

CONCISE EXPLANATORY STATEMENT

Agenda Date: December 13, 2000
Item Number: 2B and 2C

Dockets: UE-990473
Rulemaking - Electric Companies - Operations
UG-990294
Rulemaking - Gas Companies - Operations

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Recommendation:

Direct the Secretary to file Notices of Proposed Rulemaking (CR-102s) with the office of the Code Reviser in Docket UE-990473 proposing amendments to Chapter 480-100 WAC and Docket UG-990294 proposing amendments to Chapter 480-90 WAC.

Background:

Pursuant to Executive Order 97-02, Staff conducted a review of Chapters 480-100 WAC, the rules relating to regulated electric companies and 480-90 WAC, the rules relating to regulated gas companies.

Staff reviewed all rules in both chapters for readability and content, with special attention given to need, effectiveness and efficiency, clarity, intent and statutory authority, coordination, cost and fairness.

The goals of the rule review were to ensure that the electric and gas operation rules:

1. Are clearly written, in plain English, so that they are understandable to everyone.
2. Are presented in a comprehensive, well-organized, and informative document.
3. State clearly Commission policies, processes, and procedures.
4. Facilitate voluntary compliance.
5. Define clearly the rights and responsibilities of consumers receiving service from regulated electric and gas companies.

Since these two dockets encompass the entire gas and electric operations rules, many of which are common across the two industries, we have attached only the electric version of these common rules. The gas and electric industry specific rules are also included in the attachment.

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Process:

The review included:

1. Asking Commission Staff involved with regulation of electric and gas companies to identify rules that were effective, rules that they believed should be amended, rules that should be repealed, and subjects that required new rules to be drafted.
2. Developing a list of issue questions from the information obtained from Staff.
3. Filing a CR-101 with the Code Reviser's Office in April, 1999.
4. Mailing the issue questions list to a large number of stakeholders in May 1999. The issue questions were sent to the stakeholders as a tool to:
 - Notify stakeholders of the topics.
 - Allow stakeholders to offer additional comments.
 - Stimulate and focus discussion at scheduled meetings.
5. Creating discussion and drafting subgroups to prepare initial rules drafts.
6. Holding four stakeholder meetings at the Commission's headquarters in Olympia on June 3 and June 24, 1999, October 14-15, 1999, and May 25, 2000. Members of the regulated industry, IBEW Local 77, other state agencies, and members of the public attended the meetings and discussed with Staff the contents of the electric and gas rules and the desirable outcomes of the review process.
7. Developing draft rules to reflect the information gathered at the stakeholder meetings.
8. Circulating three preliminary drafts to stakeholders for comment.
9. Updating drafts to incorporate the comments that were received.

Public participation:

Comments submitted by stakeholders have been an integral part of the development of the draft rules attached. Members of the regulated industry, representatives of state and local government, and consumers have all provided input to the draft. Staff appreciates the stakeholders' participation. Staff believes it is now time to publish the proposed rules in *The State Register* so that comments can be obtained from a more broad-based audience.

Issues:

Throughout the review process, Staff made every attempt to achieve consensus. For the most part, we were able to realize this goal. However, we were not able to reach consensus for the following topics. These issues may elicit further comments.

WAC 480-90/100-123 Refusal of Service (4) (Prior Obligation). This rule currently states that, if a customer is disconnected because he/she did not pay a bill, the company must reinstate service if the customer pays the appropriate deposit and reconnection fee,

even if the customer has not paid the past due balance. Under the current rule, there is no limit to how many times a customer can be disconnected and reconnected.

This rule has been in effect for about 20 years and is fairly unique to the state of Washington. Based on Staff's experience through working complaints and some available data, Staff proposes limiting the number of times a customer can use this rule to three times in a calendar year. Some stakeholders oppose this change. They argue that 1) there is no documentation proving the number of prior obligations adversely impact the companies' financial position and 2) there are no approved tariffs providing low-income assistance which is more significant now with the recent rate increases for electric and gas customers. Other stakeholders oppose the prior obligation concept in its entirety and argue that it should not exist at all; and if it does exist, it should be limited to only two times in a calendar year.

WAC 480-90/100-108 Application for Service (2)(e). The proposed draft rule includes new language that states that companies can require "any additional information the utility may reasonably require for billing, service and determining deposits" from applicants ordering new service.

Although some stakeholders support this language, others feel this section is too broad and has the potential for discrimination between customers. These stakeholders want all information for service application detailed in this rule or have this section eliminated. Staff feels the companies should have latitude to determine what information is necessary from a customer to provide service, but does not believe that all possible information could be captured in a rule.

WAC 480-90/100-113 Residential Services Deposit Requirements(1)(c). This rule allows companies to require a deposit when it finds that a prior customer who owes a past due bill is living at that address. This is an existing rule that essentially restricts "roommates" from changing accounts into each other's names in order to avoid payment of past due bills. This rule allows companies the opportunity to protect itself from any potential delinquent accounts due to this type of behavior.

Some stakeholders oppose this language, stating it is unduly discriminatory since it allows companies to pry into the personal affairs of its customers, violating a customer's privacy.

Staff is recommending allowing companies to require a deposit when it finds that a prior customer who owes a past due bill for that address is living at that residence.

WAC 480-90/100-128 Disconnection of Service (5)(a). This rule allows a customer with a medical emergency (as certified by a medical professional) to keep service even

though there is a past due amount owing to the company. It also requires the customer to make payments on the past due amount. Staff's proposed language changes the existing rule by excluding the patient's name, medical condition, and relationship to the customer from information the customer must provide to claim a medical emergency.

Some stakeholders oppose this change. They believe this information is important to document the relationship of the patient to the customer, and to determine whether the stated medical emergency requires service remain connected. Staff's change was made on advice of counsel. Our attorney general staff tells us that customers can not be required to provide this information. Customers will be required to provide the patient's address, how the medical condition will be aggravated if service is disconnected, and how long the condition is expected to last.

WAC 480-90/100-188 Charge for use of Payment Agents. Some stakeholders propose to include language in this rule allowing payment agents to charge customers a "reasonable" fee for using their service. A payment agent is a location where a customer can make a payment for utility service that is not a company-owned or operated location (i.e., a local bank or grocery store). These stakeholders contend that pay stations are not free to the companies and that this "free" service is actually subsidized by the majority of its customers. In addition, if pay stations could charge a fee for their service, the companies would have more businesses interested in offering these services.

Staff feels the majority of the customers using these services struggle to make their payments on time due to restricted financial resources. It would pose as one more obstacle in meeting their payment obligations. Therefore, Staff proposes these services be offered to customers at no charge to the customer.

WAC 480-90/100-178 Billing Requirements and Payment Dates (1)(e)(f)(g).

This rule lists various detailed information which would be shown on the bills. The proposed rule would require:

- The amount of therms or kilowatt hours used for each billing rate;
- The billing rates per therm or kilowatt hour;
- The basic charge or minimum bill;
- Comparable energy usage information for the current month and the same billing month of the previous year for the number of days, therms or kilowatt hours used and average therms or kilowatt hours used per day on the bill, if available, or upon request (see WAC 480-90/100-103 Information to consumers (7)); and
- The amount of any municipal tax surcharges or their respective rates.

Some stakeholders oppose changes to this rule, stating that customers are in general

satisfied with their bill format and that, in order to add this information on their bills, the companies would have to redesign their bills at a cost.

Staff and some other stakeholders think this information is necessary to help people manage their energy resources more efficiently and would provide consumers the information they need to understand how their bills are calculated.

WAC 480-100-148 Service responsibilities (2)(c)(d) (Electric). In redrafting this rule, Staff intended to more accurately reflect the language in RCW 80.28.010 (2), to establish the need for companies to comply with industry standards (ex. make all reasonable efforts to avoid interruptions) in providing service to its customers, and to make the requirements consistent with those included in the current (and proposed) gas rule.

Some stakeholders argue that some of the proposed changes in the language will hold electric companies to some higher, but undefined service standard. Additionally, stakeholders argue that the new "safe" and "efficient" standards that have been incorporated to reflect the statute, would be in addition to state and federal standards. They are concerned that Staff's proposal may create a new, undefined safety rule that could increase companies' exposure to legal claims even if the utility installs and maintains its system in accordance with all defined state and federal rules and laws. However, Staff is simply making this rule consistent with the statute that mandates companies to provide service that is safe, adequate, and efficient.

One stakeholder has suggested to add the phrase "to customers or others," to clarify that utilities are not liable to third parties (such as customers' insurance providers) affected by service interruptions, when service interruptions occur. The stakeholder's language, which purports to absolve companies from liability to others who are not customers, arguably goes beyond the Commission's jurisdiction. Therefore, the current language is being retained ("any liability"). This will not prevent companies from arguing that the rule absolves them from liability to third parties, but that can be examined by a court on a case-by-case basis.

WAC 480-90/100-128 Disconnection of service. Initially, Staff proposed new language in the rules addressing companies that provide both electric and natural gas services and have a single billing system for both services. Currently, for these companies, the bill distinguishes the amounts billed for electric and gas, but if the customer has a balance forward from the prior bill, it is carried forward as a single amount and it is impossible to determine how much of the total amount due is for gas and how much is for electricity. If the bill becomes delinquent, the companies disconnect the electric service, even though some portion of the bill can be allocated to natural gas service.

After several discussions with stakeholders, Staff proposed language that did not require companies to separate their billing systems for both services but allowed customers the choice of which service they would rather have disconnected if the bill became delinquent.

In the final draft, however, Staff has dropped the proposed language. Staff is persuaded by company arguments that: (1) the cost to implement such a program outweighs benefits to the consumer, (2) the bill a customer receives from companies that offer both services is an "energy" bill and, as such, need not be separated into distinct service categories of electric and natural gas, and (3) the companies tell us it is safer for the customer to have electric rather than gas service disconnected and later reinstated. The rules proposed in the CR-102 make it clear that a company that offers both services can disconnect either service for a past due amount, regardless of whether the past due amount is for electric, gas, or both.

Customer notification requirements. The gas and electric rules to be included in the CR-102 do not incorporate a Customer notification rule. The Tariff Rulemaking (Docket U-991301) is proposing to transfer the Customer Notification rule to the industry chapter. Workshops, however, will be held under the Tariff Rulemaking.

Conclusion

Staff recommends that the Commission direct the Secretary to file Notices of Proposed Rulemaking (CR-102s) with the office of the Code Reviser in Docket UE-990473 proposing amendments to Chapter 480-100 WAC, the rules relating to regulation of electric companies and in Docket UG-990294 proposing amendments to Chapter 480-90 WAC, the rules relating to regulation of gas companies.

Attachment

Attachment
Dockets UG-990294 & UE-990473

PROPOSED
NEW RULES
FOR
GAS &
ELECTRIC
UTILITIES

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GENERAL RULES

NEW SECTION

WAC 480-100-001 Purpose. The legislature has declared that operating as an electric utility in the state of Washington is a business affected with the public interest and that such utilities should be regulated. The purpose of these rules is to administer and enforce chapter 80.28 RCW by establishing rules of general applicability and requirements for:

- Consumer protection;
- Financial records and reporting;
- Electric metering; and
- Electric safety and standards.

NEW SECTION

WAC 480-100-003 Application of rules. (1) The rules in this chapter apply to any electric utility that is subject to the jurisdiction of the commission under RCW 80.04.010 and chapter 80.28 RCW. These rules also include various requirements of the utility's customers and applicants.

(2) The tariff provisions filed by utilities must conform with these rules. If the commission accepts a tariff that conflicts with these rules, the acceptance does not constitute a waiver of these rules unless the commission specifically approves the variation consistent with WAC 480-100-008, Exemptions from rules in chapter 480-100. Tariffs that conflict with these rules without approval are superseded by these rules.

(3) Any affected person may ask the commission to review the interpretation of these rules by a utility or customer by posing an informal complaint under WAC 480-09-150, Informal complaints, or by filing a formal complaint under WAC 480-09-420, Pleading and briefs - Application for authority - Protests.

(4) No deviation from these rules is permitted without written authorization by the commission. Violation will be subject to penalties as provided by law.

NEW SECTION

WAC 480-100-008 Exemptions from rules in chapter 480-100. (1) The commission may grant an exemption from the provisions 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 person must file with the commission a written request identifying the rule for which an exemption is sought, giving a full explanation of the reason for requesting the exemption.

(3) The commission will assign the request a docket number, if it does not arise in an existing docket, and will 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 of the hearing or open meeting when the commission will consider the request.

(4) In determining whether to grant the request, the commission may consider whether application of the rule would impose undue hardship on the petitioner, of a degree or a kind different from hardships imposed on other similarly situated persons, and whether the effect of applying the rule would be contrary to the purposes of the rule.

(5) The commission will enter an order granting or denying the request, or setting it for hearing,

pursuant to chapter 480-09 WAC.

NEW SECTION

WAC 480-100-013 Additional requirements. (1) These rules do not relieve any electric utility from any of its duties and obligations under the laws of the state of Washington.

(2) The commission retains the authority to impose additional or different requirements on any electric utility in appropriate circumstances, consistent with the requirements of law.

NEW SECTION

WAC 480-100-018 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.

NEW SECTION

WAC 480-100-023 Definitions. "Applicant" means any person, corporation, partnership, government agency, or other entity that applies for service with an electric utility or who reapplies for service at a new or existing location after service has been discontinued.

"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.

"Customer" means any person, corporation, partnership, government agency, or other entity that have applied for, has been accepted, and is currently receiving service.

"Electric 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 following conditions:

Owns, controls, operates, or manages any electric plant for hire in Washington State; and

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 electric industry, or their ordinary meaning if there is no meaning generally accepted in the electric industry.

NEW SECTION

WAC 480-100-028 Tariffs and special contracts. An electric 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.

NEW SECTION

WAC 480-100-033 Distribution line extension tariff. Each electric 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.

NEW SECTION

WAC 480-100-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective date, references within this chapter, and availability of the resources are as follows:

- (1) Title 18 Code of Federal Regulations, cited as 18 CFR, is published by the United States Government Printing Office.
 - (a) The commission adopts the version in effect on April 1, 2000.
 - (b) This publication is referenced in WAC 480-100-203, Accounting system requirements and WAC 480-100-208, Financial reporting requirements;
 - (c) Copies of 18 CFR are available from the U.S. Government Printing Office in Pittsburgh, Pennsylvania.
- (2) The Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies is published by the National Association of Regulatory Utility Commissioners (NARUC).
 - (a) The commission adopts the version in effect in 1985.
 - (b) This publication is referenced in WAC 480-100-228, Retention and preservation of records and reports.
 - (c) The Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies is a copyrighted document. Copies are available from NARUC, in Washington, D. C.;
- (3) The National Electric Code is published by the National Fire Protection Association (NFPA).
 - (a) The commission adopts the version published in 1999.
 - (b) This publication is referenced in WAC 480-100-163, Service Entrance Facilities;
 - (c) The National Electric Code is a copyrighted document. Copies are available from the NFPA, in Quincy, Massachusetts.
- (4) The American National Standard for Electric Meters: Code for Electricity Metering, ANSIC-12.1 is published by the American National Standards Institute.
 - (a) The commission adopts the version published in 1995.
 - (b) This publication is referenced in WAC 480-100-318, Meter readings, multipliers, and test constants; WAC-480-100-338, Accuracy requirements for electric meters; and WAC 480-100-343, Statement of meter test procedures.
 - (c) The ANSIC-12.1 is a copyrighted document. Copies are available from Global Engineering Documents in Englewood, Colorado.

CONSUMER RULES

NEW SECTION

WAC 480-100-103 Information to consumers. (1) An electric utility must make available at each of its listed business offices information regarding rates, rules, and regulations needed for its customers and applicants to obtain adequate and efficient service.

(2) The utility must maintain a toll-free telephone number available for its applicants and customers during business hours 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, to respond to customer inquiries and complaints, and to generally act as representatives of the utility.

(3) 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.

(4) At least once each year, the utility must directly advise each of its customers how to obtain:

- (a) A copy of the consumer brochure described in subsection 3 of this section;
- (b) A copy of the customer's applicable rate information;
- (c) A copy of the electric rules, chapter 480-100 WAC; and
- (d) A copy of the utility's current rates and regulations.

(5) The utility must provide an applicant, upon request, the high and low bills for the requested service premises during the prior calendar year, if such data is available.

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

(7) The utility must provide customers information comparing energy usage for the current month and same billing month of the previous year, if available, either on the customers' bills or upon request, as follows:

- (a) Number of days in billing period;
- (b) Kilowatt hours used; and
- (c) Average kilowatt hours used per day;

(8) The utility must provide the commission with electronic or paper copies of all pamphlets, brochures, and bill inserts of regulated service information at the same time the utility delivers such material to its customers.

NEW SECTION

WAC 480-100-108 Application for service. (1) When an applicant orders service from an electric utility, the applicant will be responsible for conforming 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 premises;
- (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 premises;

(d) Proof of 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

(e) Any additional information the utility may reasonably require for billing or service.

(3) The utility must offer, if available, a service-order tracking number so the customer can easily identify the service request in subsequent interactions with the utility.

(4) 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 applicant prior to the service date;

(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 by which service can 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.

(5) A customer may not resell electricity unless specifically authorized in the utility's tariff.

NEW SECTION

WAC 480-100-113 Residential services deposit requirements. (1) Deposit criteria for current residential customers. An electric utility may collect a deposit from its own customers for residential service only if :

(a) At any time during the prior twelve months, the utility has sent the customer three or more delinquency notices;

(b) The utility has disconnected the customer's residential service for nonpayment; or

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

(2) Deposit criteria for residential applicants. A utility may collect a deposit from an applicant for residential service only if:

(a) The applicant has met the conditions described in subsection (1) of this section with another electric utility;

(b) The applicant is not able to demonstrate continuous employment during the prior twelve consecutive months and neither is currently employed nor has a regular source of income;

(c) The applicant does not own or is not purchasing the premises to be served;

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

(e) The applicant has an unpaid, overdue balance owing to any electric or gas utility for residential service.

(3) Deposit amount. The utility may require a deposit not to exceed the amount of:

(a) For utilities billing monthly, two-twelfths of the service location's most recent twelve months' usage, or if service did not exist, two-twelfths of the estimated annual usage; or

(b) For utilities billing bi-monthly, three-twelfths of the service location's most recent twelve months' usage or, if service did not exist, three-twelfths of the estimated annual usage.

(4) Deposit payment arrangements. The utility must allow an applicant or customer the option of paying fifty percent of the deposit prior to service, and paying 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.

(5) Alternative to deposit. The utility must allow any applicant or customer who indicates an inability to pay a deposit:

(a) To prepay any service initiation fees and reasonably estimated regular service charges or budget billings at periods corresponding to the utility's regular billing periods for the length of time during which a deposit would ordinarily be required. The utility must then bill the applicant or customer in a normal fashion; or

(b) To 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 disconnection notice, not to exceed the amount of the deposit as defined in subsection (3) of this section unless the guarantor has agreed to guarantee an additional amount as specified in subsection (7) of this section; or

(c) To notify the utility of the inability to pay a deposit as provided in WAC 480-100-143, Winter low-income payment program; or

(d) The opportunity to provide a reference from a similar utility that can be quickly and easily checked if the conditions in subsection (1) of this section cannot be met.

(6) 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.

(7) Additional deposit. If a deposit or additional deposit amount is required after the service is established, the reasons must be specified to the customer in writing. Any request for a deposit or additional deposit amount must comply with the standards outlined in subsection (1) of 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.

(8) Deposit payment date. Any deposit or additional deposit amount required after service is established is due and payable not earlier than 5:00 p.m. of the sixth business day after notice, if the deposit requirement notice is mailed from within the states of Washington, Oregon, or Idaho, or the ninth business day if mailed from outside the states of Washington, Oregon, and Idaho. If the utility delivers the notice to the customer in person, the deposit or additional deposit amount is due and payable not earlier than 5:00 p.m. of the sixth business day from the date of delivery.

(9) 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 1st of each year through November 30th of the following year. The commission will advise the utility each year of the specific rate;

(b) Earn the calculated interest rate as determined in subsection (9)(a) during January 1st through December 31st of the subsequent year;

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

(d) Be compounded or paid annually.

(10) 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 during 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 delinquency notices 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.

(11) How deposits are refunded. Any deposit plus accrued interest must be made available to the customer no later than fifteen calendar days following completion of twelve months of satisfactory payment or the cancellation of service. Refunds must be:

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

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

NEW SECTION

WAC 480-100-118 Nonresidential service deposit requirements. (1) Deposit criteria for nonresidential customers. An applicant for nonresidential service may be required to demonstrate that it is a satisfactory credit risk by reasonable means appropriate under the circumstances.

(2) Deposit amount. The electric utility may require a deposit not to exceed the amount of:

(a) For utilities billing monthly, two-twelfths of the service location's most recent twelve months' usage, or if service did not exist, two-twelfths of the estimated annual usage; or

(b) For utilities billing bi-monthly, three-twelfths of the service location's most recent twelve months' usage or, if service did not exist, three-twelfths of the estimated annual usage.

(3) 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.

(4) Additional deposit. If a deposit or additional deposit amount is required after the service is established, the reasons must be specified to the customer in writing. Any request for a deposit or additional deposit amount must comply with the standards outlined in this section.

(5) Deposit payment date. Any deposit or additional deposit amount required after service is established is due and payable not earlier than 5:00 p.m. of the sixth business day after notice, if the deposit requirement notice is mailed from within the states of Washington, Oregon, or Idaho, or the ninth business day if mailed from outside the states of Washington, Oregon, and Idaho. If the utility delivers the notice to the customer in person, the deposit or additional deposit amount is due and payable not earlier than 5:00 p.m. of the sixth business day from the date of delivery.

(6) 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 1st of each year through November 30th of the following year. The commission will advise the utility each year of the specific rate;

(b) Earn the calculated interest rate as determined in subsection (6)(a) during January 1st through December 31st of the subsequent year;

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

(d) Be compounded or paid annually.

(7) 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 during 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 delinquency notices 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.

NEW SECTION

WAC 480-100-123 Refusal of service. (1) An electric utility may refuse requests to provide service to a master meter in a building with permanent occupants when all of the following conditions exist:

- (a) The building or property has more than one dwelling unit;
- (b) The occupants control a significant part of the electricity used in the individual units; and
- (c) It is cost-effective for the occupants to have the utility purchase and install individual meters considering the long-run benefits of measuring and billing each occupant's electric use separately.

(2) The utility may refuse to provide service if:

- (a) Providing service will cause an adverse affect on other customers or does not comply with government regulations or the electric industry accepted standards;
- (b) In the utility's judgement, there are hazardous conditions at the premises, or the applicant's or customer's wiring or electrical 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 of 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 480-100-128, Disconnection of service;

(3) The utility may not refuse to provide service to a residential applicant or residential customer because there are outstanding amounts due from a prior customer at the same premises, 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.

(4) The utility may not refuse service to a residential applicant or residential customer who has three or fewer 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 the service has been disconnected.

NEW SECTION

WAC 480-100-128 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 taken at that service address until the utility can confirm either that the customer has vacated the premises 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 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 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 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, as explained in subsection (6) of this section, the utility may discontinue service for any one of the following conditions:

(a) For delinquent charges associated with regulated electric service (or for regulated electric and gas service if the utility provides both services), including any required deposit. However, the utility cannot disconnect service when the customer has met the requirements of subsection (5) of this section for medical emergencies, or has agreed to or maintains agreed-upon payment arrangements with the utility, as described in WAC 480-100-143, Winter low-income payment program;

(b) For use of electric service 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 electric use without the utility's approval;

(d) For refusing to allow the utility's representatives access to the customer's premises as required in WAC 480-100-168, 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) Electric service may not be disconnected for amounts that may be owed the utility for non-regulated service.

(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 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 electric 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) 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 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 480-100-138, Payment arrangements, and WAC 480-100-143, 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) All relevant information about the disconnection action including the cause for disconnection, the amount owing, and how to avoid disconnection;

(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 in subsection (6)(a) of this section is inaccurate, the utility must issue another notice to the customer as described in subsection (6)(a) of this section;

(c) 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 to a payment arrangement. Upon a void notice, the utility must provide a new disconnection notice to the customer as described in subsection (6)(a) of this section;

(d) In addition to the notice required by subsection (6)(a) of this section, 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, and Idaho, 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. 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 subsection (6)(a)(iii);

(e) If the utility discovers the written notice information required under the options in subsection (6)(d) of this section is inaccurate, the utility must issue another notice to the customer as described in subsection (6)(a) of this section;

(f) If the utility provides a second notice within ten business days of the disconnection date required by subsection (6)(a)(i) of this section, 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 under subsection (6)(d) of this section;

(g) If the utility provides a second notice after the ten business days of the disconnection date required by subsection (6)(a)(i) of this section, 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 subsection (6)(a) of this section;

(h) 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 subsection (6)(a) of this section prior to disconnecting service;

(i) 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;

(j) 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;

(k) 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 the 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;

(l) Medical facilities. When service is known to be provided to:

(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 services, 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;

(m) 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 believes that a customer is not able to understand the effect of the disconnection, the utility must 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 must 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.

(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.

(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 must inform the customer of these provisions when the customer is referred to a utility's supervisor or to the commission.

NEW SECTION

WAC 480-100-133 Reconnecting service after disconnection. (1) An electric 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 company, 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 any delinquent regulated 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 480-100-113, Residential service deposit requirements or WAC 480-100-118, Nonresidential service deposit requirements; or

(c) The customer has paid any account that is not a prior obligation account as defined in WAC 480-100-123, Refusal of service, and the customer has paid any required deposit as defined in WAC 480-100-113, Residential service deposit requirements or WAC 480-100-118 Nonresidential service deposit requirements;

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

NEW SECTION

WAC 480-100-138 Payment arrangements. (1) If an electric 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 the customer used service prior to applying for service as outlined in WAC 480-100-128(2)(f), Disconnection of service.

(2) The utility must offer all residential customers the option of an equal-payments plan.

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

(b) The utility may refuse to offer an equal-payments plan to customers who have been removed from the equal-payments 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-payments plan to any customer when the utility believes this would be in the best interest of all parties concerned;

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

NEW SECTION

WAC 480-100-143 Winter low-income payment program. (1) During the winter months, between November 15th and March 15th, an electric 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 delinquency 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 reconnection 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 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 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, within thirty days, provide a dollar figure to the utility 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;

(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 and abides by that agreement to:

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

(ii) Pay a monthly payment during the winter period. The utility may 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 15th. 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 15th, 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) Pays all amounts owed even if the customer moves.

(2) The utility:

(a) Must help the customer to fulfill the requirements under this section;

(b) Must 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 utility's service area;

(c) May disconnect service in accordance with WAC 480-100-128, Disconnection of service, if the customer has not kept the payment arrangements as described in subsection (1) of this section. The utility must 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 must restore service if the customer contacts the utility and satisfies the other requirements of this section;

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

(e) Must allow customers who qualified under subsection (1) of this section and who default on their payment plan and are disconnected in accordance with WAC 480-100-128, Disconnection of service, to reconnect and maintain the protection afforded under this chapter when the customer:

(i) Pays any reconnection charges; and

(ii) Pays all amounts that would have been due and owing on the date the service is reconnected; and

(f) Must 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.

NEW SECTION

WAC 480-100-148 Service responsibility (Electric). (1) Customer responsibility. The customer must notify the electric utility, in writing, prior to all changes to the customer's equipment or usage that will materially affect the service to be rendered. The customer must 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, must be in accordance with the utility's filed tariff.

(2) Electric utility responsibility. Each electric utility:

(a) Must 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) Must 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 may 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 change is required by law, the customer must bear all costs 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.

(d) Must make all reasonable efforts to avoid interruptions of service and, when such interruptions occur, must endeavor to reestablish service with the shortest possible delay. Interruptions as used in this subsection do not refer to the discontinuance of service to those customers receiving service under an interruptible service schedule.

When it is necessary for an electric utility to make repairs to or to change its facilities other than meters, 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 must 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.

(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.

NEW SECTION

WAC 480-90-148 Service responsibility (Gas). (1) Customer responsibility: The customer must notify the gas utility, in writing, prior to all changes to the customer's equipment or usage that will materially affect the service to be rendered. The customer must give such notice within a reasonable time so the utility can provide the necessary facilities and acquire additional gas supplies, if needed. The charge for such necessary facilities, if any, must be in accordance with the utility's filed tariff.

(2) Gas utility responsibilities:

(a) Each gas utility must 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;

(b) Each gas utility must 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 may 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 costs in connection with making such changes;

(c) 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 must 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; and

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

(3) 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 must make all reasonable efforts to avoid interruption of service and, if an interruption occurs, must endeavor to reestablish service with the shortest possible delay. When it is necessary for a utility to interrupt service, the utility may, without incurring liability, suspend service for such periods as may be reasonably necessary.

(a) Scheduled interruption - Each gas utility must 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 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 must individually notify police and fire departments affected by an interruption of service.

(4) 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.

NEW SECTION

WAC 480-100-153 Disclosure of private information. (1) An electric utility may not disclose, permit access to, or use private consumer information, as defined in subsection (3) of this section, for the purposes of marketing unregulated 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 permission to do so.

(2) A utility may not share or sell private consumer information with or to its affiliates, subsidiaries, 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 permission to do so.

(3) 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.

(4) This section does not prevent disclosure of the essential terms and conditions of special contracts as provided for in WAC 480-80-335, Special contracts for electric, water, and natural gas utilities.

(5) This section does not prevent the utility from inserting any marketing information into the customer's billing package.

NEW SECTION

WAC 480-90-158 Service connections (Gas). (1) The gas utility must furnish, install, and maintain piping and other fittings to the customer's fuel line up to the point of delivery. The point of delivery is 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 of delivery will become the property of the utility, which must accept all responsibility for future maintenance and operations in accordance with its filed tariffs.

NEW SECTION

WAC 480-100-163 Service entrance facilities. (1) An electric utility may require customers to:

(a) Provide entrance facilities at the easiest access point to the utility's distribution system; and
(b) Comply with reasonable requirements to keep those facilities free from tampering or interference.

(2) In order to permit the required clearances, utilities may require their customers to provide a structurally sound point of attachment for the utility's service conductors pursuant to the National Electric Code. Information about the National Electric Code regarding the version adopted and where to obtain it is set out in WAC 480-100-999 Adoption by reference.

NEW SECTION

WAC 480-100-168 Access to premises; identification. (1) Authorized representatives of an electric utility have the right to enter a customer's property during reasonable hours to perform necessary functions such as meter reading, maintenance, repairs, testing, installation, or removal of the utility's property. Utilities must provide photo identification to utility representatives who are authorized to enter customers' premises. Customers have the right to see the utility-provided identification of electric utility representatives before allowing entry to the customer's property.

(2) When performing maintenance, repairs, testing, installation, or removal of the utility's property, the utility must restore the customer's property as close as reasonably practicable to the condition prior to the utility's action, unless otherwise defined in the utility's tariff or through a separate agreement with the customer.

NEW SECTION

WAC 480-100-173 Electric utility responsibility for complaints and disputes. (1) When an electric utility receives a complaint in any form from a customer or an applicant for service, the utility must acknowledge receipt of the complaint and:

(a) Upon request, identify the utility's contact to the complainant;
(b) Investigate the complaint promptly as required by the particular case;

- (c) Report the results of the investigation to the complainant;
 - (d) Take corrective action, if warranted, as soon as possible under the circumstances;
 - (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
 - (f) If the complainant is dissatisfied after speaking with the utility's supervisor, the supervisor must inform the complainant of the complainant's right to file a complaint with the commission and provide the commission's address and toll-free telephone number.
- (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 WAC 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;
 - (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. The commission may grant an extension of time for responding to the complaint, if requested and warranted.
 - (4) Each electric 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 official documents regarding the complaint.

NEW SECTION

- WAC 480-100-178 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 a toll-free telephone number and an 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 kilowatt hours used;
 - (f) Show the amount of kilowatt hours used for each billing rate, the applicable billing rates per kilowatt, the basic charge or minimum bill;
 - (g) Show the amount of any municipal tax surcharges or their respective percentage rates;
 - (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 the service was rendered;

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

(i) Clearly identify when a bill is based on an estimation.

(i) The 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;

(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.

NEW SECTION

WAC 480-100-183 Complaint meter tests. (1) An electric utility must test and report to the customer the accuracy of a meter within twenty business days after receiving an initial request from a customer. The utility must allow the customer to order one meter test free of charge during a twelve-month period. The utility may appeal to the commission to waive the responsibility of performing the meter test, to request an extension to perform the meter test, or to be allowed to charge for the meter test. If the customer disputes 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 presence of the customer or the customer's representative. The seal must not be broken until the test is made in the presence of the customer or the customer's representative, 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, but additional meter tests will not delay disconnection of service under subsection (9) of WAC 480-100-128, Disconnection of service. 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 must perform the test and report the test results to the customer within twenty business days. If the additional meter test results show the meter is performing accurately as described in subsection (2) of WAC 480-100-338, Accuracy requirements for electric meters, 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.

(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 may not change the meter 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 subsection (2) of WAC 480-100-338, Accuracy requirements for electric meters, the utility must repair or replace the meter at no cost to the customer. The utility must adjust the bills to the customer based on the best information available to determine the appropriate charges. The utility must offer payment arrangements in accordance with subsection (2) of WAC 480-100-138, Payment arrangements.

(a) If the utility can identify the date the customer was first billed for a defective meter, the utility must refund or bill the customer for the proper usage from that date;

(b) If the utility cannot identify the date the customer was first billed for a defective meter, the utility must refund or bill the customer for the proper usage, not to exceed six months.

(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 or address of the customer, the meter manufacturer's name, the manufacturer's and 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.

NEW SECTION

WAC 480-100-188 Payment locations. (1) An electric utility must provide payment agencies in locally accessible locations where applicants and customers can make payments at no charge to the applicants and customers. Payment agencies must clearly post and maintain regular business hours.

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

(3) The utility must provide written or electronic notice to the commission's Consumer Affairs Section 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 or electronic notification is required as soon as the utility becomes aware of the closure. At a minimum, the following information is required:

(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.

(4) The utility must include on its regularly scheduled bills a statement referring its customers to a toll-free number for updated payment agency locations.

FINANCIAL RECORDS AND REPORTING RULES

NEW SECTION

WAC 480-100-203 Accounting systems. (1) Electric utilities in the state of Washington must use the uniform system of accounts applicable to major and non-major electric utilities as published by the Federal Energy Regulatory Commission (FERC) in the Code of Federal Regulations. Information about the Code of Federal Regulations regarding the version adopted and where to obtain it is set out in WAC 480-100-999, Adoption by reference.

(2) Electric-utilities having multi-state operations must maintain records in such detail that the costs of property located, and business done, in the state of Washington can be readily ascertained in accordance with geographic boundaries.

(3) Any deviation from the uniform system of accounts, as prescribed by the FERC, will be accomplished only after due notice and order of this commission.

NEW SECTION

WAC 480-100-208 Financial reporting requirements. (1) Annual Reports.

(a) Electric utilities must 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 year, along with the regulatory fee, by May 1st of each year. If not presented in the prescribed FERC Form, the annual report must include the following data per customer class for the calendar year: revenues, average customer count, and total unit sales. Information about the FERC Form No. 1 regarding the version adopted and where to obtain it is set out in WAC 480-100-999, Adoption by reference.

(b) Utilities must also submit to the commission, in essentially the same format and content as the FERC Form No. 1, a report that documents the costs incurred and the property necessary to furnish utility service to its customers and the revenues obtained in the state of Washington. The report must include the following data per customer class for the calendar year: revenues, average customer count, and total unit sales;

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

(d) The total utility results of operations reported by each utility in its annual report to the commission must agree with the results of operations shown on the utility's books and records.

(2) Commission Basis Reports (Annual).

(a) The intent of the "Commission Basis" report is to depict the electric operations of a utility under normal temperature and power supply conditions during the reporting period. The commission basis report must include the following:

(i) Booked results of electric operations and rate base, and all the necessary adjustments as accepted by the commission in the utility's most recent general rate case or subsequent orders;

(ii) Actual adjusted results of operations for out of period, non-operating, non-recurring, and extraordinary items or any other item that materially distorts reporting period earnings and rate base; and

(iii) Adjusted booked revenues and power supply expenses to reflect operations under normal temperature and power supply conditions before the achieved return on rate base is calculated;

(b) Commission Basis reports should not include adjustments that annualize price, wage, or other cost changes during a reporting period, nor new theories or approaches that have not been previously addressed and resolved by the commission.

(c) Utilities must submit the basis of any cost allocations and the allocation factors necessary to develop the commission basis results of electric operations for the state of Washington;

(d) Commission Basis reports are due within four months of the end of a utility's fiscal year.

(3) Quarterly Reports.

Electric 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 count and total unit sales per customer class for each reported period.

(4) Additional Reports.

This section does not supersede any reporting requirement specified in a commission order or limit the commission's ability to request additional information.

NEW SECTION

WAC 480-100-213 Expenditures for political or legislative activities. (1) The commission will not allow either direct or indirect expenditures for political or legislative activities for ratemaking purposes.

(2) For purposes of this rule political or legislative activities include, but are not limited to:

(a) Encouraging support or opposition to ballot measures, legislation, candidates for a public office, or current public office holders;

(b) Soliciting support for or contributing to political action committees;

(c) Gathering data for mailing lists that are generated for the purposes of encouraging support for or opposition to ballot measures, legislation, candidates for public office, or current office holders, or encouraging support for or contributions to political action committees;

(d) Soliciting contributions or recruiting volunteers to assist in the activities set forth in (a) through (c) above.

(3) Political or legislative activities do not include activities directly related to appearances before regulatory or local governmental bodies necessary for the utility's operations.

NEW SECTION

WAC 480-100-218 Securities, affiliated interests, and transfers of property. (1) Before an electric utility issues stock, securities, or other evidence of indebtedness, the utility must comply with the requirements of chapters 80.08 RCW and 480-146 WAC.

(2) Before an electric utility enters into a contract or arrangement with an affiliated interest, the utility must file a copy or summary of the contract or arrangement with the commission in accordance with chapters 80.16 RCW and 480-146 WAC.

(3) Before selling, leasing, or assigning any of its property or facilities, or before acquiring property or facilities of another public utility, an electric utility must obtain an authorizing order from the commission in accordance chapters 80.12 RCW and 480-143 WAC.

NEW SECTION

WAC 480-100-223 Promotional advertising. (1) The commission will not allow expenses for promotional or political advertising for ratemaking purposes. The term "promotional advertising" means advertising to encourage any person or business to select or use the service or additional services of an electric utility, to select or install any appliance or equipment designed to use the electric utility's service, or to influence consumers' opinions of the electric utility.

The term "political advertising" means any advertising for the purpose of influencing public opinion with respect to legislative, administrative, or electoral matters, or with respect to any controversial issue of public importance.

(2) As used in this section, the terms "promotional advertising" and "political advertising" do 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 electric utility;
- (e) Advertising which promotes the use of energy efficient appliances, equipment, or services;
- (f) Announcements or explanations of existing or proposed tariffs or rate schedules; and
- (g) Notices of meetings or commission hearings concerning electric utility rates and tariffs.

NEW SECTION

WAC 480-100-228 Retention and preservation of records and reports. (1) Each electric 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 commission adopts the publication, *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies*, published by the National Association of Regulatory Utility Commissioners as the standards for utility records retention. Information about the Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies regarding the version adopted and where to obtain it is set out in WAC 480-100-999, Adoption by reference.

NEW SECTION

480-90-233 Purchased gas adjustment(Gas). (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 within a maximum of fifteen months since the effective date of the utility's last PGA. If the utility believes that a PGA filing is unnecessary within this time frame, then it must file supporting documents within thirteen months after the effective date of its last PGA demonstrating why a rate change is not necessary.

(4) A gas utility must accrue interest, compounded monthly, on deferred gas cost balances which accrue subsequent to the effective date of this rule at the previous quarter's average prime interest rate calculated as follows: The arithmetic mean of the prime rate values published in the Federal Reserve Bulletin for the fourth, third, and second months preceding the first month of the calendar quarter (also known as the "FERC interest rate").

(5) 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.

NEW SECTION

WAC 480-100-233 Least cost planning. (1) Purpose and process. Each electric utility regulated by the commission has the responsibility to meet its load with a least cost mix of generating resources

and improvements in the efficient use of electricity. Therefore, a "least cost plan" must be developed by each electric utility in consultation with commission staff. Provision for involvement in the preparation of the plan by the public will be required. Each planning cycle must begin with a letter to the utility from the commission secretary. The content and timing of, and reporting for the least cost plan and the public involvement strategy must be outlined in a work plan developed by the utility after consulting with commission staff.

(2) Definitions. "Least cost plan" or "plan" means a plan describing the mix of generating resources and improvements in the efficient use of electricity that will meet current and future needs at the lowest cost to the utility and its ratepayers.

(3) Each electric utility must submit to the commission on a biennial basis a least cost plan that must include:

(a) A range of forecasts of future demand using methods that examine the impact of economic forces on the consumption of electricity and that address changes in the number, type, and efficiency of electrical end-uses.

(b) An assessment of technically feasible improvements in the efficient use of electricity, including load management, as well as currently employed and new policies and programs needed to obtain the efficiency improvements.

(c) An assessment of technically feasible generating technologies including renewable resources, cogeneration, power purchases from other utilities, and thermal resources (including the use of combustion turbines to utilize better the existing hydro system).

(d) A comparative evaluation of generating resources and improvements in the efficient use of electricity based on a consistent method, developed in consultation with commission staff, for calculating cost-effectiveness.

(e) The integration of the demand forecasts and resource evaluations into a long-range (e.g., twenty-year) least cost plan describing the mix of resources that will meet current and future needs at the lowest cost to the utility and its ratepayers.

(f) A short-term (e.g., two-year) plan outlining the specific actions to be taken by the utility in implementing the long-range least cost plan.

(4) All plans subsequent to the initial least cost plan must include a progress report that relates the new plan to the previously filed plan.

(5) The least cost plan, considered with other available information, will be used to evaluate the performance of the utility in rate proceedings, including the review of avoided cost determinations, before the commission.

ELECTRIC METERING RULES

NEW SECTION

WAC 480-100-308 Meter location. (1) Subject to the utilities' requirements, customers must provide a place to install the metering equipment that is:

- (a) Readily accessible to utility employees without risks of bodily harm; and
- (b) Free from vibration, corrosive atmosphere, and abnormal temperatures.

(2) 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.

NEW SECTION.

WAC 480-100-313 Meter charges. (1) An electric utility must make no charge for furnishing and installing the meter or meters required to determine the customer's usage for billing of electric service in accordance with the utility's filed tariff. The utility may charge for additional meters requested by the customer or required by the utility's tariff for service beyond determining the customer's bill.

(2) No meter may be required on unmetered load.

NEW SECTION

WAC 480-100-318 Meter readings, 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 customers. 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.

(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, 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 be otherwise suitably marked.

(4) The watt-hour constant for the meter itself must be placed on all watt-hour meters (as specified in ANSIC-12.1). Information about the ANSIC-12.1 regarding the version adopted and where to obtain it is set out in WAC 480-100-999, Adoption by reference.

NEW SECTION

WAC 480-100-328 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.

NEW SECTION

WAC 480-100-333 Initial accuracy of electric meters. All meters must be in good order and adjusted to register as nearly correct as practicable prior to being put into service or returned to service following testing or other work. All meters in service must be sealed by the use of a sealing device acceptable to the commission.

NEW SECTION

WAC 480-100-338 Accuracy requirements for electric meters. (1) 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:

(A) When 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;

(b) All meters must be capable of registering no more than plus or minus 2.0 percent error when subject to a current ranging between five and ten percent of the meter's nameplate test current (ta) value, 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 current ranging between seventy five and one hundred fifty percent of the meter's nameplate test current (ta) value, 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 of the meter's nameplate test current (ta) value, at the meter's nameplate 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 a current approximately one hundred percent of the nameplate test current value, at the meter's rated voltage, at both unity and fifty percent lagging power factor;

(2) 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;

(c) Mechanical and lagged demand meters must be tested at load points above fifty percent of full scale as specified in ANSIC-12.1. Information about the ANSIC-12.1 regarding the version adopted and where to obtain it is set out in WAC 480-100-999, Adoption by reference.

NEW SECTION

WAC 480-100-343 Statement of meter test procedures. Electric utilities must include in their tariffs a statement describing their practices 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 in which such action will be implemented; and

(d) Reference to an industry standard such as ANSIC-12.1 or ANSI/[isrt]ASQC-Z1.9 that will establish acceptable criteria for numerical analysis. Information about the ANSIC-12.1 regarding the version adopted and where to obtain it is set out in WAC 480-100-999, Adoption by reference.

(2) A description of meter testing equipment, including methods employed to ascertain and maintain accuracy of all testing equipment.

(3) If an electric utility does not maintain meter testing equipment, the electric utility must state that it will use a qualified testing laboratory for this purpose. The utility must notify the commission by

separate correspondence of the name of the testing laboratory making meter tests if it does not maintain meter testing equipment.

(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.

NEW SECTION

WAC 480-100-353 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 forms of such records are subject to commission approval 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 include the date of all tests made on the meter, together with data recorded and computations made to determine the meter's accuracy. If a test is a complaint test, the records must include the complainant's name and the meter's calculated accuracy before and after the test.

ELECTRIC SAFETY AND STANDARDS RULES

NEW SECTION

WAC 480-100-358 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 in 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

(2) Meters used in conjunction with instrument transformers must be adjusted so that the overall accuracy of the meter installation (including both meter and instrument transformers) will meet the requirements specified in WAC 480-100-338, Accuracy requirements for electric meters. Instrument transformers may be tested with the meter with which they are associated, or separately. Except as provided in these rules, if transformers are tested separately, meters must also be tested to assure that the overall installation meets the prescribed accuracy requirements.

(3) Adjustment of the meter to correct instrument accuracy errors is not necessary when instrument transformers with the following accuracy characteristics are used:

(a) 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 six-tenths of one percent at ten percent rated current, or three-tenths of one percent at approximately one-hundred percent rated current;

(b) 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 three-tenths of one percent.

(4) Electric utilities must keep instrument transformer test results on record and available for use when transformers are installed.

(5) 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.

NEW SECTION

WAC 480-100-363 Portable indicating instruments. (1) Electric utilities must maintain in reasonable working order 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 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.

(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.

(3) Electrical utilities must maintain in good working order, as specified by the manufacturer of such instruments, all portable indicating electrical instruments used for purposes other than determining the quality of electrical service, such as instruments primarily for the safety of workers.

(4) Electric utilities must keep history and calibration records for each portable indicating electrical instrument, as long as the instrument is in service.

NEW SECTION

WAC 480-100-368 Standard frequency. Any 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.

NEW SECTION

WAC 480-100-373 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 must 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:

(a) Voltage variations may not be more than five percent above or below the standard voltage adopted; and

(b) 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 must 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 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 or of the facilities or equipment of another customer, such as causing excessive flicker in other customers' light. Utilities are not required to monitor customers' equipment and its interactions with third party or utility equipment on an on-going basis.

NEW SECTION

WAC 480-100-378 Accuracy of test standards. (1) Electrical utilities must provide the commission with a written statement of their practices under these rules covering:

(a) A description of test standards and meter testing equipment, if maintained by the electrical utility;

(b) A description of methods employed to ascertain and maintain the accuracy of the test standards and meter testing equipment, including the frequency of such tests, if the electrical utility chooses to maintain its own such standards and equipment rather than use the services of a certified testing laboratory.

(2) If an electrical utility chooses to maintain its own test standards and meter testing instruments, it must retain records showing the date when each test standard and each meter testing instrument was tested, calibrated, or adjusted. Test standards must not be used in the field as working instruments.

NEW SECTION

WAC 480-100-383 Reports of accidents. Each electric utility must notify the commission orally or by electronic mail 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. Electric 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.

GAS STANDARDS AND METERING RULES

NEW SECTION

WAC 480-90-303 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 operate an appliance uniformly.

(2) **Testing 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 on request.

(4) A gas utility may use a calor optic indicator to determine the heat value when a mixture of liquified petroleum gas and air is used.

(5) **Testing 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 heating values must be determined by taking the average of all daily heating 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) **Testing 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 commission approval. Each form must be retained as a record for at least two years at the station where the tests were made.

NEW SECTION

WAC 480-90-308 Meter readings. A 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.

NEW SECTION

WAC 480-90-313 Meter charges. (1) A gas utility will make no charge for furnishing and installing a standard meter required to determine the customer's bill for gas service in accordance with the utility's filed tariff. The utility may charge for additional meters or metering equipment requested by the customer or required by the utility's tariff for services beyond determining the customer's bill.

(2) A meter will not be required on flat-rate service.

NEW SECTION

WAC 480-90-323 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.

(3) Residential and commercial meter set assemblies should be installed outside at the building wall. All meter set assemblies should 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 becomes necessary to locate meters away from the building wall or inside buildings, the gas utility must keep a record of these meter set assemblies, 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.

NEW SECTION

WAC 480-90-328 Meter identification. 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.

NEW SECTION

WAC 480-90-333 Initial accuracy of meters. (1) Each meter must be in good mechanical shape and adjusted to read as accurate as practical before being 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.

NEW SECTION

WAC 480-90-338 Metering tolerance. A meter must not deviate more than two percent fast or slow at each test rate.

NEW SECTION

WAC 480-90-343 Statement of meter test procedures. (1) The gas utility must include 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, a revised tariff must be submitted.

NEW SECTION

WAC 480-90-348 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 three thousand cubic feet per hour - every ten years;

(b) Meters with capacity three thousand cubic feet per hour and over - every five 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.

NEW SECTION

WAC 480-90-353 Meter history records. (1) Gas utilities 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 forms of such records are subject to commission approval and must contain the following information, at a minimum:

(a) The 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 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.

WE 990473

Graciela Etchart
12/22/2000
PSE's service responsibilities controversy - an update

09:57:06 AM



Graciela Etchart
12/12/00 03:36 PM

To: Dixie Linnenbrink/WUTC@WUTC, Fred Ottavelli/WUTC@WUTC, Jim Russell/WUTC@WUTC, Bob Cedarbaum/WUTC@WUTC, Sally Johnston/WUTC@WUTC, Mert Lott/WUTC@WUTC, Dennis Moss/WUTC@WUTC, Bob Wallis/WUTC@WUTC, Doug Kilpatrick/WUTC@WUTC, Vicki Elliott/WUTC@WUTC

cc:

Subject: PSE's service responsibilities controversy - an update

I have just received a very FRIENDLY call from Phil. He wanted to confirm that tomorrow open meeting was not the last chance they will have to express their concerns (read complains) and fight hard to change the rules. He has now informed me (quite sweetly, I must add) that they are coming but he will be the only one talking and saying how hard all of us (all stakeholders) have worked and how much progress we have made, although some issues remain. He also plans to say that they are looking forward to continue working together in the future although he wanted to be sure he was not under oath or could be held to his words in the future. The way he reasoned with me today has reinforced my idea that the other day he was reacting under a lot of pressure. Let's hope he does not change his mind again.

Dixie, do you want to tell the Cs about this latest development?

RMS
L