

COMMENT SUMMARY
U-991301
Chapter 480-90, 480-100, 480-120, 480-121 Posting and Publication Rules
Comments on October 10, 2001, Discussion Draft

Updated November 21, 2001

WAC/Issue	Interested Person	Comment	Staff Response
480-(90, 100, 120)-193 Posting of tariffs for public inspection and review.			
<p>General comment.</p> <p>Subsection (1) Web, telephone, and mail access. The company must:</p> <p>(d) Include on each customer bill and notice the address of the tariff web site and the toll-free telephone number.</p>	<p>NW Energy Coalition (10/22/01)</p> <p>Public Counsel (10/22/01)</p> <p>WashPIRG (10/19/01)</p> <p>Qwest</p>	<p>The Coalition strongly supports efforts to make customers aware of potential modifications to gas and electric tariffs and to facilitate customers' participation in the Commission's decision-making processes. The proposed amendments to 480-90-193 concerning posting of tariffs for public inspection and review appear reasonable.</p> <p>We support the Commission's requirement that companies make copies of their tariffs available via the different communications methods that customers may choose.</p> <p>We support the Commission's requirement that companies make copies of their tariffs available via the different communications methods that customers may choose to use.</p> <p>Qwest respectfully requests the requirement at (1)(d) be limited to customer notices of tariff changes. It is not clear what is intended by the proposed rule language.</p>	<p>We disagree. The purpose of requiring the company to print the address of the company's tariff web site on the bill is to ensure customers can easily find the website where the company will publish its tariff changes.</p>
480-(90, 100, 120)-194 Publication of proposed tariff changes to increase charges or restrict access to services.			
<p>Subsection (2) Published notice. To comply under this method, the company must, at least thirty days before the stated effective date of the proposed change, publish notice of the</p>	<p>NW Energy Coalition (10/22/01)</p>	<p>We do not believe that implementation of the proposed new section 480-90-194 would yield sufficient public notice of proposed tariff changes. The proposed rules require utilities to inform customers either through individual notice or</p>	<p>We believe the tariff notice statutes do not give the Commission authority to require individual notice to customers. The Commission can allow companies that wish to provide individual</p>

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<p>proposed change within the geographical areas where it offers service. The company must make a good faith effort to publish this information. To meet minimum publication requirements, a company must:</p> <p>(a) Distribute copies of the published notice to community agencies and organizations in the geographic area where it offers service for posting and publication by the agency or organization. The company must include in its distribution list any agency or organization that requests these notices;</p> <p>(b) Cause to be printed in large print, as a paid advertisement, a complete copy of the published notice in the daily newspaper of general circulation with the greatest number of subscribers in each geographic area or each of the areas affected by the proposed tariff;</p> <p>(c) Provide to the news editor of every newspaper, television station, and radio station, in the geographic area within which it offers service a news release or public service announcement summarizing the published notice. The release or announcement must include a toll-free number that customers can use to obtain more information from the telecommunications company. The commission will maintain a list of area newspapers, television and radio stations and will provide it on request to any utility and</p>	<p>Public Counsel (10/22/01)</p>	<p>published notice. We strongly urge the Commission to revise this rule to require individual notice to customers and not allow published notice as a substitute. A customer is more likely to see and pay attention to a directly mailed notice than to a public service announcement or advertisement. It is critical to the public process for customers to be informed to the maximum extent possible and reasonable about potential changes in their rates and services as well as methods for asking questions and registering comments.</p> <p>Public Counsel believes that (2) permitting notice by publication will prove an inferior means of informing customers of the proposed increases in charges or restrictions in services upon which customers rely. The current proposal to allow notice by publication provides companies a means to avoid providing direct notice to customers when the company is proposing to raise the price of a tariffed service, limit its accessibility or discontinue it entirely. Given the significance of such changes Public Counsel believes it is appropriate for customers to receive direct notice so that they may raise their concerns directly with the company and the Commission. Notice by publication, if it is the sole method employed, poses a tremendous risk that affected customers would be unaware of a proposed increase in price or a change in the availability of a tariffed service that they rely upon.</p> <p>Public Counsel believes customers should <i>receive</i> notice of any proposed change at least 30 days prior to the effective date of such a change. This is particularly important for families that may have to make very difficult budget choices in order to maintain an essential service.</p>	<p>that wish to provide individual notice to use this as a form of publication, and the proposed rule offers this as an option to companies.</p> <p>See comment above about statutory authority.</p>

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	<p>City of Renton (11/15/01)</p>	<p>Additionally, the City does not have the staff available to routinely check bulletin boards at utility pay stations for potential notices. By requiring thirty (30) days notice to each customer or by published notice, the rules would be much more effective in providing actual notice to ratepayers of proposed tariff revisions. The current method is wholly inadequate to notify most ratepayers of potential tariff revisions, and if customers are unaware of proposed changes, they cannot object to them. The City supports the proposed revisions to the customer notice rules.</p> <p>I find it ironic that I, as a public agency attorney, should be writing to a public agency about a quasi-public utility keeping citizens and the government advised of its proposed changes to its tariffs that affect the general public and other government agencies. The City of Renton is an owner of right-of-way that is frequently affected by changes in tariffs. Occasionally the city is also a customer of the quasi-public utility. Under the current rules, the City of Renton does not receive direct notice when a utility proposes new tariffs or changes. Those changes can have significant economic and planning impacts upon the City. As it now stands, local governments “discover” proposed changes, more by accident than design. This seems a nonsensical system and completely contrary to this state avowed system of open government. Any position by the industry that the current system adequately works seems to be supported by a lack of comment by the regulated parties. It is my belief that the lack of comment is from lack of knowledge of the impending changes. I believe the Commission should adopt rules that make the process as open and available to the public and governmental agencies as possible.</p>	

480-(90, 100)-194 Publication of proposed tariff changes to increase charges or restrict access to services.

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<p>Section (2)(c) Provide to the news editor of every newspaper, television station, and radio station, in the geographic area within which it offers service a news release or public service announcement summarizing the published notice. The release or announcement must include a toll-free number that customers can use to obtain more information from the telecommunications company. The commission will maintain a list of area newspapers, television and radio stations and will provide it on request to any utility;</p>	<p>NW Energy Coalition (10/22/01)</p>	<p>We question the reference to "telecommunications company" in subsection 2(c). If the Commission removes the option for a utility to provide published notice of proposed tariff changes, this reference will no longer exist. If the Commission chooses to retain an option of published notice, we believe the reference to telecommunications company should be replaced with a reference to natural gas utility.</p>	<p>This edit has been made to 480-90 and 480-100.</p>
<p>480-(90, 100, 120)-194 Publication of proposed tariff changes to increase charges or restrict access to services.</p>			
<p>Subsection (2) Published notice. To comply under this method, the company must, at least thirty days before the stated effective date of the proposed change, publish notice of the proposed change within the geographical areas where it offers service. The company must make a good faith effort to publish this information.</p>	<p>NW Energy Coalition (10/22/01)</p> <p>Public Counsel (10/22/01)</p>	<p>We note that the proposed language currently requires a utility to "make a good faith effort to publish this information." This language opens the door to interpretation of what constitutes a "good faith effort." We believe it is simpler for all involved and to the greater benefit of ratepayers to require utilities to serve individual notice of proposed tariff changes.</p> <p>A careful reading of (2) indicates that, as drafted, there is only a requirement that the company make a "good faith effort to publish this information." There is no requirement of notice by actual publication <i>in fact</i>. It is unclear why there should be any difficulty in actually accomplishing publication. There also appears to be no consequences, such as suspension or rejection of the proposed tariff, for failure to achieve notice by actual publication; as opposed to making a good faith effort, but failing for some reason.</p>	<p>We agree. The current draft no longer includes this phrase.</p> <p>It was included in earlier drafts when the draft rule required companies to provide notice to a lengthy list of local agencies and organizations. Now companies must only send a notice to organizations that ask to receive such notices.</p>

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	WashPIRG (10/19/01)	A careful reading of (2) indicates that, as drafted, there is only a requirement that the company make a "good faith effort to publish this information." There is no requirement of notice by actual publication <i>in fact</i> . It is unclear why there should be any difficulty in actually accomplishing publication. There also appears to be no consequences, such as suspension or rejection of the proposed tariff, for failure to achieve notice by actual publication; as opposed to making a good faith effort, but failing for some reason.	
480-(90, 100, 120)-195 Notice of tariff changes other than increases in recurring charges and restrictions in access to services.			
General Comment	NW Energy Coalition (10/22/01) Public Counsel (10/22/01) WashPIRG (10/19/01)	We support the proposed language to inform customers about potential rate decreases. Notice of this kind can help reduce potential customer confusion. As long as customers see fluctuations in their rates, the Commission should treat both rate increases and decreases equitably and require customer notification of both. We support enhanced notice of the commission's public hearings as an appropriate mechanism to enhance public participation in such hearings. WashPIRG supports enhanced notice of the Commission's public hearings as an appropriate mechanism to enhance public participation in such hearings.	
480-(90, 100, 120)-195 Notice of tariff changes other than increases in recurring charges and restrictions in access to services.			
Subsection (1) A utility that files a tariff change to increase any charge that a customer may incur without being quoted a rate or price (e.g., late payment fees, insufficient fund charges, or a one-time charge) or any charge to pass through the effect of local taxes paid by the utility must	Qwest (10/22/01)	Qwest continues to oppose the requirement in (1) concerning notice requirements for local taxes. Local tax changes are not initiated by the Company but are initiated by the local jurisdiction. The Company performs a "pass-through" mechanism by collecting the taxes and remitting them to the appropriate jurisdiction. The tax is not assessed by telephone number but rather by customer address since it is	Following the discussion at the November 5, 2001, open meeting, the Commission has deleted the requirement for companies to provide notice for local taxes.

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provide notice to each affected customer on or with the first bill after the change becomes effective.		based on the locality of the customer. Therefore a customer notice requirement cannot be done in the same fashion as a telecommunications service rate change. The Company would have to write a "local tax" specific software program, designed based on the specific customer address, to accomplish the notice obligations required under proposed (1). Presently customer notice provisions are distributed based either on a service specific basis or a telephone prefix basis and do not require the production of a software program to generate a notice. Local taxes are applied based on the service address which may even differ from the billing address. To implement this requirement, Qwest would first need to create ("write") a software program to identify each customer affected by the tax change. Then it could mail a direct mail piece to each customer. This requirement would delay implementation of tax changes, is burdensome, requires resources and will create a new cost not previously incurred by the Company for a rate change not initiated by the Company.	
480-(90, 100, 120)-197 Adjudicative proceedings where public testimony will be taken.			
Subsection (1) Unless otherwise ordered by the commission, for adjudicated proceedings where there is a hearing to take testimony from the public, the company must provide customer notice to each affected customer by including notices in the bill package beginning with the cycle being billed forty-five-days before the first public hearing. The timing, location, and amount of notice (if different than required above) will be addressed in the pre-hearing conference order. (3) Methods of notice. Methods of	NW Natural (10/17/01)	(1) states: "the company must provide customer notice to each affected customer by including notices in the bill package beginning with the cycle being billed forty-five days before the first public hearing". NW Natural has no objection to this requirement. However, (3) of this same rule provides for other methods of notification. We would recommend one of two actions, either that (3) be eliminated, or that (1) be revised to clarify that, when the bill insert method is chosen, the company must begin with billing cycle forty-five days before the first public meeting. If it is decided to go with the latter suggestion, then a statement as to the notice period for the other notice methods would further clarify the requirements of the rule.	Following the discussion at the November 5, 2001, open meeting, the Commission has deleted the requirement for companies to provide forty-five days' notice. The new draft reads, "For adjudicated proceedings, when scheduling a hearing to take testimony from the public, the timing, location, and amount of notice to the public or to customers will be addressed in the pre-hearing conference order. "

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	(11/8/01)	ability to comment.	customers will be addressed in the pre-hearing conference order. "
480-(90, 100, 120)-198 Notice verification and assistance.			
General Comment	NW Energy Coalition (10/22/01)	(1) should include the word "the" before "commission's records center."	This edit has been made.
480-(90, 100, 120)-199 Other customer notice.			
General comment.	Public Counsel (10/22/01) WashPIRG (10/19/01)	We support the provisions of this rule as providing the Commission the flexibility to require notice when the particular factual circumstances may justify such action. WashPIRG supports the provisions of this rule as providing the Commission the flexibility to require notice when the particular factual circumstances may justify such action.	
480-120-194 Publication of proposed tariff changes to increase charges or restrict access to services.			
Subsection (1) Notice to individual customers. To comply under this method, the company must, at least thirty days before the stated effective date of the proposed change, mail the posting to each customer that would be affected by the proposed change. The company must also send the notice or a press release about the increase to every daily paper within its service territory. The posting must include the information listed in subsection (3).	Qwest (10/22/01) Verizon (10/22/01)	Qwest opposes the requirement to send a notice or a press release to every daily paper included in (1) when it sends notice to each customer that would be affected by the proposed change. This requirement was not previously included as part of this option and is unnecessary since each customer will be individually notified. It serves no purpose other than to attempt to stimulate media attention. Media notification has been previously included in the "published notice" option. This requirement makes sense when each individual customer is not specifically notified. This proposed rule would require companies that are proposing to increase recurring or per-occurrence charges or restrict access to services to provide either notice to individual customers that would be affected by the change <u>or</u> publish the notice.	We agree. The sentence you reference "The company must also send the notice or a press release about the increase to every daily paper within its service territory." has been removed from the current draft.

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		<p>Publishing the notice would include distributing copies to community agencies and organizations, publishing the notice in the daily newspaper, providing a news release to the news editor of every newspaper, television station and radio station and posting the notice on an Internet web site.</p> <p>Verizon is concerned with the new published notice requirement that Staff has added to this draft in (1). This new published notice requirement would require companies who choose this option to not only notify each customer that would be affected by the proposed change, but would now also require companies to send the notice or press release about the increase to every daily paper within its service territory. As stated above, the proposed rule gives companies the option to notify each customer or publish the notice. The new requirement in (1) would require both. Therefore, Verizon suggests deleting the requirement to publish the notice in every daily paper.</p>	
480-120-194 Publication of proposed tariff changes to increase charges or restrict access to services.			
<p>Subsection (2)(c) Provide to the news editor of every newspaper, television station, and radio station, in the geographic area within which it offers service a news release or public service announcement summarizing the published notice.</p> <p>(3) Content of postings. The published notice required by this rule must include, at a minimum:</p> <p>(d) A comparison of current and proposed rates by service;</p>	<p>Qwest (10/22/01)</p>	<p>The latest version requires notice to the "news editor" at (2)(c). Qwest opposes a specific requirement of notification to the news editor.</p> <p>(3) should qualify the obligations as to "when applicable" since all of the requirements are not necessary if the company is restricting access to service(s). The introduction should be revised as follows:</p>	<p>The intent of (2) is publication of the change. Companies must publish in four ways. Subsection (2)(c) requirement is intended to get information about the company's proposed rate increase before the public via the news media. It is our view that, without this provision, the entire publication element of the rule would be weakened.</p> <p>We agree. This edit has been made.</p>

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<p>(e) An example showing the monthly increase of the average customer's bill based on the proposed rates (e.g., "Based on the proposed rates, a typical telephone customer using an average of twenty minutes of local toll service would see an average monthly increase of \$0.85.");</p>		<p><i>"The published notice required by this rule must include, when applicable, at a minimum:"</i></p> <p>Qwest requests (3)(e) be combined with (3)(d) since it accomplishes the same purpose. (3)(d) should be revised as follows:</p> <p><i>(d) A comparison of current and proposed rates by service; or an example showing the monthly increase of the average customer's bill based on the proposed rates (e.g. ...)</i></p>	<p>We disagree that it is the same. Stating just the current and proposed rate for a service that is priced on a usage basis (e.g., per minute) does not convey as much useful information as when it is combined with information about how the change would affect the average customers (i.e., the average customer buying measured ISDN would see an increase of \$ ____).</p>
<p>480-120-196 Customer notice requirements--Competitively classified telecommunications companies or services.</p>			
<p>General Comment</p>	<p>WorldCom (10/23/01)</p>	<p><i>Comments (8/14/01)</i></p> <p>WorldCom refers to its previously filed comments on May 31, 2001 regarding the requirement of customer notice for price decreases under proposed rule WAC 480-120-X15. First, this requirement forces additional and unnecessary costs of doing business in WA and provides no benefit to customers. Second, in addition to the monetary costs associated with providing direct notice of decreases, the Commission should take into account the fact that space on bill inserts is quite limited, particularly where billing is accomplished through the local exchange carrier. In fact, if information about price decreases is required, then other more useful information may be lost. Finally, because the most economical customer notice allowed requires several months lead-time, customer's decreased rates are delayed. While WorldCom is committed to providing its customers with information about their services, customers are not harmed by price decreases, and thus there is no need for any type of advanced notice in this area. In this regard, WorldCom submits that customers would prefer to learn of price decreases through seeing</p>	<p>We disagree. In a competitive market it is essential that customers have access to information about price changes, including price decreases. There is considerable benefit to consumers. In addition, the statute requires notice of all price list changes, including price decreases.</p> <p>To minimize the cost of meeting this requirement for price decreases the draft permits a company to use one of a number of notice methods, including posting the notice on the company's website where the company's price list is available or advertising the change in a newspaper of general circulation for the affected areas. Neither of</p>

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		prefer to learn of price decreases through seeing lower rates on their bills than risk minimizing or eliminating such decreases because of the imposition of additional notice requirements. WorldCom therefore believes that the rule should be changed to eliminate the price decrease notification requirement.	these methods imposes much cost or delay.
480-121-065 Customer notice requirements--Petition for competitive classification of a service.			
General comment.	Public Counsel (10/22/01) WashPIRG (10/19/01)	We strongly support customers having at least thirty days notice prior to the requested effective date for the competitive classification of a service. WashPIRG strongly supports customers having at least thirty days notice prior to the requested effective date for the competitive classification of a service.	