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August 16, 2001

Carole Washburn, Secretary  
Washington Utilities and Transportation Commission  
1300 S. Evergreen Park Drive S.W.  
Olympia, WA 98504

RECEIVED  
RECORDS MANAGEMENT  
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STATE OF WASH.  
UTIL. AND TRANSP.  
COMMISSION

Re: Docket No. UE-990473, Refusal of Service  
Electric Operation Rulemaking

Dear Ms. Washburn:

Thank you for the opportunity to provide comments on the rules in the above-cited docket. Avista Utilities' suggested language changes to the proposed rule are contained in the attachment to this letter. While edits, in red lettering in legislative format, are shown for Alternative 2, these same edits would apply to Alternative 3.

To be clear, Avista Utilities' implementation of Alternatives 2 and 3 remain contingent on the adoption of specified edits and whether the Company can execute these changes to our procedures without costly computer programming modifications. The Company notes that all alternatives remain permissive, not mandatory, and would be implemented by Avista Utilities to the extent that the total benefits would exceed the total costs to the general body of its customers.

Thank you for your consideration of these comments. Please direct any questions on this matter to Bruce Folsom at (509) 495-8706 or Renee Webb at (509) 495-7987.

Sincerely,

Thomas D. Dukich  
Manager, Rates and Tariff Administration

Hard Copy

Alternative 2

**WAC 480-90-123 Refusal of service.** (1) A gas utility may refuse to provide new or additional service if:

(a) Providing service does not comply with government regulations or accepted natural gas industry ~~accepted~~ standards;

(b) In the utility's reasonable judgment, ~~there are conditions at the premises that are hazardous or the applicant's or customer's installation of piping or gas burning equipment is considered hazardous or~~ of such a nature that safe and satisfactory service cannot be provided;

(c) The applicant or customer does not comply with the utility's request that the applicant or customer ~~to~~ provide and install protective devices, when the utility, in its reasonable judgment, deems such protective devices are necessary to protect the utility's or other customers' properties from theft or damage;

(d) ~~The utility is unable~~ After reasonable efforts by the responsible party, to obtain all necessary rights of way, easements, approvals, and permits have not been secured; or

(e) The customer is known by the utility to have tampered with or stolen the utility's property, used service through an illegal connection, or fraudulently obtained service and the utility has complied with WAC 480-90-128 (2), Disconnection of service; or

(f) A residential applicant or residential customer has more than two prior obligations in any one calendar year, and whose account becomes delinquent and is disconnected a third time, and who has not entered into payment arrangements.

For the purposes of this section, A prior obligation is the dollar amount, excluding deposit amounts owed, the utility has billed to the customer and for which the utility has not received payment at the time the service has been disconnected for non-payment. This subsection does not apply to customers that have been disconnected for failure to honor the terms of a winter low-income payment program.

(i) Payment arrangements - The utility must allow a customer with a third delinquency and disconnection in any one calendar year, to enter into a payment arrangement to pay the amounts associated with the 3<sup>rd</sup> disconnection over the following 6 months. to pay back all amounts

associated with the ~~third~~ delinquency and disconnection over a period of six months. If the customer enters into this payment arrangement with the utility, the customer must pay ~~their current bill~~ each month of the current month's usage plus one-sixth of the delinquent amount associated with the ~~third delinquency~~ by the due date of the monthly bill or on a date agreed upon by the customer and the utility. If a customer fails to keep the payment arrangement at any time during the six-month period, the utility may disconnect the customer without prior notice and refuse to reconnect the customer until the full delinquent amount associated with the ~~third delinquency~~ and the balance of the charges that have been incurred during the payment arrangement period is paid in full, in addition to the appropriate deposit and reconnection charges.

(ii) Restoral of service - If the customer has entered into this payment arrangement and pays the appropriate deposit and reconnection charges, the company must restore service

If the customer does not enter into payment arrangements, the utility must restore service once the customer or applicant has paid all amounts associated with the ~~third delinquency and disconnection~~, as well as appropriate deposit and reconnection fees, provide service.

~~(2) Upon request by an gas utility, the commission may waive the utility's obligation to provide new or additional service when to do so would:~~

~~(a) Cause an adverse affect on other customers; or~~

~~(b) Not be economically feasible.~~

~~(32) The utility may not refuse to provide service to an ~~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 in cooperation with~~ the prior customer with the intent to avoid payment.~~

~~(3) The utility may refuse to provide new or additional service for reasons not expressed in subsections (1) and (2) of this section, upon prior approval of the commission. The commission may grant the request upon determining that the utility has no obligation to provide the requested service under RCW 80.28.110.- Prior to seeking commission approval, the utility must work with the applicant or customer requesting service to seek resolution of the issues involved.~~

~~(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.~~

(5) Any applicant or customer who has been refused new or additional service may file with the commission an informal complaint under WAC 480-09-150, Informal complaints, or a formal complaint under WAC 480-09-420, Pleadings and briefs-Applications for authority-Protests, and 480-09-425, Pleadings-Verification, time for filing, responsive pleadings, liberal construction, amendments.