

Docket U-100523 – Electric and Gas Draft Rules
August 4, 2010

NEW SECTION

WAC 480-90/100-XXX Electronic information. With the prior consent of the customer ~~or applicant~~, a utility may provide by notice and access to the following information by electronic means instead of ~~in the use of~~ paper ~~copy copies~~ sent by U.S. Mail; bills, notices of tariff revisions, or bill inserts, including inserts containing information required to be provided to customers ~~or applicants~~ by statute, rule, or commission order. The electronic notice of such information will be considered compliant with any ~~S~~ statute, rule, commission order, or tariff provisions that refer to the mailing of bills, notices of tariff revisions or bill inserts ~~will be considered as met by a utility sending electronic information or an e-mail advising of the availability of electronic information to when~~ a customer ~~who~~ has consented to receive the information in receiving electronic form, information, provided that the e-mail notification includes a link to the electronic information or otherwise advises the customer of the electronic location of such information.

(1) **Format of electronic communications.** All information provided in electronic form electronically must meet the requirements for format, due dates, calculation of due dates, minimum timeframes, and any other requirements specified within WAC 480-90/100. Electronic information will be treated the same as documents that are mailed within the state of Washington for the purposes of calculating due dates and minimum timeframes.

(2) **Verification of consent.** The utility must obtain prior written or electronic consent to provide notice and access to prescribed information in electronic form electronically (customer consent). The customer consent form must comply with the following: ~~criteria must be met regarding the customer consent:~~

~~(a) Consent must not be combined on the same document, screen or web page with any other information;~~

(b) The utility must retain a record of the customer consent as a part of the customer's account records ~~as evidence to serve as verification~~ of the customer's ~~consent authorization~~ to receive notice and access to selected documents in electronic form electronically;

(c) Documentation of ~~the customer~~ consent must be made available to the customer and to the commission upon request at no charge; and

(d) At a minimum, the customer consent must include confirm the following ~~information from the customer:~~

(i) A name, service address, and account number that exactly matches the utility record for such account;

~~The customer is the customer of record;~~

(ii) The decision to choose electronic information;

(iii) Confirmation that the customer understands that the utility will provide upon request, a paper copy of any document sent electronically at no additional charge;

(iv) Confirmation that the customer understands they may opt out of receiving information electronically at any time and may revert to receiving documents in paper format through the U.S. Mail at no additional charge; and

(v) Confirmation that the customer understands it is their responsibility to notify the utility of any change to their e-mail or other electronic address.

~~(e) Utilities that provided customers with notice and access to electronic information to customers prior to at the time this rule is adopted by the commission may meet the requirements of section (d) above for verification of consent by sending an e-mail to each of those customers stating the requirements of section (d)(ii) through (v), stating the following: (i) The utility understands that the customer wishes to continue receiving electronic information specified in this rule; (ii) The utility will provide upon request, a paper copy of any document sent electronically at no additional charge; (iii) The customer may opt out of receiving information electronically at any time and may revert to receiving documents in paper format through the U.S. Mail at no additional charge; and (iv) The customer is responsible to notify the utility of any change to their e-mail or other electronic address.~~

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(3) Distribution of electronic notices.

(a) Electronic notices of proposed tariff changes of increased rates or restriction of access to services, and public hearings will be marked IMPORTANT NOTICE REGARDING YOUR UTILITY in the subject line.

(b) If the utility elects to send the notices of proposed tariff changes of increased rates or restriction of access to service, and public hearings separate from the bill, it will also include a copy of the electronic notice with the electronic bill as an attachment or link. The attachment or link will include the electronic address designated by the commission where customers may file public comment(s) regarding the proposed tariff changes or restriction of access to service.

(4) Obligation to provide paper documents. The following documents may not be provided solely by electronic means:

(a) Notices of disconnection; and

(b) Information regarding the winter moratorium on disconnection of low-income heating customers, including written copies of any extended payment plans under the winter low-income payment program.

(5) Limit on changes to information format. A utility is not obligated to provide both paper documents and electronic information to a customer on a continuous basis. A utility may limit a customer who has consented to electronic delivery to three requests for paper documents in a 12 month period. A utility may require that a customer who requests an electronic bill also receive all bill inserts electronically.

(6) Electronic Data Interchange (EDI) format. When a utility provides electronic information in a specialized format such as the Electronic Data Interchange (EDI) format, where the utility incurs a cost that is offset by not mailing paper bills, the utility may offer customers the choice of the specialized format or paper bill. In the event of a disputed bill, the customer may request and the utility shall provide customers receiving bills in a specialized format with a utility-formatted bill that is understandable by a person who will be reviewing the bills for potential error(s).

AMEND

WAC 480-90/100-103 Information to consumers.

(3) The utility must provide to each applicant relevant rate information and a brochure that explains the rights and responsibilities of a utility customer. The brochure must include, at a minimum, information about the utility's regular business hours, the utility's mailing address, the utility's toll-free number, the twenty-four hour emergency number(s), and an explanation of the utility's processes to establish credit, deposits, billing, delinquent accounts, disconnection of service initiated by the utility, cancellation of service by the customer, the dispute resolution process, and the commission's informal complaint procedures to be followed if the customer remains dissatisfied with the utility's dispute process. The utility may provide this information in an electronic format consistent with provisions in this chapter governing the use of electronic information.

AMEND

WAC 480-90/100-153 Disclosure of private information.

(1) A gas/electric utility may not disclose 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 or electronic permission to do so.

(2) Private consumer information includes the customer's name, address, telephone number, and any other personally identifying information, as well as information related to the quantity, technical configuration, type, destination, and amount of use of service or products subscribed to by a customer of a regulated utility that is available to the utility solely by virtue of the customer-utility relationship. For each individual service or product offering, the utility must obtain and maintain a record of customer consent for the disclosure of private consumer information.

AMEND

WAC 480-90/100-178 Billing requirements and payment date.

(4) With the consent of the customer, a utility may provide billings in electronic form if the bill meets all the requirements for the use of electronic information in this chapter. The utility must maintain a record of the consent as a part of the customer's account record, and the customer may change from electronic to printed billing upon request, as provided in this chapter. The utility must complete the change within two billing cycles of the request.

AMEND

WAC 480-90-194 Publication of proposed tariff changes to increase charges or restrict access to services. Each gas utility offering service under tariff must publish or provide electronically all proposed changes to its tariff for at least thirty days, as required by RCW

80.28.060. For any proposed tariff change that would increase recurring charges, except purchased gas adjustment (PGA) filings as provided in subsection (5) of this section, or restrict access to services (e.g., discontinue a service, or limit access to service by imposing a new usage level on existing services), a utility must fulfill the requirements of subsection (1), (2), or (3) of this section. For any other proposed tariffs, the utility must fulfill the requirements of WAC 480-90-195. The utility may provide this information in an electronic format consistent with provisions in this chapter governing the use of electronic information.

The utility will not be required to accomplish publication under this section if it has agreed to suspend its tariff filing and to provide notice as provided under WAC 480-90-197. The utility may provide this information in an electronic format consistent with provisions in this chapter governing the use of electronic information.

AMEND

WAC 480-100-194 Publication of proposed tariff changes to increase charges or restrict access to services. Each electric utility offering service under tariff must publish or provide electronically all proposed changes to its tariff for at least thirty days, as required by RCW 80.28.060. For any proposed tariff change that would increase recurring or per-occurrence charges or restrict access to services (e.g., discontinue a service, or limit access to service by imposing a new usage level on existing services), a utility must fulfill the requirements of subsection (1), (2), or (3) of this section. For any other proposed tariffs, the utility must fulfill the requirements of WAC 480-100-195. The utility will not be required to accomplish publication under this section if it has agreed to suspend its tariff filing and to provide notice as provided under WAC 480-100-197. The utility may provide this information in an electronic format consistent with provisions in this chapter governing the use of electronic information.

AMEND

WAC 480-90/100-194

(1) Thirty-day notice to individual customers. To comply under this method, the utility must, at least thirty days before the stated effective date of the proposed change, mail or provide electronically the posting to each customer that would be affected by the proposed change. The posting must include information listed in subsection (4) of this section. The utility may provide this information in an electronic format consistent with provisions in this chapter governing the use of electronic information.

AMEND

WAC 480-90/100/194

(3) Reduced publication with shortened notice to individual customers. To comply under this method, the utility must:

(a) Mail or provide electronically the posting to each customer that would be affected by the proposed change at least fifteen days before the stated effective date of the proposed change.

The utility may provide this information in an electronic format consistent with provisions in this chapter governing the use of electronic information;

AMEND

WAC 480-90-194

(5) Optional method of publication for purchase gas adjustment (PGA). A utility that publishes notice of a PGA filing pursuant to this subsection is not required to publish notice of the filing pursuant to subsection (1), (2), or (3) of this section.

(c) The utility must ~~mail~~ provide the notice to each affected customer by U.S. mail or by electronic means consistent with the provisions in this chapter governing the use of electronic information. The utility must also send the notice or a press release about the increase to every daily paper within its service territory.