

CONCISE EXPLANATORY STATEMENT

Agenda Date: July 11, 2001
Item Numbers: 2A and 2B

Dockets: UG-990294
Gas Companies Operations - Rulemaking

UE-990473
Electric Companies - Rulemaking

Subject: Review of Commission's rules 480-90-123 and 480-90-153 WAC and 480-100-123 and 480-100-153 WAC

Staff: James M. Russell, Gas Companies Operations Rulemaking Team Lead
Graciela Etchart, Electric Companies Rulemaking Team Lead

Recommendation:

Staff recommends that the Commission direct the Staff to prepare a Rule Adoption Order for Commissioner's review to adopt new proposed rules WAC 480-90-123 & 153 and WAC 480-100-123 & 153.

Background:

In March, 2001, the Commission adopted new rules for chapters 480-90 and 480-100 WAC, which became effective on June 3, 2001. At the adoption open meeting on March 14, 2001, two rules in each chapter, WAC 480-90/100-123, Refusal of Service, and WAC 480-90/100-153, Disclosure of Private Information, were carved out for further discussion. A Supplemental Preproposal Statement of Inquiry (Supplemental CR-102) in both Dockets was filed with the Office of the Code Reviser on May 23, 2001. A Notice for Comment and a supplemental questionnaire to obtain information for an additional Small Business Economic Impact Statement (SBEIS) questionnaire was sent to interested persons.

The Gas and Electric Operations Rulemaking teams have reviewed the comments received and are now prepared to recommend that the Commission adopt new language for WAC 480-90/100-123 Refusal of Service and WAC 480-90/100-153 Disclosure of private information.

Process:

The review process included mailing the supplemental CR-102 draft to stakeholders for comment, updating the draft to incorporate comments received, and then sending the redrafted version to all the parties notifying them that the redrafts will be brought to the Commission for adoption at the July 11, 2001 Open Meeting.

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Public participation:

Comments submitted by stakeholders have been an integral part of the development of the attached draft rules. Members of the regulated industries, government representatives, and consumers have all provided input to the drafts. Staff appreciates the stakeholders' participation throughout this process. The diverse opinions and expertise they imparted were extremely beneficial to the process.

Supplemental CR-102 comments received:

Following service of the Supplemental CR-102's, the Commission received written comments from the following parties on May 18, 2001:

Avista Utilities,
Jay Lei,
Northwest Natural Gas,
Public Counsel,
Puget Sound Energy,
The Boeing Company, and
TrizecHahn Office Properties, Ltd.

The majority of the comments received recommended changes to specific portions of rules. The remainder contained statements of support for the rules in general, statements of support for a specific concept contained in the rules, or asked for an explanation of draft provisions. The rulemaking teams discussed each comment for final determination as to whether the rules should be edited prior to the recommendation for adoption. Attachments A and B are the revised draft gas and electric 123 and 153 rules proposed for adoption with the Staff-recommended edits in legislative format from the Supplemental CR-102 version.

Issues regarding WAC 480-90/100-123 & 153:

WAC 480-90/100-123 Refusal of service. This section was subject to extensive comment and the new language reflects consideration of those comments. Staff proposes to include a "catch all" subsection that would require a utility to file for Commission approval if the utility proposes to refuse service to a customer if the reason for the refusal is not specifically spelled out in the rule. Additionally, Staff has added a subsection (6) to inform applicants and customers about options available under Chapter 480-09 WAC. One clarification to this section is that if a utility agrees to provide service under its line extension tariff, but the customer is unwilling to pay the charges, that does not constitute refusal of service. The Consumer Affairs office of the Commission can work with the parties to resolve any issue regarding whether the charges were correctly computed.

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WAC 480-90/100-153 Disclosure of private information. In order to reflect the stakeholders' comments regarding this rule, Staff has deleted subsection (1) of the proposed language that a utility cannot use private consumer information to market services to its customers, except that the utility may use such information to market its own energy related services or products. Staff has also made minor language changes to subsection (2).

Summary:

Staff recommends that the Commission direct the Staff to prepare a Rule Adoption Order for Commissioner's review to adopt new WAC 480-90-123 & 153 and WAC 480-100-123 & 153.

Attachments: Attachment A - Draft 480-90-123 and 153 WAC
Attachment B - Draft 480-100-123 and 153 WAC