mail a ~~paperhard~~ copy of the second notice at least three business days before the disconnection date unless mailed outside of the states of Washington, Oregon, or Idaho, in which case the utility must mail the notice no less than six business days before the disconnection date.

(C) Telephone notice. The utility must attempt at least two times to contact the customer by telephone during regular business hours at least three business days before the disconnection date to enable sufficient time to send a timely written notice if the utility is unable to speak with the customer by telephone. The utility must keep a log or record of the calls 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. If the utility is unable to speak with the customer by telephone, the utility must deliver or mail a paper copy of the second notice as provided in (a)(ii)(A) or (B) of this subsection.

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

(i) The cause for disconnection, the amount owed for regulated ~~((natural))~~ gas service ~~((and, if applicable, regulated electric service;))~~, and how to avoid disconnection including, but not limited to, the availability of, and how to apply for, energy assistance, low-income assistance, exemptions for low-income assistance and medical conditions or emergencies, and a payment plan as required under WAC 480-90-138 Payment arrangements;

~~((iii))~~ (ii) All relevant information about any charges that the utility is assessing or that it may ((be assessed)) assess; ((and

~~(iv))~~ (iii) 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; and

~~((b))~~ (iv) If the notices are for nonpayment and the utility is scheduling disconnection during the late fall and winter between November 15th and March 15th, the utility must advise the customer of the payment plan option in WAC 480-90-143 Winter low-income payment program.

(c) If the utility discovers ~~((the))~~ that an issue notice does not contain the information required in (a) of this subsection, or if the information in the notice is inaccurate, the utility must issue

another notice to the customer as described in (a) (i) or (ii) of this subsection ~~(f)~~

~~(e)~~), as applicable, and must recalculate the scheduled disconnection date to the extent necessary to ensure that the utility complies with the minimum prior notice requirements.

(d) If the utility ~~((has not disconnected))~~ does not disconnect service within ten business days of the disconnection date stated in a disconnection notice under (a) (i) or (ii) of this subsection, the ~~((disconnection notice will be considered void))~~ utility must restart the disconnection notice process required in (a) of this subsection unless the customer and the utility have agreed to 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;~~

~~(d) 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 premises 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;~~

~~(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 states of Washington, Oregon, or Idaho, or the sixth business day if mailed from outside the states of Washington, Oregon, or Idaho.~~

~~(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. If the utility is 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 states of Washington, Oregon, or Idaho, or the sixth business day if mailed from outside the states of Washington, Oregon, and Idaho, or written notice must be personally delivered providing a disconnection date of not earlier than 5:00 p.m. of the second business day following the date of delivery.~~

~~For utilities billing for electric and gas service, each type of notice listed above must provide the information contained in (a)(iii) of this subsection;~~

~~(e) If the utility discovers that the written notice information required under the options in (d) of this subsection is inaccurate, the utility must issue another notice to the customer as described in (a) of this subsection;~~

~~(f) If the utility provides a second notice within ten business days of the disconnection date stated in (a)(i) of this subsection, the disconnection date is extended an additional ten working days from the disconnection date of the second notice. If the utility does not disconnect service within the extended ten-business-day period, the 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 an additional notice as required in (d) of this subsection.~~

~~(g) If the utility provides a second notice after the ten business days of the disconnection date required by (a)(i) of this subsection, the 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;~~

~~(h) Utilities))~~

(e) A utility with combined accounts for both ((natural)) gas and electric service ((will have the option of choosing which service will be disconnected;

(i)) may disconnect the gas service in compliance with these rules if the reason for the disconnection applies or is attributable to that service. The utility may disconnect the electric service in compliance with chapter 480-100 WAC if the reason for the disconnection applies or is attributable to that service. The utility must state which service it intends to disconnect and any measures the customer needs to undertake to retain the other service. If the utility seeks to disconnect both services, the utility must distinctly identify both services it intends to disconnect.

(f) 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 they are not the same party, the utility must provide notice to the service user as described in (a) of this subsection prior to disconnecting service((

~~(j))~~ .

(g) 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(~~(+~~

~~(k) A utility))~~).

(h) Any representative (~~(dispatched to disconnect)~~) the utility dispatches in connection with service disconnection 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 overpayment 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(~~(+~~

~~(l))~~).

(i) When the utility provides service (~~(is provided)~~) through a master meter, or when the utility has reasonable grounds to believe it is providing service (~~(is)~~) to a person other than the customer of record, the utility must undertake reasonable efforts to inform the occupants of the service address of the impending disconnection. Upon request of one or more service users, where service is to a person other than the customer of record, the utility must allow at least

five days past the original disconnection date to permit the service users to arrange for continued service(~~(+~~
~~(m))~~).

(j) Medical facilities. (~~When service is known to be provided to:~~) The utility must take the following additional steps when the utility is aware that it is providing service to specified types of medical facilities.

(i) If the utility is providing service to 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 (DOH), the utility must provide a notice of pending disconnection (~~(must be provided)~~) to the DOH secretary (~~(of the department of health)~~) and to the customer. (~~(The department of health)~~) Upon request of the DOH secretary or designee (~~(may request to)~~), the utility must delay the disconnection for at least five business days past the original disconnection date to allow (~~(the department)~~) DOH to take the necessary steps to protect the interests of the patients residing at the facility(~~(+ or)~~).

(ii) If the utility is providing service to a nursing home, boarding home, adult family home, group care facility, intermediate

care facility for ~~((the mentally retarded (ICF/MR)))~~ individuals with intellectual disabilities, 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 services (DSHS), the utility must provide a notice of pending disconnection ~~((must be provided))~~ to the DSHS secretary ~~((of the department of social and health services))~~ and to the customer. ~~((The department of social and health services))~~ Upon request of the DSHS secretary or designee ~~((may request to))~~, the utility must delay the disconnection for at least five business days past the original disconnection date to allow ~~((the department))~~ DSHS to take the necessary steps to protect the interests of the patients residing at the facility~~((†~~

~~(n))~~).

(k) Any customer may designate a third party to receive a disconnection notice or notice of other matters affecting the customer's service. The utility must offer all customers the opportunity to make such a designation. If the utility has reasonable grounds to believe~~((s))~~ that a customer is not able to understand the effect of the disconnection, the utility must ~~((consider a))~~ take

reasonable steps to ascertain whether a third party, such as DSHS or other social services agency ((to be a third party)), is responsible for the customer's affairs. In either ~~((case))~~ circumstance, the utility must delay service disconnection for at least five business days past the original disconnection date after issuing a disconnection notice to the third party. The utility must determine which social services agencies are appropriate and willing to receive the disconnection notice ~~((τ))~~ and the name and/or title of the person able to deal with the disconnection, and the utility must provide that information to the customer.

~~((7))~~ (5) For purposes of this section, the date of mailing a notice will not be considered the first day of the notice period.

~~((8))~~ (6) **Remote disconnection.** A utility may not disconnect gas services remotely unless the commission authorizes utilities to remotely disconnect gas services.

(7) **Utility-directed disconnection without prior notice.**

(a) A utility may disconnect service without prior notice or without further prior notice under any of the following circumstances:

(i) After conducting a thorough investigation the utility determines that the customer has tampered with or stolen the utility's property, has used service through an illegal connection, or has

fraudulently obtained service. In any challenge to that determination, the utility has the burden of proving that fraud occurred. For the purpose of this section, a nonsufficient funds check or dishonored electronic payment alone will not be considered fraud.

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

(I) The tariffed rate for service that the utility estimates was used as a result of the theft, tampering, or fraud;

(II) All utility costs resulting from such theft, tampering, or fraud; and

(III) Any required deposit.

(B) Second offense. The utility may disconnect service without prior 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 unless the commission determines otherwise.

(ii) After conducting a thorough investigation, the utility determines that the customer has vacated the premises;

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

(iv) 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 notice as required in subsection (4) of this section;

(v) The customer has not kept any agreed-upon payment arrangement for payment of a delinquent balance after the utility has issued notice as required in subsection (4) of this section; or

(vi) The utility has determined a person 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. If the utility has reasonably sufficient grounds to conclude that the unauthorized usage is in good faith, the utility should notify the person and provide an opportunity to apply for service prior to disconnection.

(b) If the utility disconnects service without prior notice as authorized in this subsection, the utility must subsequently make a reasonable effort to notify the customer or affected person of the reason for the disconnection within five business days. Such notice

must also describe the means by which the customer or person may dispute the utility's actions including, but not limited to, contacting the commission.

(c) This section should not be interpreted as relieving the customer or other person of civil or criminal responsibility.

(8) **Medical conditions or 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 condition or emergency that requires gas to continue to be provided. The utility must reinstate service during the same business day if the customer contacts the utility prior to the close of the business day and requests a same-day reconnection. Otherwise, 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 must bill all such charges on the customer's next regular bill or on a separate invoice.

(a) The utility may require that the customer, within five business days, submit written **electronic or paper** certification from a

qualified medical professional stating that the disconnection of gas service would aggravate an existing medical condition of an occupant 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 electronic or paper certification. If the utility requires such written certification, it may not require more than the following information:

(i) Residence location;

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

(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 a five-business-day grace period:

(i) 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 must 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 of having reached the agreement.

(d) If the customer fails to provide ~~an acceptable~~ medical certificate ~~in accordance with subsection (8) (a)~~ or ten percent of the delinquent balance within the five business days grace period, or if the customer fails to abide by the terms of the payment agreement, the utility may disconnect service after complying with the notice requirements in subsection (4) (a) (ii) of this section. ~~If the utility previously provided a second disconnection notice to the customer, the utility must provide an additional second disconnection notice in~~

compliance with the notice requirements in subsection (4) (a) (ii) of this section.

(9) 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. The utility must promptly verify the payment upon notification from the customer.

~~((9))~~ (10) Remedy and appeals. ~~((Service))~~ A utility may not ~~((be disconnected))~~ disconnect service 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 referring the customer ~~((is referred))~~ to a ~~((utility's))~~ utility supervisor or to the commission.

(11) Disconnecting service during inclement weather. A utility must establish conditions in its tariff(s) under which the utility will cease nonvoluntary service disconnections during inclement weather events.

[Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 01-11-003
(Docket No. UG-990294, General Order No. R-484), § 480-90-128, filed
5/3/01, effective 6/3/01.]

AMENDATORY SECTION (Amending WSR 01-11-003, filed 5/3/01, effective
6/3/01)

WAC 480-90-133 Reconnecting service after disconnection. (1) A
(~~gas~~) utility must make every reasonable effort to restore a
disconnected service within twenty-four hours, or other time mutually
agreeable between the customer and the utility, after the customer has
paid, or at the time the utility has agreed to bill, any applicable
reconnection charge, and:

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

(b) The customer has entered into an agreed-upon payment
arrangement for a delinquent account, and pays any required deposit as
defined in WAC 480-90-113, Residential service deposit requirement, or
WAC 480-90-118, Nonresidential service deposit requirements; or

(c) The customer has paid all (~~regulated~~) tariffed amounts due on the account that is not a prior obligation and the customer has paid any required deposit as defined in WAC 480-90-113, Residential service deposit requirements, or WAC 480-90-118, Nonresidential service deposit requirements.

(2) A utility may not reconnect gas service remotely unless the commission authorizes utilities to remotely reconnect gas services.

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

[Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 01-11-003

(Docket No. UG-990294, General Order No. R-484), § 480-90-133, filed 5/3/01, effective 6/3/01.]

AMENDATORY SECTION (Amending WSR 11-06-032, filed 2/25/11, effective 3/28/11)

WAC 480-90-153 Protection and disclosure of (~~private~~) customer information. (1) A utility must use reasonable security practices and procedures to safeguard all customer information within the utility's possession or control from unauthorized access or disclosure.

(2) A utility may only collect and retain customer information that is reasonably necessary for the utility to perform duties directly related to the utility's primary purpose unless the utility has first obtained the customer's written consent to collect and retain customer information for another purpose.

(3) A utility may disclose customer information without written customer consent to an affiliate, subsidiary, or parent organization only to the extent necessary for the utility to perform duties directly related to the utility's primary purpose. The utility must obtain the customer's written consent to disclose customer information to an affiliate, subsidiary, or parent organization for any other purpose.

(4) A utility may disclose customer information to third parties only to the extent necessary for the utility to perform duties directly related to the utility's primary purpose unless the utility has first obtained the customer's written consent to disclose customer information to third parties for other specified purposes. The utility must require all third parties to which it provides access to customer information to have policies, procedures, and technological safeguards in place to protect customer information that are no less stringent than the utility's own standards.

(5) A utility is ultimately responsible for safeguarding customer information. The utility must ensure that it has and enforces contractual obligations with third parties, affiliates, subsidiaries, and parent organizations that require such entities to have and comply with policies, procedures, and technological safeguards sufficient to prevent the misuse or improper or unauthorized disclosure of customer information.

(6) A ((gas)) utility may not ((disclose or)) sell ((private consumer)) customer information ((with or)). A utility may not otherwise disclose customer information except as provided in this rule. A utility may not disclose customer information to its affiliates, subsidiaries, parent organization, or any other third party for the purposes of marketing services or product offerings to a customer who does not already subscribe to that service or product, unless the utility has first obtained the customer's written ((or electronic permission to do so.

~~(2) Private consumer information includes the customer's name, address, telephone number, and any other personally identifying information, as well as information 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.~~

~~(3) The utility must obtain a customer's prior permission for each instance of disclosure or sale of his or her private customer information to an affiliate, subsidiary or other third party for purposes of marketing services or products that the customer does not already subscribe to and maintain a record of each instance of permission for disclosing his or her private customer information.~~

~~(4)) consent. The utility must maintain a record of each customer's written consent as required in subsection (9) of this section.~~

~~(7) Nothing in this rule may be construed to preclude the utility from complying with demands for customer information as required by law, such as through a warrant or subpoena.~~

~~(8) If a customer discloses or directs the utility to disclose customer information to a third party other than in response to a request or requirement of the utility, the utility will not be responsible for the security of that information or its use or misuse by that third party.~~

~~(9) The utility ((will)) must retain the following information for each ((instance of a customer)) written consent a customer gives~~

to the utility for disclosure of (~~(his or her private)~~) customer information (~~((if provided electronically))~~):

(a) The date and customer confirmation of consent (~~((for the disclosure of private))~~) to disclose customer information;

(b) A list of the (~~(date of the consent and the)~~) affiliates, subsidiaries, parent organization, or third parties to which the customer has authorized (~~((disclosure of his or her private))~~) the utility to disclose customer information; (~~(and)~~)

(c) (~~(A confirmation)~~) Information provided to the customer about how the customer can revoke consent; and

(d) Verification that the name, service address, and account number (~~((exactly matches))~~) match the utility record for such account.

(~~(+5)~~) (10) Subject to agreements a customer has made with third parties, a customer has the right to revoke, at any time, any previously granted consent for the utility to disclose customer information in the future to an affiliate, subsidiary, parent organization, or third party for purposes that are not necessary for the utility to perform duties directly related to the utility's primary purpose. The utility may require that any such revocation not be effective until up to ten business days after the customer submits that revocation to the utility.

(11) The utility must post and maintain its privacy policy on its website in a prominent location.

(a) The utility must notify new customers how they can access a copy of the utility's privacy policy upon initiating utility service.

(b) Whenever the utility amends its privacy policy it must notify existing customers by whatever method the utility uses to transmit the customers' bills.

(c) The utility must provide a written copy of its privacy policy upon customer request.

(d) Any notice regarding the utility's privacy policy must include a customer service phone number and website address where customers can direct additional questions or obtain additional information.

(12) This section does not prevent disclosure of the essential terms and conditions of special contracts as provided ~~((for))~~ in WAC 480-80-143 ~~((+))~~ Special contracts for gas, electric, and water companies ~~((+))~~.

~~((+6))~~ (13) This section does not prevent the utility or its approved third parties from inserting any marketing information into the customer's billing package.

~~((7))~~ (14) The utility must provide a user-friendly website interface through which customers may access their own account and usage information without charge. The utility may implement reasonable procedures to verify the customer's identity before providing access to customer account and usage information through this interface.

(15) The utility must make a reasonable effort to respond to requests from customers for their own account and usage information within ten business days of the customer request.

(16) The utility must ensure that the information it collects, stores, uses, and discloses is reasonably accurate and complete and otherwise complies with applicable rules and tariffs regarding the quality of energy usage data.

(17) Each customer must have the opportunity to dispute the accuracy or completeness of the customer account and usage information the utility has collected for that customer. The utility must provide adequate procedures for customers to dispute the accuracy of their customer account and usage information and to request appropriate corrections or amendments.

(18) The utility must take all reasonable steps to destroy, or arrange for the destruction of, customer information in accordance with the utility's data retention policies and practices.

(19) The utility must notify customers of any security breach involving disclosure of personal information as defined in RCW 19.255.010 in accordance with that statute. If a security breach involves ~~disclosure of customer information other than that does not contain such~~ personal information as defined in RCW 19.255.010, the utility shall notify customers and the commission as soon as practicable of the breach and the measures the utility is taking to remedy the breach. The utility must take all reasonable measures including, but not limited to, cooperating fully with law enforcement agencies, to recover lost information and prevent the loss of further customer information.

(20) The utility must review at least annually the type of customer information the utility has collected and ensure collection and retention of that information is reasonably necessary for the utility to perform duties directly related to the utility's primary purpose or other purpose to which the customer has consented to the utility collecting that information.

(21) The utility may collect and release ((customer information in)) aggregate ((form if)) data to the extent reasonably necessary for the utility to perform duties directly related to the utility's primary purpose ~~but must have sufficient policies, procedures, and~~

~~safeguards in place to ensure that the aggregated information does not allow any specific customer to be identified.~~ The utility may collect and release aggregate data on energy usage to the extent necessary to comply with legal requirements, or to facilitate voluntary efforts, to promote energy efficiency, conservation, or resource management. ~~The utility-but~~ must have sufficient policies, procedures, and safeguards in place to ensure that any release of the aggregated data information does not allow any specific customer or customer information to be identified.

[Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 11-06-032

(Docket U-100523, General Order R-563), § 480-90-153, filed 2/25/11,

effective 3/28/11. Statutory Authority: RCW 80.01.040, 80.04.160,

81.04.160, and 34.05.353. WSR 03-22-046 (Docket No. A-030832, General

Order No. R-509), § 480-90-153, filed 10/29/03, effective 11/29/03.

Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 01-20-059

(Docket No. UG-990294, General Order No. R-488), § 480-90-153, filed

9/28/01, effective 10/29/01.]

AMENDATORY SECTION (Amending WSR 16-06-038, filed 2/23/16, effective 3/25/16)

WAC 480-90-178 Billing requirements and payment date. (1)

Customer bills must:

(a) Be issued at intervals not to exceed two one-month billing cycles, unless the utility can show good cause for delaying the issuance of the bill. The utility must be able to show good cause if requested by the commission;

(b) Show the total amount due and payable;

(c) Show the date the bill becomes delinquent if not paid;

(d) Show 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))~~ beginning and ending meter readings for the current billing period, the current monthly or bimonthly read date, as applicable, and the total amount of therms used for the billing cycle, provided that the customer bill must provide the meter readings and read date for the final reading for the applicable monthly or bimonthly billing cycle; the bill need not include interval readings, although customers must be provided access to their usage data in accordance with WAC 480-90-153;

(f) Show the amount of therms used for each billing rate, the applicable billing rates per therm, the basic charge or minimum bill;

(g) Show the amount of any municipal tax surcharges or their respective percentage rates, if applicable;

(h) Clearly identify when a bill has been prorated. A prorated bill must be issued when service is provided for a fraction of the billing period. Unless otherwise specified in the utility's tariff, the charge must be prorated in the following manner:

(i) Flat-rate service must be prorated on the basis of the proportionate part of the period that service was rendered;

(ii) Metered service must be billed for the amount metered. The basic or minimum charge must be billed in full;

(i) 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;

(ii) The utility may not estimate for more than four consecutive months unless the cause of the estimation is inclement weather, terrain, or a previous arrangement with the customer; and

(j) Clearly identify determination of maximum demand. A utility providing service to any customer on a demand basis must detail in its 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 from within the states of Washington, Oregon, or Idaho, or eighteen days if mailed from outside the states of Washington, Oregon, and Idaho.

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

(4) With the consent of the customer, a utility may provide billings in electronic form if the bill meets all the requirements for the use of electronic information in this chapter. The utility must maintain a record of the consent as a part of the customer's account record, and the customer may change from electronic to printed billing upon request, as provided in this chapter. The utility must complete the change within two billing cycles of the request.

(5) Corrected bills:

(a) A utility must issue a corrected bill upon finding that an underbilling or overbilling occurred as a result of a meter failure, meter malfunction, meter with unassigned energy usage, or any other

situation where energy usage was not billed or was inaccurately billed. The utility must use the rates and rate schedule in effect during the billing period(s) covered by the corrected bill. The utility must issue the corrected bill within sixty days from the date the utility discovered that an account had been underbilled or overbilled. Except as provided in subsection (7) of this section, when a utility's investigation finds that it has underbilled energy usage, it may not collect underbilled amounts for any period greater than six months from the date the error occurred. The maximum period for which utilities are required to adjust bills for overbilling is six years.

(b) For the purposes of this rule:

(i) A meter failure or malfunction is defined as: A mechanical malfunction or failure that prevents the meter or any ancillary data collection or transmission device from registering or transmitting the actual amount of energy used. A meter failure or malfunction includes, but is not limited to, a stopped meter, a meter that is faster or slower than the metering tolerance specified in WAC 480-90-338, or an erratic meter.

(ii) An unassigned energy usage meter is defined as a meter that is installed at a valid service address and accurately records energy

usage during a period of time where there was no active gas service account at that premises.

(c) A utility must develop and maintain procedures that establish practices for the prompt identification, repair and replacement of meters that are not functioning correctly and for identification of unassigned usage meters. The objective of such procedures shall be to mitigate the number of underbilling occurrences that exceed six months in duration. These procedures must address, at a minimum:

(i) Practices to prevent the issuance of corrected bills due to incorrect prorated bills, improperly assigned meters, incorrectly installed meters, incorrect billing rate schedules, incorrect billing multipliers, or any other event that may affect billing accuracy.

(ii) Processes for the investigation of meter issues include, but are not limited to, stopped, slowed, and erratic usage meters.

(iii) Processes for the investigation of meter usage from unidentified usage meters.

(6) For the purpose of this rule, a corrected bill may take the form of a newly issued bill or may be reflected as a line item adjustment on a subsequent monthly or bimonthly bill. When a corrected bill is issued, the utility must provide the following information on the corrected bill, in a bill insert, letter, or any combination of

methods that clearly explains all the information required to be sent to the customer:

(a) The reason for the bill correction;

(b) A breakdown of the bill correction for each month included in the corrected bill;

(c) The total amount of the bill correction that is due and payable;

(d) The time period covered by the bill correction; and

(e) When issuing a corrected bill for underbilling, an explanation of the availability of payment arrangements in accordance with WAC 480-90-138(1) payment arrangements.

(7) Exceptions to billing correction rules:

(a) Corrected bills related to an underbilling due to tampering or interference with the utility's property, use of the utility's service through an illegal connection, or the fraudulent use of a utility's service, are exempt from the six-month restriction set forth in subsection (5) (a) of this section.

(b) Adjustments for underbilling of nonresidential customers will be limited to six months. However, the utility may extend this period for good cause if a longer period is appropriate due to circumstances such as the complexity of specific accounts, changing metering

configurations, load changes of large industrial customers, special meter configuration involving current transformers, or wiring reconfigurations by the customer. Utilities must report to the commission within sixty days the reasons for any adjustments longer than six months.

(c) The utility may choose not to issue a corrected bill to recover underbilled amounts less than fifty dollars.

(8) An estimated meter read made in accordance with subsection (1)(i) of this section is not considered a meter failure or malfunction or a billing error. A bill true-up based on an actual meter reading after one or more estimated bills is not considered a corrected bill for purposes of subsection (5)(a) of this section.

[Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 16-06-038

(Docket U-144155, General Order R-586), § 480-90-178, filed 2/23/16, effective 3/25/16; WSR 11-06-032 (Docket U-100523, General Order R-563), § 480-90-178, filed 2/25/11, effective 3/28/11; WSR 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-178, filed 5/3/01, effective 6/3/01.]