



SERVICE DATE

MAY 25 2001

CR-102 (7/10/97)

Do NOT use for expedited adoption

PROPOSED RULE MAKING (RCW 34.05.320)

Agency: WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Preproposal Statement of Inquiry was filed as WSR 99-08-105.

(a) Title of rule: (Describe Subject) Subjects under consideration are (1) consumer protection in connection with the disclosure by public utilities of customer specific information; (2) circumstances under which a utility may refuse to provide service (existing WAC 480-100-056); and (3) rules concerning responsibility for delinquent accounts (existing WAC 480-100-116).

- Original Notice
Supplemental Notice to WSR #01-02-083
Continuance of WSR

Purpose: These rules, both in current and proposed revised forms, have been extensively discussed within the agency and with interested persons and stakeholders outside the agency.

Other Identifying Information: Commission Docket No. UE-990473

(b) Statutory authority for adoption: RCW 80.01.040 General, RCW 80.04.160 Rules and Regulations.

Statute being implemented:

(c) Summary: See (j) below.

Reasons supporting proposal: The proposed rule revisions appropriately reflect current and foreseeable needs of utilities, customers, and the broader public.

- (d) Name of Agency Personnel Responsible for: Office Location Telephone
1. Drafting... Graciela Etchart, Utility Rate Research Specialist, 1300 S. Evergreen Pk Drive SW, Olympia, WA 98504 360-664-1310
2. Implementation... Carole J. Washburn, Secretary, 1300 S. Evergreen Pk Drive SW, Olympia, WA 98504 360-664-1174
3. Enforcement... Carole J. Washburn, Secretary, 1300 S. Evergreen Pk Drive SW, Olympia, WA 98504 360-664-1174

(e) Name of proponent (person or organization): Washington Utilities and Transportation Commission
Private
Public
X Governmental

(f) Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None

(g) Is rule necessary because of: Federal Law? Federal Court Decision? State Court Decision? Yes X No If yes, ATTACH COPY OF TEXT Citation:

(h) HEARING LOCATION: Commission Hearing Room Second Floor, Chandler Plaza, 1300 S. Evergreen Park Drive SW Olympia, WA 98504-7250

Date: June 27, 2001 Time: 9:30 a.m.

Assistance for persons with disabilities: Contact Pat Valentine by June 25, 2001

TDD (360) 586-8203 or (360) 664-1133

NAME (TYPE OR PRINT) CAROLE J. WASHBURN

SIGNATURE by Carole J. Washburn

TITLE SECRETARY DATE 5/23/01

Submit written comments to: Secretary Washington Utilities and Transportation Commission PO Box 47250 Olympia, WA 98504-7250

FAX (360) 586-1150 By June 15, 2001

DATE OF INTENDED ADOPTION: June 27, 2001

CODE REVISER USE ONLY

MAY 23 2001

TIME 10:51 AM WSR 01-11-1457 FM

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 new or additional service if:

(a) Providing service does not comply with government regulations or the electric industry accepted standards concerning the provision of service;

(b) In the utility's judgment, there are conditions at the premises that are hazardous or of such a nature that 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 or damage;

(d) The utility is unable to obtain all necessary rights of way, easements, approvals, and permits;

(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 480-100-128 (2), Disconnection of service.

(3) Upon request by an electric 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.

(4) 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.

(5) 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 480-100-153 Disclosure of private information. (1) An electric utility may not use private consumer information, as defined in subsection (3) of this section, to market services to its customers, except that the utility may use such information to market its own energy related services or products.

(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.

(6) Electric utilities may collect and release customer information in aggregate form if the aggregated information does not allow any specific customer to be identified.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 480-100-056

Refusal of service.

WAC 480-100-116

Responsibility for delinquent accounts.