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Comments RE: Prior Obligation

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Graciela,

STATE OF WASH.  
UTIL. AND TRANSP.  
COMMISSION

We are planning on commenting on the prior obligation rule, but not before Friday since we now have various emergency surcharge cases going. So you can have some sense of our ideas, consider this email to be fairly indicative of our current thinking.

Our first choice, and the one most supported by the record we feel, is to keep the existing rule in place. Has PSE provided the data on frequency of use that Phil Popoff promised Commissioner Oshie at the last open meeting? In the face of significant rate increases pending before the WUTC it seems a singularly inopportune time to weaken consumer protections.

All that aside, it seems to me that a compromise position would be 3 POs/yr. for those utilities with bill assistance plans meeting the leg's statutory requirements and approved by the UTC, and the current rule absent meeting that standard.

I think it would be useful to capture the good work staff did on defining priors and have no objection to the proposed language currently in place. I also would not object to a waiver provision allowing companies to not reconnect those persistent abusers, I contend that the waiver language contained in the "uneconomic to serve" subsection would be adequate but would be willing to look at other language too.

It seems to me that such an outcome would:

1. link the UTC's rules more closely to the articulated remedies of the Leg, something I believe the Chairwoman to be interested in;
2. provide an incentive for those utilities that believe they have a problem with abuse or potential abuse of the PO rule to put in place an alternative solution;
3. provide those utilities who believe they can identify the small number (according to PSE, a dozen) of customers who willfully take advantage of the rule with a remedy for ensuring compliance, or in the alternative, cutting them off; and
4. Not significantly weaken existing consumer protections without providing at least the opportunity for customers to seek alternate protection. (absent a compromise, i think its fair to say we would continue to view this as a fairly arbitrary curtailment of existing consumer protections, and the weakness of the record as to the reasonableness of 3 (or 2 or any #) would make such a choice pretty tough to defend).

Feel free to share this email within Staff as you consider your position.

Matt Steuerwalt,  
-Public Counsel