

Graciela Etchart
07/22/99
Public Counsel Question RE: Prior Obligation--WAC 480-90/100-121/ 116

UE-990473

02:40:59 PM



"Sheffels, Evan (ATG)" <EvanS@ATG.WA.GOV> on 07/22/99 02:22:57 PM

To: Graciela Etchart/WUTC@WUTC
cc:
Subject: Public Counsel Question RE: Prior Obligation--WAC 480-90/100-121/ 116

Graciela--

I tried to contact Pam Smith, as you suggested, but she's out of the office. Tani Thurston is also gone. Her voicemail says she's on vacation until July 27th. With the deadline for comments coming upon us quickly (July 28), I was really hoping to talk with someone. If possible, could you direct my question to an appropriate staff person?

As you know, Public Counsel views the current Prior Obligation rule as an important consumer protection that should be retained. Thus, I need help interpreting the following part of the July 16 Common Consumer Rules draft for dockets UG-990294 and UE-990473.

Current WAC 480-90-121 and WAC 480-100-116 state that "A utility MAY NOT permanently deny service to an applicant because of a prior obligation to the utility."

On Page 4 of the draft, under the Responsibility for Delinquent Accounts section (WAC 480-90/100-121/116), the word "not" has been deleted: "* (9) The electric/gas company MAY permanently deny service to an applicant or customer because of a prior obligation to the company."

The asterisked comment below proposed section (9) indicates that staff would be open to considering changes if concerned stakeholders supply persuasive evidence showing that the current prior obligation rule is especially burdensome or otherwise onerous to regulated utilities. I read this as saying there will not be a change in the rule until evidence warrants a change. I'm having a hard time reconciling that statement with the draft's deletion of "not," which effectively removes the prior obligation protection.

Was the "not" inadvertently left out of the draft? Or is it the intent of staff to delete the "not" and move toward the premise that prior obligation protections should be removed?

I know you all are wildly busy there, but any insights from you or other staff would be a great help as we here at Public Counsel consider appropriate comments on prior obligation. I appreciate your help.

Thanks,

Evan Sheffels
Law Clerk
Public Counsel
(206) 464-6253

RMS/FBS
✓