

Washington UTC Complaint CAS-21671-W6Q5N1

Company:

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Account #: not assigned

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Complaint Information:

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Serviced By: Alice Fiman

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Description:

Complaint to:
Washington Utilities and Transportation Commission

Re: Avista Utilities located in Spokane County Washington

Avista Utilities in Spokane County has overstepped its authority and is abusing power by deciding to unilaterally deny service to customers that have been without power for 12 months or more.

I am the Spokane County Superior Court Administrator appointed to manage of the Estate of Doreen L. Hodin. On or about May 24th 2017, while attempting to settle her estate, I requested that Avista electric and gas service be restored at the property of the decedent located at 17120

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East 3rd Avenue, Spokane Valley, WA. Since the power has been off for more than 12 months, Avista informed me that I was required by law to obtain a Washington State Department of Labor & Industries (L&I) inspection before the power (or the gas) would be reconnected.

I have been a licensed contractor, property manager, and real estate owner/developer for 30 years in the state of Washington. Avista's demand seemed unreasonable to me; why would the PUC insist that ALL homes that have had a suspension of services need a new electrical inspection when the homes are already metered and have previously passed an L&I inspection. It seemed to me that this might be beyond Avista's purview.

While I had heard of this requirement, I was unaware of any rule or law requiring such a request, so I asked for the RCW or PUC rule allowing such authority. Avista referred me to the Avista Blue Book, i.e., Avista's own policy/procedure manual. I continued to ask for a statutory authority but Avista was unable to provide one; they continued to insist their rule was in compliance with the law and demanded that an L&I electrical inspection be completed, so I filed an informal complaint with WA PUC with the hope of getting an answer and resolution.

On July 5, 2017 the commission staff advised me that they believed that Avista should conduct its own inspection before requiring an applicant for service to obtain a (second) L&I electrical inspection. On July 13th, 2017, the commission staff reversed its opinion saying that Avista asserted it is prohibited by the National Electric Safety Code from inspecting downstream from its demarcation point (the meter). (since the NESC is voluntary, they can't really be a "prohibited" can they??)

In most jurisdictions (including Washington State) the electric company is mandated to LOOK to see if the Electrical Permit is completed on the homes' circuit breaker panel before placing the meter. So, if the meter is on the property the home has already been inspected, the homeowner should not need another inspection. Unless a hazard is observed Avista has no reason to deny service. The "prohibited" reasoning is a "red herring".

In addition, staff advised me that Avista has safety concerns because of past problems they discovered or otherwise have been made aware of. Avista cited WAC 480-100-123 (2) (b) as the statutory authority that allows them to refuse service to any home that has not had service for 12 months or more regardless of the actual condition of the property, but it does not.

WAC 480-100-123 (2) (b) is quite clear that Avista can only refuse the requested restoration of service if the: "customer's installation of wiring or electrical equipment is considered hazardous or of such a nature that safe and satisfactory service cannot be provided". It is only reasonable then that Avista would have to first know of some defect, i.e., Avista would have to "take a look" if they had a reasonable concern; just as they "take a look" for the permit on the circuit breaker box before activating electrical service.

There is no evidence of hazard at the home in question, none but I contacted L&I to understand their position on this. The representative there candidly said that in most of the homes the L&I inspects under these conditions there is no tampering and no hazard but that "Avista likes us to do that for them" (an inspection).

Avista has unilaterally decided that every home without continuous electrical service for 12 months or more is automatically hazardous and must have an L&I inspection (perhaps to avoid sending their own personnel to “take a look” first, and of course, being unwilling to take the word of the homeowner that there have been no changes since the inspection?).

So to conclude:

- 1) Avista’s decision to deny service to me is unlawful; it lacks Rule of Law.
- 2) Avista’s presumption that such homes are hazardous is unreasonable without some evidence that a hazard exists as per WAC 480-100-123 (2) (b) and is thereby unlawful.
- 3) Avista is in violation of RCW 80.28.110 by not turning on the GAS as requested back in May.
- 4) Avista is in Violation of RCW 80.28.110 by not turning on the electrical service without evidence of a hazard; solely based on “what if” fears a hazard might exist.
- 5) It is unreasonable and unnecessary to cause the expense of an inspection without evidence of a hazard. Avista has no research to support its position that there are a sufficient number of homes with hazards that the PUC should modify the requirements before services to be reinstated.
- 6) It is redundant to perform an inspection to an intact property that is already metered and has had a lawful inspection without evidence of tampering.

Avista has overstepped their authority and is abusing power by deciding to unilaterally deny service to customers that have been without power for 12 months or more. There is always a risk, whether a home is empty or not that someone will tamper with a system. I hope the Department will slap Avista around a bit and make them turn on the power at this location. I believe Avista should make a cursory visit to scrutinize, evaluate and look for obvious hazards if they fear there might be one; even double check that the L&I Inspection Permit is in place or have the homeowner sign an indemnification; to do anything less is tantamount to Avista being allowed to write their own laws.

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