

# SERVICE DATE

MAY 2 5 2001

CR-102 (7/10/97)

Do **NOT** use for expedites adoption

## PROPOSED RULE MAKING (RCW 34.05.320)

Agency: WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION		□ Original Notice	
Preproposal Statement of Inquiry was filed as WSR 99-08-105.			* Supplemental Notice
(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).		to WSR #01-02-083	
Purpose: These rules, both in current and with interested persons and stakeholders whether the proposed rules should be add and the broader public interest.			
Other Identifying Information: Commission	Docket No. UE-990473		
(b) Statutory authority for adoption:		Statute being implemented:	
RCW 80.01.040 General, RCW 80.04.160 Rules and Regulations.			
			•
(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. The proposed language serves the intended purpose of serving the public and promoting the well-being of the citizens of the state. The proposed revisions are a result of four stakeholder workshops held in June and October 1999, and May 2000, written comments filed, and discussions with stakeholders and staff.			
(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		□ 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?	No Citation:	COPY OF TEXT	
h) HEARING LOCATION:		Submit written comm	ents to:
Commission Hearing Room Second Floor, Chandler Plaza, 300 S. Evergreen Park Drive SW Olympia, WA 98504-7250	*.	Secretary	Transportation Commission
Date: June 27, 2001 Time: 9:30 a.m.			By June 15, 2001
Assistance for persons with disabilities:			ADOPTION: June 27, 2001
Contact Pat Valentine by June 25, 2001  CDD (360) 586-8203 or (360) 664-1133		The state of the s	REVISER USE ONLY
IAME (TYPE OR PRINT) GAROLE J. WASHBURN			1 9 000
IGNATURE BY CANALY			MAY 2 3 2001
ITLE SECRETARY	DATE 5/23/01		10-51 Cm
		WSB OL	11-1U7 PM

X NO

· · · · · · · · · · · · · · · · · · ·	(COMPLETE REVERSE SITE)		
(j) Short explanation of rule, its purpose	nd anticipated effects:		
substantive changes or additional rules are require more effectively organized. Current rules have be achieve and whether the rules are consistent with	sed rules continue under review in Docket No. UE-990473. The review considers whether ed. The proposal recommends repealing the existing rules in order to allow the rules to be sen reviewed to consider whether they provide the results that they were originally intended to laws and with appropriate and lawful policies. New rules have been added to ensure clear dures or to provide complete information important to regulated companies and the customers		
Two new rules are being proposed for adoption. Two existing rules are being proposed for repeal.			
	0-153, Disclosure of private information. Proposed new rule WAC 480-100-123, Refusal of VAC 480-100-056, Refusal of service and WAC 480-100-116, Responsibility for delinquent		
Does proposal change existing rules? X	YES DO If yes, describe changes: See Item J above.		
(k) Has a small business economic impact statement been prepared under chapter 19.85 RCW?			
□ Yes. Attach copy of small business economic impact statement. The SBEIS was previously filed with the Original CR-102 WSR #01-02-083 on January 2, 2001. A copy of the statement may be obtained by writing to:			
telephoning: faxing:			
X No. Explain why no statement was prepared. According to the responses to the SBEIS Questionnaire, there will be no incremental costs that will result from these rules.			

(I) Does RCW 34.05.328 apply to this rule adoption?  $\hfill \square$  YES  $\hfill \times$  N Please explain: The Commission is not an agency to which RCW 34.005.328 applies.

### **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 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.