Attachment D COMMENT SUMMARY U-991301

Chapter 480-90, 480-100, 480-120, 480-121 Posting and Publication Rules Comments on December 5, 2001, Discussion Draft

Updated December 27, 2001

WAC/Issue	Interested Person	Comment	Staff Response	
General Comments				
	Avista Utilities	The company has reviewed the rules and has no further comment at this time. The Commission has been generally responsive to the company's previous written and oral comments.		
	Puget Sound Energy	With one [suggested] revision [to WAC 480-XXX-194], PSE believes the new customer notice rules will be an improvement over the existing standards, consistent with Executive Order 97-02, and otherwise be in the public interest.		
	Qwest	Qwest supports the draft rules for Chapters 480-90, 480-100 and 480-120 WAC Customer Notice Rules to the extent they clarify and better organize existing regulatory requirements. Qwest appreciates the revisions in the December 5, 2001 proposed rules that improve upon the prior drafts. The previous concerns raised by Qwest with respect to a number of issues have been addressed and resolved in the latest proposed rule. Qwest appreciates the Commission's involvement in the workshop process and has no further comments on the proposed customer notice rules. Qwest especially appreciates the omission of the previously proposed customer notice obligation for local tax changes in WAC 480-90-195.		
480-(90, 100, 120)-193 Posting of tarif	fs for public i	nspection and review.		
		on did not receive any written comments on this rule.		
480-(90, 100, 120)-194 Publication of	proposed tarif	f changes to increase charges or restrict access to s	services.	
Each utility offering service under tariff must publish 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	Public Counsel	We continue to urge the Commission to exercise its authority under RCW 80.01.040 and require direct notice to customers 30 days in advance of the proposed change. We recommend that the Commission delete subsections (2) and (3) and the language associated with their use prior to adopting the rule. Direct notice is critical to Washington families who are on limited incomes and may be forced to make difficult choices about their family	The Commission has concluded, based on legal advice, that the tariff notice statutes do not give it authority to require individual notice to customers. The Commission can allow companies that wish to provide individual notice to use this as a form of publication, and the proposed rule	

(I), (2), or (3) of this section. For any other proposed proposed tariffs, the utility must fulfill the requirements of WAC 480-XXX-195. The utility will not be required to accomplish publication under this section if it has agreed to suspend its tariff fling and to provide notice as provided under WAC 480-XXX-195. (Counsel) (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, may be subsection (4) of this section. (2) Published notice. To comply under this method, the information listed in subsection (4) of this section. (2) Published notice. To comply under this method, the information listed in subsection (4) of this section. (2) Published notice in the geographical areas where it offers service for posting must include the proposed change, publish notice of the proposed change within the geographical areas where it offers service for posting and publication by the agency or organization. The thillity must are 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 third was direct notice to community agencies and organizations in the geographic area where it offers service for posting and publication by the agency or organization. The third was direct notice 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 regulation of the areas affected by the proposed tariff.

WAC/Issue	Interested Person	Comment	Staff Response
(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 electric utility. The commission will maintain a list of area newspapers, television and radio stations	Person 231 people submitted this comment, including: Robert Cromwell, AGO Cheryl Johnson, Affiliated Tribes of NW	I am writing to let you know that I support your efforts to require utilities in Washington to give their customers more notice before rate changes go into effect (docket 991301). Washington consumers have been kept in the dark too long with regard to utility rate changes. The current notification system is particularly harmful to the poor, the elderly, and working families as they often don't find out about the price changes until they get their utility bills.	The Commission has concluded, based on legal advice, that the tariff notice statutes do not give it authority to require individual notice to customers. The Commission can allow companies that wish to provide individual notice to use this as a form of publication, and the proposed rule offers this as an option to
and will provide it on request to any utility; and (d) Post a complete copy of the published notice on an Internet website accessible to the public using generally available browser software.	Indians – Lummi Nation Mark Johnson, NFIB Karen Kilpatrick, City of Federal Way Warren Lawrence, City of Renton Tracey Rascon Affiliated Tribes of NW Indians Robert R.	I also want to let you know that I think it should be mandatory that utilities send out individual notices to all of their customers at least 30 days before any rate changes are scheduled to take effect. This is the only way you can be sure all ratepayers receive notice of rate changes.	companies.
	Rhule, AARP John Rourke, SNAP & Low Income Telecom Project The names of all the people who submitted these comments appear at the end of this summary.		

WAC/Issue	Interested Person	Comment	Staff Response	
(3) Reduced publication with shortened notice to individual customers. To comply under this method, the utility must: (a) Mail 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; (b) At the time of the utility's filing with the commission, distribute copies of the published notice in the same manner as provided in subsection (2)(a) of this section; (c) At the time of the utility's filing with the commission, provide news media notice in the same manner as provided in subsection (2)(c) of this section; and (d) At the time of the utility's filing with the commission, post a complete copy of the published notice in the same manner as provided in subsection (2)(d) of this section.		The requirement that a direct notice be mailed to customers a minimum of 15 days prior to the effective date of the proposed revision is impractical. This means that if PSE desired to implement the direct notice alternative using bill inserts, the bill inserts would have to begin 45 days before the effective date of the proposed tariff—15 days before the tariff is even filed! The only work-around for this problem would be to use direct mailers to half of our customers. Direct mail notice, however, is prohibitively expensive. Thus, as PSE has stated repeatedly throughout this two-year process, the minimum timing requirement does not represent a reasonable balancing of the public interest and should be rejected. Consider an alternative where utilities use bill inserts beginning the day the filing is made to the Commission—along with sending notice to interested agencies, press releases, and posting on the web. In this case, all customers will receive a notice, maximizing the effectiveness of the information; that is, every single customer will receive a statement about the change to their service. In terms of timeliness, however, fewer customers will see the notice 30 days before the tariff is effective than if a newspaper ad had been run. Timeliness is important, in part, to make sure the public has an adequate opportunity to provide input to the Commission. However, please refer to PSE's April 27, 2001, comments with regard to public participation. In those comments, the Company explained that if bill inserts began the first of the month, that by the 20 th of that month, more than 280 times the number of customers will have received the notice than would be required to conduct statistically valid political polling with a +/- 3% margin of error. This suggests that while each individual customer may not have an	We have stated throughout this rulemaking that we believe all customers expect to receive notice before a rate increase is approved. PSE's proposal is to begin notice upon filing. If this were adopted, only 30-38 percent of its customers would receive notice by the fifteenth day; 40-48 percent by the twentieth day of the bill cycle (information from PSE response to January 29, 2001 staff questionnaire). We do not believe this is adequate notice. The work involved in preparing the Commission required documentation for filing for a rate increase begins weeks before the actual filing is made. We encourage the company to use this alternative and to begin notifying its customers while making all of its other preparations for filing. Based on earlier comments by other parties, the fifteen-day notice is a workable compromise. Note also that Public Counsel and other consumer commenters continue to seek longer notice.	

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PSE commensurate with the filing will provide the		opportunity to participate in some form of public process on a timely basis, mailing bill inserts commensurate with the filing will provide the Commission with more than an adequate gauge of public opinion.	
		Adopting a rule that, in practical terms, eliminates direct notice as an alternative for utilities does not appear to be reasonable. All that is needed to render a reasonable rule is for the Commission to drop the 15-day mailing requirement.	
480-(90, 100, 120)-195 Notice of tariff (changes other	than increases in recurring charges and restrictions	s in access to services.
	The Commission	on did not receive any written comments on this rule.	
480-(90, 100, 120)-197 Adjudicative pro	oceedings wh	ere public testimony will be taken.	
(1) 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 prehearing conference order.	Karen Kilpatrick, City of Federal Way	Would like to see a minimum of 45 days notice for formal hearings.	In most instances, giving customers a minimum of 45 days would not create a problem. The time available for most contested cases allows this. We have not, however, stated a minimum notice requirement in the rule because we believe that the Commission needs the flexibility to conduct contested cases quickly. We believe the way to balance these interests is to determine the appropriate amount of notice in each case during the pre-hearing conference.
480-(90, 100, 120)-198 Notice verificati	on and assist	ance.	
(1) Customer notice verification. Within ten days of making a filing requiring posting, publication, or customer notice under WAC 480-XXX-194, 480- XXX -195, or 480- XXX -197, but no sooner than when the tariff is filed with the commission, a company must file a statement with the commission's records center that the required notice has	Verizon Northwest, Inc. and Verizon Select Services, Inc.	Replace "declaration" with "statement" in proposed subsection (1).	We will make this change.

WAC/Issue	Interested Person	Comment	Staff Response		
been posted, published, and/or mailed.					
The declaration must include:					
(a) The methods used to post, publish,					
and/or give notice to customers;					
(b) When and how the notice was posted,					
published, and/or issued to customers;					
(c) How many customers are affected; and					
(d) A copy of the notice.					
490 (00, 400, 420) 400 Other quotemen	490 (00, 100, 120) 100 Other sustamer notice				

480-(90, 100, 120)-199 Other customer notice.

The Commission did not receive any written comments on this rule.

480-120-196 Customer notice requirements--Competitively classified telecommunications companies or services.

 (4) Customer notice verification. Within ter days of making a filing requiring posting, publication, or customer notice required by this rule, a company must file a statement with the commission records center that the required notice has been posted, published, and/or mailed. The statement must include: (a) The methods used to post, publish, and/or give notice to customers; (b) When the notice was first posted, published, and/or issued to customers; and (c) A copy of the notice 	Verizon Northwest, Inc. and Verizon Select Services, Inc.	In proposed subsection (4), replace "declaration" with "statement.	We will make this change.
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480-121-065 Customer notice requirements--Petition for competitive classification of a service.

The Commission did not receive any written comments on this rule.

Rulemaking Docket No. U-991301 Written Comments December 24, 2001

As of December 24, 2001, the Commission received 231 similar comments concerning the **proposed public notice rules in Docket No. U-991301**. In the interest of making the comments readily available, commission staff have combined the similar comments into one document. Following is a copy of the letter submitted by most commenters. Included with the letter below, a few commenters submitted additional comments which are paraphrased below. Finally, a list of those who commented, where they live and who they represent is included.

Dear Commissioners,

I am writing to let you know that I support your efforts to require utilities in Washington to give their customers more notice before rate changes go into effect (Docket U-991301). Washington consumers have been kept in the dark too long with regard to utility rate changes. In addition, the current notification system is particularly harmful to the poor, the elderly, and working families as they often don't find out about price changes until they get their utility bills.

I also want to let you know that I think that it should be mandatory that utilities send out individual notices to all of their customers at least 30 days before any rate changes are scheduled to take effect. That is the only way that you can be sure that all ratepayers receive adequate notice about rate changes.

Thank you again for your leadership on this issue.

Additional comments received with the above letter concerning proposed public notice rules follow.

John Rourke representing the Spokane Neighborhood Action Programs also supports requiring that "the notice should be separate from the utility bill and should be designed in such a way as to draw attention of the average customer."

Karen Kirkpatrick, city attorney for Federal Way, also supports a 45 day customer notice for hearings.

The following is a list of those interested persons who submitted comments electronically supporting the letter above.

Number	First Name	Last Name	City	Representing
1	Robert	Rhule		AARP of Washington
2	Tracey	Rascon		Affiliated Tribes of Northwest Indians, Economic Dev. Corp.
3	Cheryl	Johnson		Affiliated Tribes of Northwest Indians, Economic Dev. Corp., Lummi Nation
4	Karen	Kirkpatrick	Federal Way	City of Federal Way
5	Londi	Lindell	Mercer Island	City of Mercer Island and citizens
6	Lawrence	Warren	Renton	City of Renton
7	Brad	Kurokawa	Seattle	Nakano Assoc., Landscape Architects

Number	First Name	Last Name	City	Representing
8	Mark	Johnson	Olympia	National Federation of Independent Business, Washington State
9	Robert	Cromwell		Public Counsel, Attorney General of Washington. Complete comments from Public Counsel were posted to the Commission's web page separately.
10	John	Rourke	Spokane	Spokane Neighborhood Action Programs, Low Income Telecom Project
11	Brenda	Ackley	Oak Harbor	Self
12	V. Eileen	Adams	Seattle	Self
13	Eric	Adman	Kenmore	Self
14	Marilynn	Albert	Bellevue	Self
15	Caroline	Allen	Sammamish	Self
16	Dan	Alter	Seattle	Self
17	Susan	Alter	Seattle	Self
18	Diane	Anderson	Seattle	Self
19	Sally	Armbrecht	Seattle	Self
20	Ardith	Arrington	Seattle	Self
21	Katherine	Atkins	Seattle	Self
22	Susan	Atteberry	Pullman	Self
23	Chris	Baharloo	Kenmore	Self
24	Krystina	Bair	Seattle	Self
25	Krystina	Bair	Seattle	Self
26	Shelley	Bakshas-Walker	Vancouver	Self
27	Paul	Ballard	Seattle	Self
28	Broehe	Ballman	0 41 -	Self
29	Michael	Barton	Seattle	Self Calf
30	Clyde	Beardsley	Yelm	Self
31	Vicki Daniel	Becker	Sammamish Seattle	Self Self
32 33	Jenn	Bensky Bernert	Seattle	Self
34	Lynn	Billington	Bellingham	Self
35	Margaret	Boddie	Seattle	Self
36	Larisa	Bosma	Seattle	Self
37	Suzan	Bradley	Edmonds	Self
38	Elizabeth	Bryer	Bellevue	Self
39	Ryan	Burkett	Mercer Island	Self
40	Bill	Cavanaugh	Vancouver	Self
41	Diane	Claussen	Sequim	Self
42	Carmen	Collier	Maple Valley	Self
43	Rachel	Conover	Seattle	Self
44	Janeen	Cook	Shoreline	Self
45	Jennifer	Corio	Vancouver	Self
46	S. Gary	Cotterill	Bellevue	Self
47	Roxanne	Courtmanch	Lynnwood	Self
48	John	Cusick	Olympia	Self
49	David	Dalton	Puyallup	Self
50	Lois	Davies	Orondo	Self
51	Kathleen	Davis	Spokane	Self
52	Daniel	Dethloff	Seattle	Self
53	Wendy	DiPeso	Kent	Self
54	Diane	Dondero	Yelm	Self
55	Brenda	Donovan	Yelm	Self
56 53	Joe	Duffield	Yelm	Self
57	Kristin	Elko	Seattle	Self

Numbe	r First Name	Last Name	City	Representing
58	Jerry	Ellis	Oak Harbor	Self
59	Albert	Emanuel	Seattle	Self
60	Brenda	Etter	Seattle	Self
61	Israel	Evans	Monroe	Self
62	Mary Lynne	Evans	Seattle	Self
63	Franklin	Eventoff	Ferndale	Self
64	Margot	Fetz	Seattle	Self
65	Sean	Fielding	Seattle	Self
66	Andrea	Finley	Seattle	Self
67	Shannon	Fouts	Tacoma	Self
68	Michele	Fuqua	Seattle	Self
69	Robert	Gala	Seattle	Self
70	Jon	Gardner	Spokane	Self
71	Judy	Gardner	Spokane	Self
72	Peg	Gerber	Seattle	Self
73	Vesper	Gers	Seattle	Self
74	Sarah	Geschke	Spokane	Self
75	Stephen	Gibson	Bainbridge Island	Self
76	Tatiana	Gill	Seattle	Self
77	Juliet	Glover	Clinton	Self
78	Harrison	Grafos	Spokane	Self
79	Mary	Granger	Seattle	Self
80	Marian	Gruber	Mountlake Terrace	Self
81	Diane	Haggerty	Seattle	Self
82	Randy	Hale		Self
83	Mark	Hamlin	Spokane	Self
84	Carolyn	Hartt	Tacoma	Self
85	Susan	Haskins	Coupeville	Self
86	Kalleen	Henderson	Tacoma	Self
87	Karen	Hertz	Bothell	Self
88	Wade	Higgins	Renton	Self
89	Judith	Hill	Seattle	Self
90	Julia -	Hochner	Seattle	Self
91	Frances	Hogan	Vashon	Self
92	Jeff 	Holt	Stevenson	Self
93	Tina	Horowitz	Philadelphia	Self
94	Roxanne	Hubbard	Enumclaw	Self
95	Sandra	Huntington	Renton	Self
96 97	Rod	Irwin Johnson	Seattle Rainier	Self Self
98	Bettye Cynthia	Johnson	Seattle	Self
99	Merrill	Johnson	Port Townsend	Self
100	Denise	Jones	Issaguah	Self
100	Robert	Kenny	Clinton	Self
102	Neema	Kharva	Redmond	Self
103	Jean	Kilts	Eatonville	Self
104	Elisabeth	Knapp	Seattle	Self
105	Paul	Kreemer	Seattle	Self
106	Greg	Lange	Edmonds	Self
107	Kirsten	Lauzon	Seattle	Self
108	Elese	Lebsack	Seattle	Self
109	Jerry	Liebermann	Seattle	Self
110	Shirley	Linburgh	Bothell	Self
111	Jan	Livingston	Mukilteo	Self
		-	0	

Numbe	r First Name	Last Name	City	Representing
112	Ken	Livingston	Mukilteo	Self
113	Traci	Livingston		Self
114	Laura	Lotz	Seabeck	Self
115	Amity	Lumper	Seattle	Self
116	Marie	Macaluso	Seattle	Self
117	Jackie	MacCormac	Seattle	Self
118	Douglas	MacKenzie	Bainbridge Island	Self
119	Susinn	MacMerchys	Everett	Self
120	Mela	MacVittie	Ferndale	Self
121	C.P.	Malus	Eastsound	Self
122	Sharon	Mann	Tukwila	Self
123	Shannon	Markley	Seattle	Self
124	Jerry	Martin	Bellevue	Self
125	Ernest	Masotta	Seattle	Self
126	Colin	May	Bellevue	Self
127	Cathy	McBeth	Newman Lake	Self
128	Laura	McCarty	Seattle	Self
129	Deana	McCauley	Auburn	Self
130	Abraham	McClurg	Seattle	Self
131	Frank	McCracken	Tacoma	Self
132	Shauna	McGinn	Bellingham	Self
133	Lisa	McGlashan	Seattle	Self
134	Libby	McLarty	Vashon	Self
135	Emelie	McNett	Burien	Self
136	Sharon	McWillis	Bothell	Self
137	Sharon	Mehaffey	Spokane	Self
138	Linda	Merrick	Bothell	Self
139	Sondra	Methmann-Evans	Kirkland	Self
140	John	Meyer	Seattle	Self
141	Delynn	Miles	Bremerton	Self
142	Charles	Miller	Kirkland	Self
143	Patrick	Moore	Chewelah	Self
144	Greg	Mooseker	Seattle	Self
145	Bobbie	Morgan	Bainbridge Island	Self
146	Frank	Moulton	Cheney	Self
147	Robert	Mueller	Seattle	Self
148	Charles	Munat	Bainbridge Island	Self
149	Betsy	Murray	Issaquah	Self
150	George	Mye, Jr.	Yelm	Self
151	Helen	Neely	Renton	Self
152	Donna	Nelson	Federal Way	Self
153	Kenneth	Nelson	Federal Way	Self
154	Pat	Ness	Clallam Bay	Self
155	Nancy	Newman	Port Angeles	Self
156	Hugh	Oake	Tacoma	Self
157	Molly	Oberbillig	Olympia	Self
158	Mary	O'Shea	Bainbridge Island	Self
159	Katherine	Ostrom	Seattle	Self
160	Linda	Owen	Monroe	Self
161	Leah	Paterson	Ferndale	Self
162	Stephen	Peterson	Bellingham	Self
163	Dean	Petrich	Freeland	Self
164	Andrea	Pike	Ferndale	Self
165	Maya	Place	10	Self

Numbei	First Name	Last Name	City	Representing
166	Virginia	Prang	Seattle	Self
167	Janet	Price	Yelm	Self
168	Linda	Pye	Seattle	Self
169	Ashley	Rawhouser	Bellingham	Self
170	Judy	Rene	Covington	Self
171	Rik	Reynolds	Joyce	Self
172	T.	Rivet	Seattle	Self
173	Patricia	Rodgers	Bothell	Self
174	Howard	Rose	Seattle	Self
175	Barbara	Rosenkotter	Deer Harbor	Self
176	Greg	Roth	Longview	Self
177	R.	S.	Olympia	Self
178	Monika	Sabol	Port Orchard	Self
179	Keith	Scarmato	Seattle	Self
180	Ashley	Schulze	Gig Harbor	Self
181	Nancy	Sendler	Port Townsend	Self
182	Tauri	Senn	Seattle	Self
183	Peter	Shaw	Vancouver	Self
184	Ronald	Shimono	Issaquah	Self
185	Yuji	Shimono	Roy	Self
186	Forest	Shomer	Port Townsend	Self
187	Stacey	Showlund	Marysville	Self
188	Alan	Sleep	Olympia	Self
189	Brian	Smith	Renton	Self
190	Lorrie	Smith	Yakima	Self
191	Leslie	Smith-Duss	Seattle	Self
192	Kevin	Spath	Seattle	Self
193	Riley	Spath	Seattle	Self
194	Alexander	Spielhagen	Leavenworth	Self
195	Erica	Springstead	Port Townsend	Self
196	John	Steer	Seattle	Self
197	Robert	Stevenson	Spokane	Self
198	John	Stewart	Seattle	Self
199	Sharon	Stieber	Seattle	Self
200	Jonathan	Stier	Seattle	Self
201	Tracey	Stover	Seattle	Self
202	Lee	Sturdivant	Friday Harbor	Self
203	Delia	Тарр	Seattle	Self
204	Murphy	Тарр	Seattle	Self
205	Mason	Taylor	Seattle	Self
206	Robert	Taylor	Seattle	Self
207	Allison	Thomas	Bellingham	Self
208	Juliet	Thompson	Bellingham	Self
209	Lynn	Thompson	Clarkston	Self
210	Angela	Thostrud	Seattle	Self
211	Ruth	Thurston	Fircrest	Self
212	Todd	Tollefson	Seattle	Self
213	Eric	VanderWaal	Seattle	Self
214	Anna M.	VanFrachen	Seattle	Self
215	Denise	Virgil	Renton	Self
216	Robert	von Tobel	Redmond	Self
217	Renee'	Wagner	Kirkland	Self
218	Sean	Walden	Seattle	Self
219	Kristen	Wallway	Vancouver	Self

Number	First Name	Last Name	City	Representing
220	Frank	Walter	Tacoma	Self
221	Juliet	Weiss	Sammamish	Self
222	Teresa	Wenda	Bellingham	Self
223	Patricia	Williford	Kirkland	Self
224	Kelly	Willmorth	Ephrata	Self
225	Fred	Wise	Issaquah	Self
226	Deborah	Wolf	Seattle	Self
227	Barbara	Wood	Burley	Self
228	Heather	Wood	Clarkston	Self
229	Deborah	Woolston	Kirkland	Self
230	Grace	Zeamer	Vancouver	Self
231	John	Znac	Seattle	Self