SUMMARY OF COMMENTS
January 24, 2001 Request for Comments
GAS & ELECTRIC OPERATION RULES
WAC 480-90/100

Dockets UG-990294 & UE-990473

Attachment A

CR-102 WAC Language:	Interested Party	Interested Party Comments:	Staff Response: (Disagreements in bold)
UTILITY RESPONSIBILITY: **WAC 480-100-148 (2)** **Service Responsibilities (Electric).** (2) Electric utility responsibility. Each electric utility: (a) Must install and maintain equipment within its system that may be necessary to operate the electric system. The commission may require the utility to provide additional equipment in connection with performing special investigations, if economically feasible; (b) Must promptly notify all affected customers of a change to the service that would affect the efficiency of operation or the adjustment of the customer's equipment. If an adjustment to the customer's equipment is necessary, the cost may be recovered in accordance with the utility's tariff, except that, when the customer has been notified of a change in service prior to receiving service or when such change is required by law, the customer must bear all costs in connection with making changes to the customer's own equipment. (c) Must maintain its plant in such a condition that will enable it to furnish safe, adequate, and efficient service and meet applicable state and federal standards. (d) Must make all reasonable efforts to avoid interruptions of service and, when such interruptions occur, must endeavor to reestablish service with the shortest possible delay. Interruptions as used in this subsection do not refer to the discontinuance of service to those customers receiving service under an interruptible service schedule.	**PUGET SOUND ENERGY**	(2a) - The Proposed Revisions would require an electric utility to "install and maintain equipment within its system that may be necessary to operate the electric system." The Proposed Revisions do not define the phrase "necessary to operate the electric system." Because this term is not defined, the exact limits of this obligation are unclear. PSE recommends that the Commission reject this portion of the Proposed Revisions and retain the language currently contained in WAC 480-100-076 regarding an electric utility's responsibilities for the installation and maintenance of equipment. (2b) - This section of the Proposed Revisions would require electric utilities to notify "all affected customers of a change to the service that would affect the efficiency of operation or the adjustment of the customer's equipment." PSE notes that this portion of the Proposed Revisions differs from the existing WAC 480-100-076 in that the word "substantial" has been removed from in front of the word "change" in this portion of the Code. The reasoning behind this change is unclear. In that regard, it would be difficult to imagine a time when an electric utility would not be making changes – usually minute and momentary – to a customer's service that would affect the efficiency of operation. Such changes are inherent in the operation of an integrated electric distribution system. To require an electric utility in inform a customer of each such change would be unduly burdensome to the utility and an unwelcome and annoying imposition on the customer. PSE recommends that the Commission retain the requirement that electric utilities inform customers of a change in service that would affect the efficiency of operation or require an adjustment to the customer's equipment only when such changes are "substantial." (2d) - This section of the Proposed Revisions would require an electric utility to "make all reasonable efforts to avoid interruptions of service, and, when such interruptions occur, must endeavor to reestablish service with the shortest possible delay." PSE is concerned that this language may interfere with utilities' ability to take sequential, cost-effective steps to address localized service issues. PSE recommends the Commission retain the standard from the current WAC 480-100-076 that utilities "shall endeavor to avoid interruptions of service . . . ." Moreover, the term "shortest possible	Staff agrees and proposes to revert back to existing rule language. Staff agrees and proposes to revert back to existing rule language. (2d) Staff believes that it is not realistic to determine in abstract all possible circumstances in which interruptions of service occur, circumstances that reflect situations that are very dynamic over time. Consequently, it was staff's intention in reviewing this subsection to provide the commission and the utilities ~~with certain flexibility in the language~~

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		delay" is also unclear and is over-broad to the extent that it suggests that speed is the sole factor to be considered in reestablishing service. PSE recommends that the Commission retain the standard from the current WAC 480-100-076 that utilities reestablish service with a "minimum" of delay. As PSE understands Staff's concerns with the current portion of WAC 480-100-076 concerning interruptions of service, Staff wishes to change the existing Service Responsibilities to require electric utilities to respond to interruptions of service in a manner consistent with current industry practice. As we discussed on Thursday, PSE believes that the language in proposed WAC 480-100-148(2)(d) is overbroad and ambiguous. In order to address Staff's concerns, PSE proposes the following language: "Each utility shall endeavor, in a manner consistent with Good Utility Practice, to avoid interruptions of service, and, when such interruptions occur, reestablish service in a manner consistent with Good Utility Practice. For purposes of this subsection, 'Good Utility Practice' means any of the practices, methods, and acts engaged in or approved by a significant portion of the electric utility industry during the relevant time period, or any of the practices, methods, and acts that, in the exercise of reasonable judgment in light of the facts known at the time the decision was made, could have been expected to accomplish the desired result at a reasonable cost consistent with good business practices, reliability, safety, and expedition. Good Utility Practice is not intended to be the optimum practice, method, or act to the exclusion of all others, but rather to be acceptable practices, methods, or acts generally accepted in the Western Interconnection." This language would incorporate the "Good Utility Practice" standard from the Federal Energy Regulatory Commission's Open Access Transmission Tariff and would establish a widely used standard for the reestablishment of electric service. It would address Staff's concerns that the interruptions of service language recognize an industry-wide standard, while also permitting electric utilities to reestablish service in a manner that weighs good business practices, reliability, safety and expedition with reasonable cost.	with certain flexibility in the language of the rule. Staff recognizes that circumstances surrounding utilities and utility customers vary among utilities and within the same utility. Consequently, staff believes that this language needs to be kept general in order to fit different situations. Staff has redrafted section (2d) to read: "Must make those efforts that are reasonable under the circumstances to avoid interruptions of service and, when such interruptions occur, to reestablish service with a minimum of delay." We believe this satisfies PSE's concern.

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		PSE suggests that, to the extent that the Commission is unwilling to retain the current language in WAC 480-100-076, the above language be adopted. Other - PSE recommends that the Commission retain language similar to the current WAC 480-100-076 that states that interruptions to service necessary in conjunction with modifications or repairs shall be during working hours when practicable. Retaining such language would balance the benefits of minimizing inconvenience to customers against the additional cost to them of paying for work performed outside of normal working hours.	Staff agrees and proposes adding back existing rule language.
WAC 480-90-148 (3 & 4) **Service Responsibilities (Gas).** (3) Interruption of service. The term "interruptions" as used in this rule refers to the temporary discontinuance of gas flow to any customer(s) due to accident, required repairs or replacement, or to the actions of municipal or other agencies. It does not refer to the discontinuance of gas flow to those customers receiving service under an interruptible service schedule. The gas utility must make all reasonable efforts to avoid interruption of service and, if an interruption occurs, will endeavor to reestablish service with the shortest possible y. When it is necessary for a utility to interrupt service, the utility may, without incurring liability, suspend service for such periods as may be reasonably necessary. (a) Scheduled interruption. Each gas utility must minimize the inconvenience to customers when it is necessary to make repairs or changes to its facilities that require the interruption of service. The gas utility must notify all customers affected by a scheduled interruption through newspapers, radio announcements, or by other means, at least one day in advance of the scheduled interruption.	**PUGET SOUND ENERGY**	Service Responsibilities—Proposed Gas Rule Reporting requirements of service interruptions have been revised in the proposed rules, creating an inconsistency with WAC 480-93-210. The proposed rules would require utilities to file reports to the Commission in the event any firm customer is interrupted. The existing language is consistent with the gas safety rules that require reports when 25 or more firm customers are interrupted. Revising the rule, as proposed, would create inconsistencies among the WAC rules. Rather than mimic the requirements in the safety rules, it would be most reasonable to drop references to interruptions in this report, since those requirements are more fully addressed in WAC 480-93.	**WAC 480-93-210, Interruptions to Service, addresses the requirements of the utility if its gas facilities fail (accident or failure), not scheduled interruptions. This rule (480-90-148) covers scheduled interruptions. We have revised the language accordingly (eliminated language regarding forced interruptions) and have reverted back to the "25 or more customers" reporting requirement for scheduled interrruptions.**

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(b) Forced (emergency) interruption. The company may curtail firm gas service in the event of an emergency or when forces beyond the control of the utility require interruption. No curtailment of firm customers will be allowed until all interruptible customers have been curtailed in the affected area. (c) The utility must individually notify police and fire departments affected by an interruption of service. (4) Record of interruptions. Each gas utility shall keep a record of all interruptions of service affecting its customers, including in such record the location, the date and time, the duration, and, as accurately as possible, the cause of each interruption. Utilities must submit copies of such records to the commission upon request.			
PRIVACY: **WAC 480-90/100-153 (1)** **Disclosure Of Private Information.** (1) An electric utility may not disclose, permit access to, or use private consumer information, as defined in subsection (3) of this section, for the purposes of marketing unregulated services or products 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. (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	**PUGET SOUND ENERGY**	**Disclosure of Private Information—Both Gas and Electric Proposed Rules** Utility Use of Information: PSE has no desire or intention to sell information about its customers, thus is generally supportive of this rule's intent. However, the proposed rule reaches beyond this scope by prohibiting utilities from even using the listed information including customer names and addresses. As drafted, this privacy rule is really an anti-marketing rule, and could have unintended consequences. For example, under this rule, PSE would be prohibited from taking proactive steps to work with Schedule 48 customers to purchase price hedges. Revising this rule to focus more specifically on the interest of preventing dissemination of information about customers would be a more reasonable approach. This could be accomplished by striking the first paragraph of the proposed rules, which would still prevent utilities from disseminating the sensitive information to any other party. Regulated/Unregulated Services: Another concern with this rule is that it focuses on marketing of ANY product or service. This could have the unintended consequence of limiting a utility's ability to market Commission regulated and approved service, either by the utility itself or using business partners where such strategies would be more effective. Clarifying that this rule applies only to non-regulated service would help avoid these negative, unintended consequences.	Staff has redrafted Section 1 allowing companies to use private consumer information to market energy-related services or products to its customers, provide and billing for services the customer requests; providing information to its customers and release of information to the commission to investigate or resolve complaints. Section 3 states private consumer information includes the customer's name and address, telephone number, etc.

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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.	**AVISTA UTILITIES**	consequences. **Disclosure of private information** This proposed rule change will lead to outcomes that may not be in utility customers' best interests. Part (2) of this rule would prohibit the sharing of specific customer information with affiliates, subsidiaries, or other third parties. Utilities currently provide several services to regulated customers —which by all accounts are considered to be beneficial—in partnership with third parties. As an example, some energy efficiency programs available to regulated customers are provided through trade allies. This third party involvement spans the spectrum from simple product support to complete marketing responsibility. In fact, the Company would need to obtain a waiver from this rule to allow winning DSM bidders to implement programs under Avista Utilities' Request for Proposals (pursuant to WAC 480-107, Docket No. UE-001081). As another example on the natural gas side, utilities also rely on third parties to assist in the development of system improvements such as gas main extensions. Third parties aid in marketing end-use products and signing up customers prior to build-out to demonstrate cost-effectiveness of such a project. This rule, and its counterpart in WAC 480-90, would prohibit such activities. The Company wants to be clear that it is not opposed to a rule limiting the disclosure of private information. The Company suggests one of two approaches to modifying this proposed rule. ***Approach #1: Add clarifying section to note exceptions such as the following*** "(6) This section does not prevent the utility from providing information to suppliers of energy efficiency services and products." ***Approach #2: Rewrite rule based on expressed purposes*** Avista Utilities understood that the purpose of a private information disclosure rule would be to prevent the selling of a utility's customer list or to prohibit a subsidiary from gaining a competitive advantage based on usage-sensitive customer data. The proposed rule goes significantly beyond these parameters. The proposed rule could be rewritten to embody these two goals.	**The customer should have control over how his/her private information is used. The customer should not be marketed by any company who the customer has not provided his/her private consumer information to, unless the customer has given permission for his/her information to be used in this way.**

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	NORTHWEST NATURAL GAS	**Disclosure of private information.** NW Natural strongly opposes the inclusion in this rule of the language proposed under Section (1). As proposed, the rule would prohibit the utility from using customer information to inform and/or market to its own customers the types of services that, even though they may be unregulated, serve to provide potential benefits to ratepayers generally, such as equipment sales and/or financing services, appliance repair or warranty services, upstream capacity sales services, and many other similar services. This section is unnecessary, and is not in the best interests of the utility or its customers. We understand the concern to protect the privacy of the consumer and agree that appropriate measures should be taken to ensure customers are properly protected. However, it would appear that the consumer's rights to privacy are sufficiently protected under Section (2). It would be our preference that the proposed Section (1) be eliminated in its entirety. In the alternative, and at a minimum, we suggest that Section (1) be revised as follows: A gas utility may not disclose or permit access to ~~or use~~ private consumer information, as defined in subsection (3) of this section, to any third party for the purposes of marketing unregulated service 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.	Staff has redrafted Section 1 allowing companies to use private consumer information market energy-related services or products to its customers, provide and billing for services the customer requests; providing information to its customers and release of information to the commission to investigate or resolve complaints.
DEPOSIT REQUIREMENTS: **WAC 480-90/100–113** **sidential Service Deposit Requirements** (1) Deposit criteria for current residential customers. An electric utility may collect a deposit from its own customers for residential service only if: (a) At any time during the prior twelve months, the utility has sent the customer three or more delinquency notices; (b) The utility has disconnected the customer's residential service for nonpayment; or (c) There is a prior customer living at the residence who owes a past due bill to the utility at that address.	**AVISTA UTILITIES** **PUGET SOUND ENERGY**	**Customer deposits** The changes contained in this rule will likely lead to increased write-offs. When compared to the existing rules, utilities lose flexibility because the proposed rules can lead to under-calculating the appropriate deposit amount. Examples of reduced reasonable flexibility include section (1)(a) in which the number of prior delinquencies allowed is increased from one to three and section (3) in which the most recent 12 months actual usage is required, not recognizing that dwellings may be unoccupied, but energized, for periods of time. Quantifying the impact on write-offs is difficult; but it stands to reason that if tools to reduce bad-debts are weakened, then the magnitude of bad-debts will increase. Avista recommends that the existing rule be retained. Section (3) - The proposed rule significantly and unreasonably limits the flexibility for utilities to calculate deposits owed by ~~residential customers relative to the current rules. The proposed~~	**Staff disagrees with Avista's comment regarding section (1a). The proposed language in (1a) reflects existing rule language for existing customers. For new applicants it raises the standard from two to three delinquencies.** Staff agrees with Avista's comment regarding section (3). We propose reverting back to existing language that allows deposit to be based on "estimated billings". Staff agrees with PSE's comment regarding section (3). We propose

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(2) Deposit criteria for residential applicants. A utility may collect a deposit from an applicant for residential service only if: (a) The applicant has met the conditions described in subsection (1) of this section with another electric utility; (b) The applicant is not able to demonstrate continuous employment during the prior twelve consecutive months and neither is currently employed nor has a regular source of income; The applicant does not own or is not purchasing the premises to be served; (d) There is a prior customer living at the residence who owes a past due bill to the utility at that address; or (e) The applicant has an unpaid, overdue balance owing to any electric or gas utility for residential service. (3) Deposit amount. The utility may require a deposit not to exceed the amount of: (a) For utilities billing monthly, two-twelfths of the service location's most recent twelve months' usage, or if service did not exist, two-twelfths of the estimated annual usage; or (b) For utilities billing bimonthly, three-twelfths of the service location's most recent lve months' usage or, if service did not exist, three-twelfths of the estimated annual usage. (4) Deposit payment arrangements. The utility must allow an applicant or customer the option of paying fifty percent of the deposit prior to service, and paying the remaining balance in equal amounts over the next two months, on the dates mutually agreed upon between the applicant or customer and the utility. The utility and applicant or customer may make other mutually acceptable deposit payment arrangements.		residential customers relative to the current rules. The proposed language requires utilities to use actual usage from the last 12 months as the basis for calculating a deposit if service existed. Frequently, landlords will keep service connected to a residential rental property even if there are no occupants for several months between tenants, which means the current rule will understate the proper deposit amount. Under the current rules, deposits are based on "estimated annual billings." (WAC 480-100-051 (4)) The current rule provides utilities with reasonable flexibility and has had reasonable results in practice. The proposed change is not necessary, nor reasonable.	reverting back to existing language that allows deposit to be based on "estimated billings".
	CASCADE NATURAL GAS	**Residential Customers Deposit requirements (1a & other)** (1a) - Cascade believes that the requirement of 3 or more delinquency notices seems overly restrictive and will not allow the utility to obtain deposits from the higher risk customers and therefore recommends it be reduced to 2 or more notices. Additionally, Cascade believes that the utility should be allowed to collect a deposit when a customer has declared bankruptcy. At the time of bankruptcy the original account is closed and then must be re-established in order to have a clear determination of pre/post bankruptcy charges.	**Staff disagrees with CNG's comment regarding section (1a). The proposed language in (1a) reflects current rule language for existing customers. For new applicants it raises the standard from two to three delinquencies..** **Staff disagrees with CNG's comments regarding bankruptcy and deposit collection. Legal counsel has advised against adopting this practice.**
	NORTHWEST NATURAL GAS	**Residential service deposit requirements.** Refer to Section (1). Any time that the utility has knowledge that a person has committed theft or has tampered with utility facilities gives the utility good cause to require a deposit. Therefore, we suggest the following additions be incorporated at subsection (b) of Section (1): (b) The utility has disconnected the customer's residential service for nonpayment; for theft; or for tampering with utility facilities; or For clarity, we also suggest the following editorial change at (1)(c): (c) There is a prior customer living at the residence who owes a past due bill to the utility for service at that address. Refer to Section (2) (a). We agree with the intent of this subsection; that the conditions stated in Section (1) would also apply to applicants. However, these conditions should apply even if the	**Staff disagrees with NWN's proposed language. Theft and tampering is already in the disconnection of service rule, nothing is gained from this additional language.** Staff agrees and proposes to adopt this language. Staff agrees and proposes to adopt this language.

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(5) Alternative to deposit. The utility must allow any applicant or customer who indicates an inability to pay a deposit: (a) To prepay any service initiation fees and reasonably estimated regular service charges or budget billings at periods corresponding to the utility's regular billing periods for the length of time during which a deposit would ordinarily be required. The utility must then bill the applicant or customer in a normal fashion; or (b) To furnish a satisfactory guarantor. A guarantor will be considered satisfactory if the guarantor has at least established credit with the utility as outlined in this section. A utility may, at its discretion, accept a guarantor that does not meet the requirements of this section. If the customer has been disconnected, the guarantor is responsible for the amount stated on the disconnection notice, not to exceed the amount of the deposit as defined in subsection (3) of this section unless the guarantor has agreed to guarantee an additional amount as specified in subsection (7) of this section; or (c) To notify the utility of the inability to pay a deposit as provided in WAC 480-100-143, Winter low-income payment program; (d) The opportunity to provide a reference from a similar utility that can be quickly and easily checked if the conditions in subsection (1) of this section cannot be met. (6) Transfer of deposit. When a customer moves to a new address within the utility's service territory, the deposit, plus accrued interest and less any outstanding past-due balance owing from the old address, must be transferred or refunded.		applicant was a prior customer of the utility and is re-applying for service. As proposed, the rule could excuse an applicant from a deposit requirement if they were a prior customer of the utility, even if one of the conditions of subsection (1) existed because Section (2)(a) limits the conditions stated in subsection (1) to a relationship with another natural gas utility. Therefore, we suggest that this subsection be revised as follows: *(a)* ~~The applicant has met~~ Any of the conditions described in subsection (1) of this section existed on prior occasion as a customer of the utility or as a customer of another natural gas utility; Refer to Section (3). As proposed, the rule would require the utility to calculate a deposit based on actual usage at a premise for the previous twelve months. This is a fairly significant change from the existing rule, and one that will negatively impact the utility. The requirement to use actual usage does not take into consideration the fact that not every premise will be occupied twelve months a year. Especially in the case of rental units, the premise could be unoccupied for months at a time. Actual usage then would result in a significantly lower deposit requirement than is warranted. We believe that the provisions of the existing rule continue to be appropriate. Therefore, we suggest that Section (3)(a) and (b) be revised as follows: (a) For utilities billing monthly, two-twelfths of the estimated annual billings for the service location. ~~'s most recent twelve months' usage, or if service did not exist, two-twelfths of the estimated annual usage~~; or (b) For utilities billing bimonthly, three-twelfths of the estimated annual billings for the service location. ~~'s most recent twelve months' usage or, if service did not exist, three-twelfths of the estimated annual usage~~. Refer to Section (5)(d). NW Natural agrees that a reference from a similar utility would suffice as an alternative to a deposit. However, the proposed rule does not specify the form of the reference, and would place the burden of verifying the applicant's reference on the utility. Even if the utility is able to check the reference by a simple	Staff agrees with NWN's comment regarding section (3). We propose reverting back to existing language that allows deposit to be based on "estimated billings". **Staff disagrees. Limiting the acceptable form of reference to a letter from another utility places an undue burden on the customer and**

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		telephone call, this act would increase the time and cost of processing the application. Since this is an option that benefits the applicant, it seems appropriate that the applicant hold the responsibility to produce an acceptable reference that would not require subsequent verification by the utility. We believe that it is also prudent to specify the acceptable form and content of the reference in the rule. Therefore, we suggest that the rule be revised, as follows: (d) The opportunity to provide a ~~reference from a similar utility that can be quickly and easily checked if the conditions in subsection (1) of this section cannot be met.~~ letter from another similar utility on that utility's official stationary, signed by an authorized employee and stating, at a minimum, that the utility served the named applicant within the preceding twelve months, that the applicant voluntarily terminated service, and that the applicant paid the final bill by its due date.	**the other utility.**
		Refer to Section (6). It is possible that a customer who moves to a new address will have an unpaid balance, but that balance may not necessarily be past-due. The current rule uses the term "outstanding balance". We know of no reason why staff would propose that the rule be changed to apply only to outstanding past-due balances, so we suggest the rule be revised as follows: *(6)* Transfer of deposit. When a customer moves to a new address within the utility's service territory, the deposit, plus accrued interest and less any outstanding ~~past-due~~ balance owing from the old address, must be transferred or refunded.	Staff agrees and proposes striking the words "past-due".
	PACIFICORP	Should no restriction on the number of times prior obligation is used be desired, we recommend the Commission consider strengthening the deposit policy to require the entire deposit at the time of reconnection for those who use prior obligation, or, at a minimum, on-half the deposit before reconnection and the other half with 30 days. We would also suggest limiting Alternative to Deposit found in WAC 480-100-113 (5) perhaps retaining only section (b) as an alternative to a deposit for customers who use prior obligation.	Staff is recommending a restriction of three prior obligations per calendar year be adopted.

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		Allowing the utility the opportunity to collect a deposit in a timely manner from customers who use prior obligation would lessen the risk that further write-offs would be incurred from that same customer, thus reducing the company's financial exposure and the subsidy paid by other customers for write-offs incurred by prior obligation. As we have stated in earlier comments, the company would also recommend applying prior obligation to residential customers only and we strongly support the proposed rule change in this regard. We believe prior obligation was never intended for nonresidential customers and it is inequitable to expect other customers to subsidize businesses through prior obligation.	
WAC 480-90/100-118 **Nonresidential Service Deposit Requirements.** (1) Deposit criteria for nonresidential customers. An applicant for nonresidential service may be required to demonstrate that it is a satisfactory credit risk by reasonable means appropriate under the circumstances. (2) Deposit amount. The electric utility may require a deposit not to exceed the amount of: (a) For utilities billing monthly, two-twelfths of the service location's most recent twelve months' usage, or if service did not exist, two-twelfths of the estimated annual ge; or (b) For utilities billing bimonthly, three-twelfths of the service location's most recent twelve months' usage or, if service did not exist, three-twelfths of the estimated annual usage. (3) Transfer of deposit. When a customer moves to a new address within the utility's service territory, the deposit, plus accrued interest and less any outstanding past-due balance owing from the old address, must be transferred or refunded. (4) Additional deposit. If a deposit or additional deposit amount is required after	**PUGET SOUND ENERGY** **CASCADE NATURAL GAS**	**Customer Deposits—Non-Residential Customers, Gas and Electric Proposed Rules** Deposits for non-residential customers in the proposed rules would also be based on the last 12 months of actual usage if service existed at that location. Energy consumption by non-residential customers is even less homogenous than for residential customers. Applying the new, inflexible approach to non-residential customer deposits is even less reasonable. Under the current rules, PSE estimates consumption based on the customer's appliances to calculate a deposit. Again, the current rule provides a reasonable degree of flexibility for utilities to operate and has provided reasonable results. The proposed change should be rejected. **Non-Residential Customers Deposit requirements** Cascade has several concerns with this proposed rule. Cascade believes that the 2/12 requirement is acceptable for residential deposits however the risk associated with non-residential customers is much greater as they normally incur much higher monthly bills. Cascade's 189 non-core customers utilized over 1.3 billion therms during fiscal year 2000. Many of these non-core customers not only utilize Cascade for their distribution services, they also purchase their gas supply and pipeline transportation through Cascade's unbundled tariffs (Rate schedules 681 through 686). The gas supply and pipeline transportation charges associated with these customers amounted to almost $39 million during fiscal year 2000. Based on section 480-90-051 (11), the utility could require a new deposit or larger deposit, if the circumstances warranted. Unfortunately this language was omitted from the proposed rule. Therefore, Cascade believes section 480-90-118 (4) should be modified to read as	Staff agrees with PSE's comment regarding section (2). We propose reverting back to existing rule language that allows deposit to be based on "estimated billings". Staff agrees. The existing language pointed out by CNG was inadvertantly omitted and we propose making the suggested change and to allow other forms of deposits.

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the service is established, the reasons must be specified to the customer in writing. Any request for a deposit or additional deposit amount must comply with the standards outlined in this section.		believes section 480-90-118 (4) should be modified to read as follows: "Nothing in this rule shall prevent the requirement of a larger deposit or a new deposit when conditions warrant. If a deposit or additional deposit amount is required after service is established, the reasons must be specified in writing to the customer." Additionally, Cascade believes that provisions for alternatives to deposits such as irrevocable letters of credit, surety bonds, or guarantors should be added to the proposed rule. This would provide security to the utility, without undue hardship on the customers.	
	NORTHWEST NATURAL GAS	**Nonresidential services deposit requirements.** Refer to Section (2). The deposit amount requirements for nonresidential consumers is exactly the same as the requirement for residential consumers. This amount is adequate when applied to small commercial accounts. However, it is wholly inadequate when applied to large commercial and industrial accounts. For these customers, the utility should have the flexibility, by tariff, to collect a deposit in an amount that is more reflective of the financial risk on a customer specific basis. This could mean the collection of a larger deposit amount and/or a requirement that the customer provide another form of security, such as a letter of credit or bond. Therefore, we suggest that Section (2) of this rule be revised as follows: (2) Deposit amount. Except as otherwise provided in a utility's tariff, the utility may require a deposit not to exceed the amount of: (a) For utilities billing monthly, two-twelfths of the estimated annual billings for the service location. ~~'s most recent twelve months' usage, or if service did not exist, two-twelfths of the estimated annual usage~~; or (b) For utilities billing bimonthly, three-twelfths of the estimated annual billings for the service location. ~~'s most recent twelve months' usage or, if service did not exist, three-twelfths of the estimated annual usage~~. Refer to Section (3). Similar to our comments above, we suggest	Stafff agrees and proposes to add back existing language that allows deposits to be based on estimated annual billings. We also propose adding back current rule language that allows the utility to collect a larger, new, or alternative form of deposit if circumstances warrant. Staff agrees and proposes removing the ~~words "past-due"~~.

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		Section (3) of this rule be revised as follows: *(3)* Transfer of deposit. When a customer moves to a new address within the utility's service territory, the deposit, plus accrued interest and less any outstanding ~~past-due~~ balance owing from the old address, must be transferred or refunded.	words "past-due".
MEDICAL EMERGENCY INFO: **WAC 480-90/100-128(5a)** **Disconnection Of Service.** (5)(a) … If the utility requires written certification, it may not require more than the following information: (i) Residence location; (ii) An explanation of how the current medical condition will be aggravated by disconnection of service; (iii) A statement of how long the condition is expected to last; and (iv) The title, signature, and telephone number of the person certifying the condition;	**PUGET SOUND ENERGY**	Disclosure for Medical Emergencies: PSE has supported changes to disconnection of service language to broaden the scope of medical facilities, change timing, and other revisions proposed by Staff. However, the proposed rules have omitted an important piece of information for efficiently administering this rule. Customers claiming medical emergency to avoid disconnection of service are no longer required to identify the name and relationship of the ill resident to the customer. Without this important information, utilities seeking to verify the medical emergency claims will only be able to use a patient's address when talking with a doctor's office. This may lead to confusion and require additional verification activity for the customer during a very stressful time. It is difficult to understand how dropping this language will meet the Governor's objectives or further the public interest.	**Staff disagrees. Legal counsel has advised staff that the commission should not require the customer to identify the name and relationship of the ill resident because of right to privacy issues.**
	AVISTA UTILITIES	**Disconnection of service, Medical emergencies** This proposed rule change would remove some limits on medical certification and reduce utilities' ability to verify such claims. The Company recommends that the provision to identify the name and situation of ill residents be retained as in the current rule.	**(Same response as above)**
	CASCADE NATURAL GAS	The second area of concern is the disclosure requirements for Medical Emergencies. Cascade is concerned that the proposed rule does not require the name of the person affected and relationship to the customer of record be disclosed, as currently required in the existing rules. This is important information which most medical practitioners routinely provide and is necessary to efficiently administer this rule. Without this information, utilities seeking to verify the medical emergency claims will only be able to use a patient's address when talking with a doctor's office, which will only cause confusion when the person with the medical condition is not the customer of record.	**(Same response as above)**
WAC 480-90/100-128(3a) **Disconnection Of Service.** (3) Utility-directed with notice. After properly notifying the customer, as	**PUGET SOUND ENERGY**	Customer Disconnection for Non-Payment Choice: At the Commission's December 13, 2000, Open Meeting, Public Counsel advocated that customers of combined utilities that do not pay their energy bills should have the choice of which fuel to disconnect,	The proposed language allows utilities with combined accounts for gas and electric service to choose which service

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properly notifying the customer, as explained in subsection (6) of this section, the utility may discontinue service for any one of the following conditions: (a) For delinquent charges associated with regulated electric service (or for regulated electric and gas service if the utility provides both services), including any required deposit.		energy bills should have the choice of which fuel to disconnect, which would most likely be the natural gas service. Over the course of the past several months, PSE has opposed such a policy. First, in such situations, natural gas is probably the primary heating source. Customers substituting electric space heater(s) for the gas heat can create fire hazards by over-using the electric unit. Additionally, because electric space heaters are less efficient, the customer will not be able to afford the electric bill for equivalent heat. Furthermore, disconnecting and then reconnecting natural gas creates additional safety issues and requires the customer to be home for re-lighting appliances. All things considered, this proposal will probably not enhance the health, welfare, and safety of PSE's customers.	to disconnect. The staff also proposes new language requiring the utility to provide the customer with separarate balances owing for gas and electric service, if applicable, for combined accounts.
WAC 480-90/100-178(1,I,ii) **Billing Requirements and Payment Dates** (i) Clearly identify when a bill is based on an estimation. (i) The utility must detail its method(s) for estimating customer bills in its tariff; (ii) The utility may not estimate for more than four consecutive months, unless the cause of the estimation is inclement weather, terrain, or a previous arrangement with the customer;	**PUGET SOUND ENERGY**	**Billing Requirements and Payment Dates** While PSE is not strongly opposed to the specific change identified here, it is important to clearly understand the ramifications. The proposed rule include a provision that would require utilities to disconnect a customer if the utility is unable to read the meter at the customer's location for more than four consecutive billing cycles if the reason is some kind of customer hazard, such as a large dog in the yard. While such circumstances are rare for PSE, especially as our automated meter reading technology is implemented, the result of having to disconnect the customer seems extreme. The rule should allow utilities to disconnect after four consecutive unsuccessful meter read attempts but not require it. This revision would provide utilities with the ability to threaten disconnection but not require it to be used.	**Staff does not agree with PSE's interpretation of this language. Section (1,i,ii) is intended to ensure the company does not continually estimate the bill. It does not require that the Company disconnect service. The rule requires the utility to be aware of estimated bills and take a proactive approach to limit the use of estimating.**
\C 480-90-328 **Meter Identification.** Gas utilities must identify each meter by a unique series of serial numbers, letters, or combination of both, placed in a conspicuous position on the meter, along with the utility's name or initials.	**PUGET SOUND ENERGY**	**Identification of Meters—Gas Rule** The proposed rules would retain the current requirement that a utility's name or initials be placed on all gas meters. Staff explained the nameplate is important for safety to ensure clarity of where utility facilities end and a customer's facilities begin especially when customers have sub-meters at various parts of their facilities. This is a reasonable concern. However, the safety issues are adequately addressed if the name or initials on the meter's nameplate are a former name of the utility; i.e., WNG will be just as well understood as PSE. Retrofitting nameplates or placing special stickers on meters that have the utility's former name will not enhance the health, welfare, and safety of Washington citizens but will increase costs to our customers. Therefore, modifying the existing rule to allow a utility's former name it would be reasonable	**Staff disagrees. This rule has not been changed from the current rule language. Staff engineers feel its very important from a safety standpoint to be able to identify the current gas utility provider.**

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		by balancing the benefits and costs of the rule.	
WAC 480-100-363 **Portable Indicating Instruments.** (4) Electric utilities must keep history and calibration records for each portable indicating electrical instrument as long as the instrument is in service.	**PUGET SOUND ENERGY**	**Portable Indicating Instruments—Electric Rule** Currently, this rule only applies to portable indicating instruments used to determine quality of service to customers. According to the existing rule, utilities must maintain calibration records for the life of such portable indicating instruments. The proposed rule, however, expands the record keeping to all portable indicating instruments, including those used to simply determine if a line is energized. PSE supports the proposal to include the new requirement that portable indicating devises used for employee safety be properly maintained. However, PSE is concerned that the proposed rule also significantly expands record keeping requirements to include safety instruments, not just instruments for checking power quality. It is more reasonable for the Commission to leave such record keeping requirements to Labor and Industries, which specializes in adopting rules pertaining to worker safety.	Staff agrees and proposes to revise the language to limit the record keeping requirement to portable indicating instruments use to check power quality.
WAC 480-100-143(1)(b) **Winter Low-income Payment Program.** (1) During the winter months, between November 15th and March 15th, an electric utility may not discontinue residential space heating service if the customer does all of the following: (b) Provides self-certification of household income for the prior twelve months to a grantee of the department of community, trade, and economic development or its cessor. For the purposes of this section, the grantee is a contractor operating low-income energy assistance programs for the department of community, trade, and economic development. The grantee will determine that the household income is not higher than the maximum allowed for eligibility under the state's plan for low-income energy assistance. The grantee will, within thirty days, provide a dollar figure to the utility that is seven percent of the household income. For the purposes of this section, household income is defined as the total income of all household members as	**AVISTA UTILITIES**	Avista Utilities understands that community action agencies do not have the staffing and resources available to accomplish income verification as contemplated under this proposed rule change. To the Company's knowledge, no funding has been identified or provided through this rulemaking process to rectify this situation. The Commission's jurisdiction does not extend to community action agencies, leaving a potential void for program implementation. The Company recommends that this proposed rule change be rejected or, at a minimum, tabled for greater discussion.	**Staff's intention was to capture RCW 80-28-010(4) in this rule. The statute directs customers to provide self-certification of household income to a grantee of the DCTED. The grantee shall determine that the income does not exceed eligibility. Staff did not directly address community action agencies. Staff simply mirrored the RCW, which states that the grantee of DCTED will determine eligibility.**

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determined by the grantee. The grantee may verify information provided in the self-certification;			
WAC 480-90-100-173 (1 & 3) **Gas Utility Responsibility For Complaints and Disputes** (1) When a gas utility receives a complaint in any form from a customer or an applicant for service, the utility must acknowledge receipt of the complaint and: (a) Upon request, identify the utility's act to the complainant; (b) Investigate the complaint promptly as required by the particular case; (c) Report the results of the investigation to the complainant; (d) Take corrective action, if warranted, as soon as possible under the circumstances; (e) If the complainant is dissatisfied with the results or decision, inform the complainant that the decision may be appealed to a supervisor at the utility; and (f) If the complainant is dissatisfied after speaking with the utility's supervisor, the supervisor must inform the complainant of the complainant's right to file a complaint with the commission and provide the commission's address and toll-free phone number. (3) When the commission refers an informal complaint to the utility, the utility must: (a) Investigate and report the results to the commission within two business days. The commission may grant an extension of time for responding to the complaint, if requested and warranted; (b) Keep the commission informed of progress toward the solution and the final result; and (c) Respond to the commission's request for additional informal complaint information within three business days of the request or	**CASCADE NATURAL GAS** **NORTHWEST NATURAL GAS**	**Gas utility's responsibility for complaints and disputes.** In order to resolve outstanding issues as soon as possible, Cascade recommends 480-90-173(3) be modified to include the following language (d) The commission staff will respond to the utility on the resolution as soon as practical to ensure that the utility can proceed with any necessary action. **Gas utility's responsibility for complaints and disputes.** In NW Natural's experience, customers will often write remarks of complaint on their bill stub or even include a separate note with their bill payment. The nature of these remarks can sometimes be construed as a complaint or dispute, although generally the writer does not expect to receive a response from the utility. Responding to every such remark would be burdensome and very costly. It should be clear that this type of complaint does not fall within the parameters of this rule. Therefore, we recommend the following changes at Section (1) and we suggest the addition of a new section as follows: (1) When a gas utility receives a complaint ~~in any form~~ from a customer or an applicant for service, the utility must acknowledge receipt of the complaint and: (___) For purposes of this rule, remarks included with or written on bill stubs or checks that do not specify that a response is requested will not be considered a complaint or dispute.	**Staff disagrees. This rule is unecessary since staff is already responding to the utilities as soon as practical. The complaint workload in Consumer Affairs is driven exclusively by the consumers of the industries we regulate. Unfortunately, we have no control over that workload.** **Staff agrees to delete "in any form". However, staff disagrees with NWN's proposed language. There may be legitimate complaints written on customer bills.**

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at a date specified by the commission. The commission may grant an extension of time for responding to the complaint, if requested and warranted.			
WAC 480-90/100-208 **Financial Reporting Requirements** (1) Annual reports. (a) Utilities must submit the annual report for the preceding calendar year, along with the regulatory fee, by May 1st of each year. Quarterly reports. Electric utilities must file a report of actual results for Washington operations within forty-five days of the end of each quarter.	**PACIFICORP**	**Financial Reporting Requirements** *Annual Reports* - PacifiCorp has applied to FERC to file the form 1 on a calendar year basis by June 30, which is subsequent to its release of fiscal year financial information. In addition, the company will file by June 30 audited financial statements as of and for the year ended March 31 (fiscal year-en) of its regulated electric business. These financial statements will be in the form required by FERC. We request a change in the proposed rules to accommodate fiscal year companies so that they are not forced to disclose material information prior to the annual earnings release. *Quarterly Reports* – Filing a report of actual results for Washington operations within forty-five days of the end of each quarter does not create a problem except for the last quarter of the fiscal year, ending on March 31. The last quarter information is not a available for release until 90 days after the end of the fiscal year, for June 30. PacifiCorp cannot release significant financial information such as this prior to the general release. We request a change in the proposed rules to allow appropriate extensions or waivers for companies so that they are not forced to disclose material information prior to their annual earnings release.	**Staff feels that annual reports filed on a calendar year should be required in order for consistency, verifiying the regulatory fee, and for preparing our published statistical reports which are based on calendar year FERC 1 & 2 format.** **Staff feels that 45 days after the end of the quarter is sufficient time for submission of each quarterly report. Filing the Q4 report confidential or requesting a waiver remains an option for Pacificorp.**
WAC 480-90/100-108 (4)(a) **Application for Service** (4) The utility must provide the following service dates to the applicant: (a) For service at a location where utility service facilities exist and will not have to be modified in any way to serve the applicant, the utility must provide a service date at the time of application. If the utility becomes aware that the service date cannot be met, it must notify the applicant prior to the service date;	**NORTHWEST NATURAL**	**Application for service.** Refer to Section (4)(a) of this rule. Even with the best of intentions, circumstances can arise that will cause the utility to be unable to meet a service date. More often than not, these circumstances are beyond the utility's control. Further, it is not uncommon to find such circumstances arising on the very day of the service date committed to a customer. In such an instance, the utility would be in violation of this rule were it to be approved as proposed. To avoid this, we believe, unintended consequence, we suggest that the language in this section be revised as follows: (4) The utility must provide the following service dates to the applicant: ~~(a)~~ For service at a location where utility service facilities exist and will not have to be modified in any way to serve the applicant, the utility must provide a service	**Staff does not agree with NWN's proposed language. Customers have a right to notification of a change in the service date, by that date. NWN's language would allow the utility to provide notification after that date. Instead, staff proposes adding language allowing the companies to provide notification to the customers of any change of the service date "on or prior" to the scheduled service date.**

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		date at the time of application. ~~If~~ The utility must make reasonable effort to notify the applicant as soon as practicable should it becomes aware that the service date cannot be met. ~~it must notify the applicant prior to the service date.~~	
WAC 480-90/100-133 **Reconnecting Service After disconnection** (1) A gas utility must make every reasonable effort to restore a disconnected service within twenty-four hours, or other time mutually agreeable between the customer and the utility, after the customer has paid, or at the time the utility has agreed to bill, any reconnection charge, and: (c) The customer has paid any account that is not a prior obligation account as defined in WAC 480-90-123, Refusal of service, and the customer has paid any required deposit as defined in WAC 480-90-113, Residential service deposit requirements, or WAC 480-90-118, Nonresidential service deposit requirements.	**NORTHWEST NATURAL GAS**	**Reconnecting service after disconnection.** For reasons consistent with earlier comments, we suggest the following revisions at Section (1)(c): (c) The customer has paid ~~any~~ all amounts due on the account ~~that is not a~~ exclusive of certain prior obligation ~~account~~ amounts owed, as defined in WAC 480-90-123, Refusal of service, and the customer has paid any required deposit as defined in WAC 480-90-113, Residential service deposit requirements, or WAC 480-90-118, Nonresidential service deposit requirements.	Staff proposes to revise the language as follows: (c) The customer has paid ~~any account~~ all regulated amounts due on the account that is not a prior obligation account…
WAC 480-90-158 (1) **Service Connections** (1) The gas utility must furnish, install, and maintain piping and other fittings to the customer's fuel line up to the point of delivery. The point of delivery is at the outlet of the meter or at the connection to a customer's piping, whichever is farther downstream.	**NORTHWEST NATURAL GAS**	**Service connections.** Refer to Section (1). To the best of our knowledge, the term "fuel line" is not a commonly used term. For clarity, we suggest the following edits: *(1)* The gas utility must furnish, install, and maintain piping and other fittings up to the ~~customer's fuel line up to the~~ point of delivery at the customer's premise. The point of delivery is at the outlet of the meter or at the connection to a customer's piping, whichever is farther downstream.	Staff has changed the term "fuel line" to "piping" to be consistent with the second sentence.
WAC 480-90/100-163 (1) **Service entrance facilities** A gas utility may require customers to: (1) Provide entrance facilities at the easiest access point to the utility's distribution system;	**NORTHWEST NATURAL GAS**	**Service entrance facilities.** Refer to Section (1). It is unclear what is meant by "entrance facilities". For clarity, we suggest the following edits: (1) Provide entrance to the premises to be served at the easiest access point to the utility's distribution system; and	**Staff disagrees with NWN's proposed language. The rule's intent is to have the customer's attachment be close to the utilities distribution system. We propose the following: "Provide service entrance facilities at the…"**
WAC 480-90/100-183 (5a&b)	**NORTHWEST**	**Complaint meter tests.** Refer to Section (5)(a) and (b). The	Staff agrees and has incorporated these

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Complaint Meter Test (5) If a meter test reveals a meter error greater than specified as acceptable in WAC 480-90-338, Metering tolerance, the utility must repair or replace the meter at no cost to the customer. The utility must adjust the bills to the customer based on the best information available to determine the appropriate charges. The utility must offer payment arrangements in accordance with WAC 480-90-138(2), Payment arrangements. If the utility can identify the date the customer was first billed for a defective meter, the utility must refund or bill the customer for the proper usage from that date; (b) If the utility cannot identify the date the customer was first billed for a defective meter, the utility must refund or bill the customer for the proper usage, not to exceed six months.	**NATURAL GAS**	wording implies that the customer was billed for a defective meter, as if they were paying for the meter, not the results of the meter read. We suggest the following changes for clarity: (a) If the utility can identify the date the customer was first billed ~~for~~ from a defective meter, the utility must refund or bill the customer for the proper usage from that date; (b) If the utility cannot identify the date the customer was first billed ~~for~~ from a defective meter, the utility must refund or bill the customer for the proper usage, not to exceed six months.	changes into the both electric and gas rules.
WAC 480-90-178 (1 a-j) **Billing requirements and payment date** (1) Customer bills must: (a) Be issued at intervals not to exceed two one-month billing cycles, unless the utility can show good cause for delaying the issuance of the bill. The utility must be able to show good cause if requested by the commission; (b) Show the total amount due and payable; (C) Show the date the bill becomes delinquent if not paid; (d) Show the utility's business address, business hours, and toll-free telephone number and emergency telephone number by which a customer may contact the utility; (e) Show the current and previous meter readings, the current read date, and the total amount of therms used; (f) Show the amount of therms used for each	**OTHER PARTIES**	I recently converted to gas heat and have been shocked to see that as a consumer I cannot verify my charges on either my electric bill or gas bill. Avista has been less than forthcoming with assistance and only after pushing the issue have I been placed in contact with anyone willing to discuss the issue of a clear and readable bill. I filed a complaint with John Cupp of your staff and have been advising him of my concerns regarding this matter. I found your proposed regulations on the web tonight 1-23-01and wish to ask you consider also applying similar wording as shown in new section WAC 480-90-178 section 1, sub a through j to New Section WAC 480-100-028 of the Electric bill regulations. I have attached my latest bill so that you can see I cannot Verify therms used, kilowatts used nor the price for each portion of my bill. Nowhere on the bill is a Gas core charge shown. When questioned, all I got from Avista was we don't have to and file a complaint if you want. So I did.	The Billing requirtements are identical in the proposed gas and electric rules. Staff incorporated language requiring therms, killowatts, relevants rates for each and the basic charge to be included on customer's bills.

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billing rate, the applicable billing rates per therm, the basic charge or minimum bill; (g) Show the amount of any municipal tax surcharges or their respective percentage rates; (h) Clearly identify when a bill has been prorated. A prorated bill must be issued when service is provided for a fraction of the billing period. Unless otherwise specified in the utility's tariff, the charge must be prorated in the following manner: (i) Flat-rate service must be prorated on the basis of the proportionate part of the period that service was rendered; (ii) Metered service must be billed for the amount metered. The basic or minimum charge must be billed in full; (i) Clearly identify when a bill is based on an estimation. (i) A utility must detail its method(s) for estimating customer bills in its tariff; (ii) The utility may not estimate for more than four consecutive months unless the cause of the estimation is inclement weather, terrain, or a previous arrangement with the customer; and (j) Clearly identify determination of maximum demand. A utility providing service to any customer on a demand basis must detail in its filed tariff the method of applying charges and of ascertaining the demand.		Having served as a military budget counselor and working with financial matters for years I am appauled at the attitude of Avista and lack on specific guidelines for this monopoly to be attentive to consumer needs or wants. The gas portion of the bill attached has both fixed and prorated days on it, yet does not reflect either rate or a core charge anywhere. I have, after pushing this issue up the food chain at Avista been told I will be given a special bill to reflect therm charges and units used and core charges. While others may accept the old saying "that is the way it is" I cannot accept that, and will fight for what I believe is a right of all to full disclosure and being an informed consumer. But who will ensure the simplified billing information in a clear and concise(readable bill) is available to all. I believe you can and submit this matter for your considerations. Avista has stated they will only change what you enforce. They are unwilling to be a good public servant in my opinion unless forced to by your commission. I am sorry I only found out about this regulation on 1-23-01. Avista staff did not divulge nor the offer information regarding the existence of the Rulemaking CR102 process being considered by the commission. I would have loved more time to comment with a solution in depth since I believe if I say there is a problem I am obligated to also provide a solution.	