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September 30, 1999

VIA E-MAIL AND U.S. MAIL

Carole Washburn  
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**RE: Docket Nos. UE-990473 and UG-990294**

Dear Ms. Washburn:

Enclosed please find an original plus ten copies of Public Counsel comments for filing in the above case. We have also sent these comments by e-mail on September 30, 1999.

Very truly yours,

SIMON J. FFITCH  
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**BEFORE THE  
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Rule-Making Proceeding  
Related to Gas and Electric Companies--  
Chapters 480-90 and 480-100 WAC

Docket Nos. UE-990473 and UG-990294

Comments of  
Public Counsel  
Attorney General of Washington  
September 30, 1999

Public Counsel offers these comments in response to the first formal drafts of gas and electric company consumer rules. We appreciate the opportunity to participate and look forward to working with Staff and all stakeholders. Since Public Counsel support much of the language in the current drafts, our comments focus primarily upon suggestions for additional changes that will benefit Washington's consumers. Our comments are organized according to the numbers, format and language of the first formal draft on gas companies, however comments generally refer to both dockets as most language is shared between gas and electric consumer rules. Our proposed deletions are struck through, proposed additions are in bold and italicized within parentheses, and Public Counsel comments follow staff commentary in bold italicized text.

## **Consumer Rules:**

### **WAC 480-90/100-041 Information to consumers.**

(1) Each gas/electric utility must provide the information needed for its customers and applicants to obtain adequate and efficient service. *(All types of information described in this section shall be provided upon request to customers at listed business offices).*

(2) Each utility must provide to each applicant relevant rate information and a consumer brochure detailing the rights and responsibilities of a utility customer. The consumer brochure must include information about the utility's regular business hours, the mailing address, the utility's toll-free number, the 24-hour emergency number(s) as well as an explanation of the rules that relate to establishing credit, deposits, billing, delinquent accounts, disconnection of service initiated by the utility, cancellation of service by the customers, the dispute process and ~~if the customer is still dissatisfied~~, the commission's informal and formal complaint procedures *(to be followed if the customer remains dissatisfied.)*

(3) At least once each year the utility must provide a bill insert *(provided in multiple languages in districts designated by the Commission)* advising its current customers how to obtain:

(a) a copy of the consumer brochure described in Section 2 *(provided in multiple languages in districts designated by the Commission)* ;

(b) a copy of the customer's applicable rate information;

(c) a copy of the natural gas/electric rules, chapter 480-90 WAC; and

(d) a copy of the utility's current rates and regulations.

(4) The utility must provide an applicant, upon request, a clear summary of the high and low billing period usage for each quarter based on the actual consumption of the applicant's service premise during the prior year.

(5) The utility must provide a customer, upon request, a detailed account of the customer's actual natural gas/electric usage of the service premise.

(6) The utility must provide the commission copies of all pamphlets, brochures, and bill inserts provided to its customers.

#### *Comments:*

*1) Reformatted the information companies should provide to customers and applicants and how to obtain this information.*

*2) Added that the companies must provide usage information to applicants and customers upon request.*

3) *Added that the utility must provide commission with copies of pamphlets, brochures and bill inserts it provides to customers.*

*The current rule (1) requires pertinent information to be available at "listed business offices." The first formal draft does not. We believe customers who wish to be informed should be given the easiest possible access to pertinent information, and we welcome proposals that ensure that customer access to information is not diminished by potential office closures or the removal of information from remaining offices.*

**WAC 480-90/100-046 Application for service.**

(1) When an applicant orders service from the natural gas/electric utility, the applicant will be responsible to conform to the rules and regulations that are in effect and on file with the commission.

(2) The utility may require the following information when an applicant applies for service: (a) the applicant's name, address, and telephone number; and an alternative contact telephone number, if applicable, of the responsible party at the service premise;

(b) the date the service is requested to be effective;

(c) the type of service requested such as residential or commercial service and the type of equipment to be served at the service premise; and

(d) proof of identification. The customer may choose which form of identification to provide to the utility. *(All employees given discretionary authority to request identification shall be trained regarding the legal duty to treat all applicants equally under the law. Companies shall monitor identification requests and provide regular reports containing the characteristics (neighborhood, race, gender, age, marital status) of consumers whose identification was requested or whose application was denied due to an inability or failure to provide identification.)*

(3) The utility must provide a service date to the applicant at the time of application. If the utility becomes aware that the service date cannot be met, they must notify the customer on or prior to the service date. *(The utility shall provide the customer with an order tracking number such that customer can easily identify the service request in subsequent interactions with the company.)*

(4) Under no circumstances will a customer resell natural gas/electric service.

*Comments:*

1) *"Application" is not addressed in the proposed draft rule since companies do not always require applications. In most cases, the companies take orders by telephone.*

2) *Eliminated the sentence referring to flat rate service.*

- 3) Moved the sentence referring to "customer using service prior to ordering" to the Disconnection of service rule, WAC 480-90-071 (2)(e).
- 4) Added that the utility must provide service date and if it cannot commit to that date it must advise the customer.

*Public Counsel opposes the draft's inclusion of "proof of identification" under the section controlling what information companies may require. In workshop comments some companies indicated that they currently run identification numbers of selected applicants through detection machines. This heightened threshold of pre-application scrutiny concerns Public Counsel because we believe that selectively requiring identification prior to service raises fundamental questions of fairness and equal protection.*

*Any system that allows company agents significant discretion to determine which applicants should and should not be required to prove identity is open to potential problems and liabilities. If discretion is to be exercised, then utility employees should be trained regarding the legal duty to treat all applicants equally under the law.*

*Public Counsel supports the addition requiring companies to provide a service date and suggests a hook-up standard that requires companies to connect service within a maximum number of days. We further support the use of a tracking number, similar to those employed by any number of customer-focused businesses, so that customers can easily determine the status of their request in subsequent interactions with company employees. We note that utilities appear to be moving toward more rigorous and accurate scheduling, with payments to customers when they fail to meet scheduled appointments.*

#### **WAC 480-90/100-051 Deposit requirements.**

(1) Security Deposit Criteria for Residential Applicants and Customers - A natural gas/electric utility may not collect a security deposit if an applicant or customer for residential service:

- (a) has had service with the utility within the prior twelve months, unless during any six consecutive months:
  - (i) the applicant or customer received two or more delinquency notices, or
  - (ii) the applicant's or customer's service for a similar class was disconnected for nonpayment;
- (b) can furnish a guarantor that has established credit with the utility (**or that can demonstrate (1a) above with another electric or natural gas utility**) as outlined in this section. If the customer has been disconnected, the guarantor is responsible for the

amount stated on the disconnect notice, not to exceed the amount of the deposit as defined in section (4) (5); or

(c) has notified the utility of the inability to pay a deposit as provided in WAC 480-90-xx3 - Winter low-income payment program.

(2) Other Requirements - Additionally, the utility may not collect a security deposit from an applicant who:

(a) can demonstrate (1a) above with another electric or natural gas utility. The satisfactory credit reference must be quickly and easily checked. The utility may request that the reference be in writing;

(b) can demonstrate ~~full-time~~ consecutive employment during the prior twelve months with no more than two employers, and the applicant is currently employed or has a regular source of income; or

(c) owns or is purchasing the premises to be served.

(3) Security Deposit Collection - The utility may collect a security deposit from any applicant or customer where:

~~(a) there is a prior customer living at the residence who owes a past due bill to the utility at the same address, or~~

~~(b)~~ (a) there is an unpaid, overdue balance owing to any electric or gas utility for a similar class of service.

(4) Security Deposit Criteria for Non-Residential Applicants and Customers - A non-residential applicant or customer for natural gas/electric service may be required to demonstrate that it is a satisfactory credit risk by reasonable means appropriate under the circumstances.

(5) Security Deposit Amount - Required security deposits for an applicant or customer may not exceed:

(a) two-twelfths of the service location's most previous 12 month billings for utilities billing monthly or an estimated amount if actual service did not exist; or

(b) three-twelfths of the service location's most previous 12 month billings for utilities billing bi-monthly or an estimated amount if actual service did not exist.

(6) Security Deposit Payment Arrangements - When an applicant or customer is required to pay a security deposit but is unable to pay the entire deposit in advance of connection or continuation of service, the utility must allow the applicant or customer to pay fifty percent of the deposit prior to service. The customer must pay 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.

(7) Alternative to Security Deposit - The utility must allow any customer or applicant who is required to pay a deposit but who is unable to pay the deposit, to prepay any installation charges and reasonably estimated regular service charges or budget billings. The utility must allow the customer or applicant to make payment at periods corresponding to the utility's regular billing period for the length of time during which a deposit would ordinarily have been required.

The utility must then bill the customer in a normal fashion.

(8) Transfer of Security 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.

(9) Additional Security Deposit - If a deposit or additional deposit amount is required after establishment of service the reasons must be specified in writing to the customer and guarantor, if applicable. Any request for a deposit or additional deposit amount must comply with the standards outlined in this rule. If the guarantor does not agree to be responsible for the additional deposit amount the customer will be held responsible for paying the additional deposit.

(10) Security Deposit Payment Date - Any security deposit or additional deposit amount required after service is established is due and payable no sooner than 5:00 p.m. of the sixth business day after notice of the deposit requirement is mailed from within the state of Washington or the ninth business day if mailed from outside the state of Washington. If the utility delivers the notice in person to the customer, the deposit or additional deposit amount is due and payable no sooner than 5:00 p.m. of the sixth business day from the date of delivery.

(11) Interest on Security Deposits - Interest on security deposits collected from applicants or customers must:

(a) accrue at the rate calculated as a simple average of the effective interest rate for new issues of one-year treasury bills, computed from December 1 of each year through November 30 of the following year. The commission will advise the utility each year of the specific rate;

(b) earn the calculated interest rate during January 1 through December 31 of the subsequent year;

(c) be computed from the time of deposit to the time of refund or when applied directly to the customer's account; and

(d) be compounded or paid annually.

(12) Refund of Security Deposit - Deposits plus accrued interest must be refunded when there has been satisfactory payment or upon termination of service.

(a) Satisfactory payment is established when the customer has paid for service 12 consecutive months in a prompt and satisfactory manner as evidenced by the following:

(i) the utility has not initiated disconnection proceedings against the customer; and

(ii) the utility has sent no more than two notices of delinquency to the customer.

(b) Termination of service - Upon termination of service, the utility must return to the customer the amount on deposit plus accrued interest, less any amounts due the utility by the customer.

(13) How Security Deposits are Refunded - Any security deposit plus accrued interest must be refunded to the customer no later than fifteen calendar days following completion of twelve months of satisfactory payment in the form of a check issued and mailed to the customer or, if the customer requests:

- (a) available to the customer at the utility's local business office; or
- (b) applied to the customer's account for service beginning in the 13th month.

*Comments:*

- 1) *Reformatted Sections (1) and (3)*
- 2) *Changed the requirement of delinquent notices*
- 3) *Changed employment requirement to "full-time" consecutive employment*
- 4) *Clarified qualifications and responsibilities of the guarantor*
- 5) *Clarified how deposits are calculated*
- 6) *Eliminated the option of the customer providing credit cards as a means of establishing credit*

*(1)(b)—Guarantor. The proposal imposes tougher standards upon the use of guarantors. It is reasonable to require that guarantors meet the credit worthiness standards of the chapter. However, the apparent requirement that they be customers of the utility in question does not make sense. College students, for instance, are likely to ask parents to sign as guarantors. Draft language would preclude this, as college students may not be served by the same utility as their parents. Furthermore, if companies are able to use credit histories from other like utilities to require deposits, applicants should be able to use customers from other like utilities as guarantors. Guarantors should under no circumstance be held responsible for a customer's previous past due balances. Guarantors guarantee future payment, not past.*

*(2)(b)—Employment history. Public Counsel prefers the language in current rule (1)(c). The draft proposes to add a new requirement that employment be "full time" to qualify as "establishment of credit." In an era of job-sharing and increasing use of temporary employees, this may place an unwarranted burden upon gainfully employed consumers who currently qualify for a deposit exemption.*

*(3)(a)—Roommate's arrears. The draft allows companies to collect a deposit merely because a prior customer with arrears appears to live at the residence. Public Counsel strongly opposes this condition and recommends its removal. In addition to raising potential ECOA issues, this approach presents a number of implementation questions. Applicants should be analyzed on the basis of their merits alone, not on the basis of their address or a company employee's discretionary decisions regarding other roommates at the residence in question. Other proposed rules cover instances where evidence of fraud exists. Public Counsel believes those are more than sufficient to address this situation.*

*(4)—Non-residential Applicants. While not opposing the proposed language, Public Counsel is concerned that credit scoring may in some instances result in refusals of service*



*or redlining of non-residential small business applicants in lower income areas. This could restrict bootstrapping initiative to start businesses in neighborhoods where business initiative is most needed. We therefore recommend a requirement parallel to our proposed 480-90/100-046(1)(d) which would track the characteristics of those customers who are forced to pay deposits to ensure that redlining does not occur.*

*(9)—Public Counsel requests that language be clarified regarding what circumstances may trigger a company's requirement of additional or larger deposits. Public Counsel recommends that company use of this section be restricted to a limited number of clearly enumerated situations in which an additional or larger deposit would be clearly justified.*

In addition, the current rule (1)(f) allows the production of two major credit cards to qualify as establishment of credit. By contrast the proposed draft deletes that option. We believe the option should be retained.

**WAC 480-90/100-056 Refusal of service (comb. w /90-121/100/116 Resp. for del. accts).**

(1) The utility may refuse to provide service if doing so will cause an adverse affect to other customers or if the service does not comply with government regulations or with accepted natural gas/electric industry standards.

(2) The utility may refuse to provide service if, in the utility's judgement, there are hazardous conditions at the site, or if the applicant's or customer's piping or gas burning equipment is hazardous, or of such nature that safe and satisfactory service cannot be provided.

(3) The utility may refuse to provide service if the applicant or customer does not comply with the utility's request to provide protective devices to protect the utility's or other customers' properties from theft or damage.

(4) The utility may refuse to provide service if the utility is unable to obtain all necessary rights-of-way, easements, approvals, and permits.

(5) The utility may refuse to provide service if it is not economically feasible to do so.

(6) The utility may refuse to provide service to a customer that is known by the utility to have fraudulently obtained service as described in WAC 480-90-071. Discontinuance of service.

(7) The utility may not refuse to provide service to an applicant or customer when there are outstanding amounts due from a prior customer at the same premises unless the utility can determine, based on objective evidence, that a fraudulent act is being committed, such that the applicant or customer is acting on behalf of the prior customer with the intent to avoid payment. *(A utility has the burden of proving that fraud occurred before*

*discontinuing service.)*

\* (8) The utility may not refuse service to an applicant or customer because of a prior obligation to the utility. A prior obligation is the dollar amount that has been billed to the customer but left unpaid at the time of disconnection of service for nonpayment.

**\* Note: Some stakeholders commented that prior obligation should be changed or limited in some way. Other stakeholders argue that the prior obligation rule has been in effect for about twenty years, and that there is no compelling evidence or reason to change it. Staff is open to discussion about how to limit or change prior obligation to prevent repeat abuse of this rule, if such abuse occurs and if it significantly affects the companies or other customers adversely. In order to determine if that is the case, staff needs evidence from the companies that would compel such a change (e.g., the actual number of cases and actual circumstances under which abuse occurs, total uncollectible amounts for gas/electric companies with prior obligation as compared to those without it, the adverse affect it has on the utility or other customers supported by evidence provided by the companies).**

*Comments:*

*Combined with WAC 480-90-121 Responsibility for Delinquent Accounts.*

***(7) As described in current and proposed WAC 480-100-071, a utility has the burden of proving that fraud occurred before discontinuing service. The same proof of culpability should apply in this refusal of service context.***

(8)—Prior obligation. Public Counsel continues to support the retention of current rules regarding prior obligation. This rule is the single most effective mechanism to protect essential energy services for low-income customers in Washington. It should not be weakened. For the nearly thirty years it has been in effect, prior obligation has never been shown to place an excessive burden on the companies. We understand company concerns that some customers might take advantage of this protection to avoid paying utility bills. No conclusive showing has been made that this is in fact the case. Without compelling evidence that prior obligation is excessively burdensome, and without a showing that company concerns cannot be mitigated in any other way, Public Counsel opposes diminishment or elimination of the current prior obligation protections.

#### **WAC 480-90/100-071 Discontinuance of service.**

(1) Customer-directed - Customers who request service to be discontinued must notify

the utility of the date service is to be discontinued. The customer is not responsible for usage after the requested date for disconnection. If the customer moves from the service address and fails to request that service be discontinued, the customer will be responsible to pay for service taken at that service address until the utility can either confirm that the customer has vacated the premise or that a new responsible party has moved in.

(2) Utility-directed without notice or without further notice - The utility may discontinue service without notice or without further notice when:

~~(a) After conducting a thorough investigation, it determines the customer has tampered with, or stolen, its property or has used service through an illegal connection;~~

(b) After conducting a thorough investigation, it determines the customer has vacated the premises;

(c) The customer has not eliminated any hazardous condition found to exist in the customer's facilities (i.e., piping, venting, appliances, etc.);

~~(d) A customer pays a delinquent account with a check or electronic payment the bank or other financial institution has dishonored after the utility has issued appropriate notice as described in subsection (6) of this rule;~~

~~(e) The customer has not kept any agreed upon payment plan for payment of a delinquent balance after a notice was mailed or delivered in person;~~

~~(f) The utility has determined a customer has used service prior to applying for service. The utility must charge the customer for service used in accordance with the utility's tariffed rate schedule(s); or~~

(g) After conducting a thorough investigation, the utility discovers that a customer has obtained service fraudulently. The utility has the burden of proving that fraud occurred. For the purpose of this section a nonsufficient fund check or electronic payment will not be considered fraud.

(i) First offense: The utility may disconnect service without notice when it discovers fraud, unless the customer immediately pays:

(a) The tariffed rate for service that the utility estimates was taken fraudulently; plus

(b) All utility costs resulting from the fraudulent use; plus

(c) Any applicable required deposit.

(ii) Second offense: The utility may disconnect service without notice when it discovers further fraud. The utility may refuse to reconnect service to a customer who has been twice disconnected for fraud subject to appeal to the commission.

This rule should not be interpreted as relieving the customer or other person of civil or criminal responsibility.

(3) Utility-directed with notice - After properly notifying the customer, as explained in subsection (5) of this section, the utility may discontinue service for any one of the following

conditions:

(a) Delinquent regulated charges as billed under WAC 480-90-096, Natural gas/electric utility responsibility for complaints and disputes, including any required deposit, except that the utility cannot disconnect service when the customer has met the requirements of subsection (4) of this rule for medical emergency or has agreed to or maintains agreed upon payment arrangements with the utility as described in WAC 480-90-xx4 Winter low-income payment program;

(b) Natural gas/electric energy use for purposes or properties other than those specified in the customer's service application;

(c) Under flat rate service for non-metered load, for increased natural gas/electric use without the utility's approval;

(d) Willful waste of natural gas through improper or imperfect piping, equipment, or otherwise; *(Where tenants do not have control over the condition of the equipment, the utility is required to report violations to an appropriate authority empowered to require landlords to repair defective equipment.)*

(e) Refusing to allow access to the customer's premise as required in WAC 480-90-091, Access to premise;

(f) Violating rules, service agreements, or filed tariff(s);

(g) Use of equipment that detrimentally affects the utility's service to its other customers;

*((h) After conducting a thorough investigation, it determines the customer has tampered with, or stolen, its property or has used service through an illegal connection;*

*(i) A customer pays a delinquent account with a check or electronic payment the bank or other financial institution has dishonored after the utility has issued appropriate notice as described in subsection (6) of this rule;*

*(j) The customer has not kept any agreed upon payment plan for payment of a delinquent balance after a notice was mailed or delivered in person; or*

*(k) The utility has determined a customer has used service prior to applying for service. The utility must charge the customer for service used in accordance with the utility's tariffed rate schedule(s).)*

(4) Combination utilities - Natural gas/electric service may not be disconnected for any amount owing associated with regulated electric/gas service.

(5) Medical emergencies - When the utility has cause to disconnect or has disconnected a residential service, it must postpone disconnection of service or must reinstate service within four hours for a grace period of five business days after receiving either verbal or written notification of the existence of a medical emergency. When service is reinstated the utility will not require payment of a reconnection charge and/or deposit prior to reinstating service but will bill at a later date.

(a) The utility may require that the customer, within five business days, submit written certification from a qualified medical professional stating that the disconnection of natural

gas/electric service would aggravate an existing medical condition of a resident of the household. "Qualified medical professional" means a licensed physician, nurse practitioner, or physician's assistant authorized to diagnose and treat the medical condition without supervision of a physician. Nothing in this section precludes a utility from accepting other forms of certification, but the maximum the utility can require is written certification. If the utility requires written certification, it may require not 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;
- (b) The medical certification is valid only for the length of time the health endangerment is certified to exist but no longer than ~~60~~ (120) days unless renewed;
- (c) A medical emergency does not excuse a customer from paying delinquent and ongoing charges. The utility may require the customer to do the following within the five-business-day grace period:
- (i) pay a minimum of ten percent of the delinquent balance;
  - (ii) enter into an agreement to pay the remaining delinquent balance within 120 days; and
  - (iii) agree to pay subsequent bills when due.

Nothing in this section precludes the utility from agreeing to an alternate payment plan, but the utility may not require the customer to pay more than this subsection prescribes. The utility must send a notice to the customer confirming the payment arrangements within two business days;

(d) If within the five-day grace period the customer fails to provide an acceptable medical certificate or ten percent of the delinquent balance, the utility may not disconnect service without first mailing a written notice providing a disconnection date not before 5:00 p.m. of the third business day after the date of mailing if mailed from within the state of Washington or six business days if mailed from outside the state of Washington or delivering a notice providing a disconnection date of not before 5:00 p.m. of the second business day following the date of delivery;

(e) If the customer fails to abide by the terms of the payment agreement the utility may not disconnect service without first mailing a written notice providing a disconnection date not before 5:00 p.m. of the third business day after the date of mailing if mailed from within the state of Washington or six (6) business days if mailed from outside the state of Washington or delivering a notice providing a disconnection date of not before 5:00 p.m. of the second business day following the date of delivery;

(f) A customer may claim medical emergency and be entitled to the benefits described in this subsection only twice within any 120-day period.

(6) Disconnection notification requirements - The utility must notify customers before disconnecting their service except as described in subsection (2). Notification consists of the following requirements:

(a) The utility must serve a written disconnection notice on the customer either by mail or by personal delivery to the customer's address with notice attached to the primary door. If the disconnection notice is for nonpayment during the winter months the utility must advise the customer of the payment plan described in WAC 480-100-072 Payment arrangements and WAC 480-90-xx4 Winter low-income payment program. Each disconnection notice must include:

(i) A disconnection date that is not less than eight business days after the date of personal delivery or mailing if mailed from inside the state of Washington or a disconnection date that is not less than eleven business days if mailed from outside the state of Washington;

(ii) All relevant information about the disconnection action including the amount owing and how to correct the problem; ***(No customer shall be disconnected for amounts owing that are not related to basic utility charges. The utility may only show the amount actually required for reconnection on any disconnection notice. The utility is prohibited from listing amounts owing for charges not related to basic, tariffed services on any disconnection notice.)***

(iii) All relevant information about any charges that may be assessed; and

(iv) The utility's name, address, and toll-free telephone number by which a customer may contact the utility to discuss the pending disconnection of service.

(b) If the utility discovers the notice information is inaccurate, the utility must issue another notice to the customer as described in section (5) (a).

(c) In addition to (a) of this subsection, a second notice must be provided by one of the three options listed below:

(i) Delivered notice - The utility must deliver a second notice to the customer service premise and attach it to the customer's primary door. The notice must state a scheduled disconnection date that is not earlier than 5:00 p.m. of the second business day after the date of delivery; or

(ii) Mailed notice - The utility must mail a second notice which must include a scheduled disconnection date that is not earlier than 5:00 p.m. of the third business day after the date of mailing if mailed from within the state of Washington or six business days if mailed from outside the state of Washington. The date of mailing will not be considered the first day of the notice period; or

(iii) Telephone notice - The utility must attempt at least two times to contact the customer at its residence during regular business hours. If the utility is unable to

reach the customer, the utility will attempt to contact the customer using any business or message number provided. A log or record of the calls must be kept for a minimum of ninety (90) calendar days showing the telephone number called, the time of the call, and details of the results of each attempted call. ***(The company must make actual contact with the customer, not including messages left with others or on message machines, before disconnection)*** When the utility has been unable to reach ***(contact)*** the customer by telephone, a written notice must be mailed to the customer providing a disconnection date not before 5:00 p.m. of the third business day after the date of mailing if mailed from within the state of Washington or six (6) business days if mailed from outside the state of Washington or delivering a notice providing a disconnection date of not before 5:00 p.m. of the second business day following the date of delivery.

(d) If the utility has not disconnected service within ten (10) business days of the disconnection date stated in subsection (5)(a)(i), the disconnection notice will be considered void unless the customer and the utility have agreed upon a payment arrangement. Upon a void notice, the utility must provide a new disconnection notice to the customer as provided in section (5).

(e) When the service address is different from the billing address, the utility must determine if the customer of record and the service user are the same party. If not, the utility must notice the service user as described in (a) of this subsection prior to disconnecting service.

(f) Except in case of danger to life or property, utilities may not disconnect service on Saturdays, Sundays, legal holidays, or on any other day on which the utility cannot reestablish service on the same or following day.

(g) A utility representative dispatched to disconnect service must accept payment of a delinquent account at the service address if paid in cash, but will not be required to give change for cash paid in excess of the amount due and owing. The utility must credit any over-payment to the customer's account. When disconnection does not take place due to payment or payment arrangements made by the customer with the utility representative, the utility may assess a fee for the disconnection visit to the service address if provided for in the utility's tariff.

(h) When service is provided through a master meter, or when the utility has reasonable grounds to believe service is to other than the customer of record, the utility must undertake reasonable efforts to inform occupants of the service address of the impending disconnection. Upon request of one or more service users, where service is to other than the customer of record, the utility must allow five days past the original disconnection date to permit the service users to arrange for continued service.

(i) Medical facilities - When service is provided to:

(i) a hospital, medical clinic, ambulatory surgery center, renal dialysis facility,

chemical dependency residential treatment facility, or other medical care facility licensed or certified by the department of health, notice of pending disconnection will be provided to the secretary of the department of health and to the customer. The department of health secretary or designee may request a delay of disconnection for five business days past the original disconnection date to allow the department to take the necessary steps to protect the interests of the patients residing at the facility; or

(ii) a nursing home, boarding home, adult family home, group care facility, intermediate care facility for the mentally retard (ICF/MR), intensive tenant support residential property, chemical dependency residential treatment facility, crisis residential center for children or other group home or residential care facility licensed or certified by the department of social and health service, notice of pending disconnection will be provided to the secretary of the department of social and health services and to the customer. The department of social and health services secretary or designee may request a delay of disconnection for five business days past the original disconnection date to allow the department to take the necessary steps to protect the interests of the patients residing at the facility.

(j) Any customer may designate a third party to receive a disconnection notice or other matters affecting the customer's service. The utility will offer all customers the opportunity to make such a designation. If the utility believes that a customer is not able to understand the effect of the disconnection, the utility will consider a social agency to be the third party (*and will make a good faith effort to ensure that the social agency chosen is willing and able to engage in timely interaction with the customer and on the customer's behalf.*) In either case, the utility must delay service disconnection for five business days past the original disconnection date after issuing a disconnection notice to the third party. The utility will determine which social agencies are appropriate and willing to receive the disconnection notice, the name and/or title of the person able to deal with the disconnection, and provide that information to the customer.

(7) Remedy and appeals - Service may not be disconnected while the customer is pursuing any remedy or appeal provided by these rules or while engaged in discussions with the utility's representatives or with the commission. However, any amounts not in dispute must be paid when due and any conditions posing a danger to health, safety, or property must be corrected. The utility will inform the customer of these provisions when the customer is referred to a utility's supervisor or to the commission. (*These provisions shall be included in the consumer brochure required in WAC 480-90-041.*)

(8) Payments at a payment agency - Payment of any past-due amounts to a designated payment agency of the utility constitutes payment when the customer informs the utility of the payment and the utility has verified the payment. (*A customer who informs a company of payment shall not be disconnected or labeled delinquent during any interval between when they inform the*



*company of payment and when the company processes or verifies payment. If a company is unable to verify payment after a customer informs a company of payment at a payment agency, that company shall wait a minimum of five days prior to initiating disconnection procedures.*

*Comments:*

*1) The requirement that the bills be paid within a minimum of 15 days has been moved to WAC 480-90-106, Billing requirements and payment date (Form of Bills).*

*Utility disconnecting service without notice:*

*2) Reformatted text addressing reasons when the utility can disconnect with and without notice to customers.*

*a. Clarifies companies are not required to provide disconnect notice if, after a thorough investigation, it has determined the customer has tampered with or vacated the property.*

*b. Allows companies to disconnect without notice if a person is using service prior to ordering service.*

*Utility disconnecting service without further notice:*

*3) Added "electronic payment" to 2c, when a customer pays with a check or electronic payment that has been dishonored by a financial institution.*

*Customer disconnecting service:*

*3) Customers must provide the date service is to be disconnected.*

*4) Customers are not responsible for service after the requested date for disconnection.*

*5) If the customer moves without notifying the utility to disconnect service, the customer will be responsible to pay for service until the utility can either confirm the customer has vacated the premise or that a new responsible party has moved in.*

*Medical Emergency:*

*6) Moved the section for medical emergencies (section 2h of existing rule) to follow reasons for disconnection.*

*7) Requires companies to restore disconnected service within four hours after being notified of medical emergency situation.*

*8) Lengthened time of medical certificate from 30 days to 60 days.*

*9) Restricted customers who delay disconnection of service via for medical emergencies from no limited amount of times to two times within 60 days.*

*10) If utility does not receive medical certificate or ten percent payment of delinquent balance within 5 business days, the utility can disconnect service upon mailed a 3-day notice or personally delivering a notice allowing one business prior to disconnecting service.*

*11) If the customer fails to abide by the payment agreement of the medical emergency, the utility can disconnect service upon mailed a 3-day notice or personally delivering a notice allowing one*

*business prior to disconnecting service.*

Notice procedures:

12) *When the utility mails a notice of disconnect from outside of the Washington State, it must add three business days to the notice due date.*

13) *Reformatted the procedures for disconnection.*

14) *Utility is no longer required to mail notices; personal delivery is now another option with same due date as if mailed.*

15) *Utility is allowed the option of mailing an additional notice or personally delivering a notice if it cannot reach the customer by telephone prior to disconnecting service.*

16) *Updated information as to when and how the companies should provide notice to medical facilities and relevant state offices.*

**(2)(a-g)—Notice.** *The proposed draft reduces notice requirements in a number of circumstances. Current rules require notice prior to disconnection when tampering, vacation, payment plan default, or unauthorized use of service occur or are suspected. The draft either reduces notice provisions entirely or relieves companies of the requirement to issue further or second notice. Notice, which ensures that a customer is notified of a problem and provided a channel for response, is an important part of due process and basic fairness. Given the general trend toward leaving local communities in favor of centralized customer service, and thereby distancing the utility from its customers, this is a poor time to reduce notice requirements.*

**(3)(h-k)—Notice.** See above.

**(3)(d)—Willful waste.** Occupant tenants that do not have control over the condition of the equipment should not be punished for the negligence of a landlord. Before service can be cut off, the company should be required to either fix the problem and bill the landlord or refrain from disconnecting where it is safe to do so and report the violations to someone who has the authority to get the problem fixed.

**(5)(b)—Public Counsel recommends the 120 day certificate duration that staff included in the first informal draft.** Elderly and seriously ill customers often have prolonged medical episodes that challenge their health and financial status at the same time. These customers should not be required to face the expense of returning to their doctor every two months merely to renew a utility certification. Perhaps the duration should be no less than 60 days, with up to 120 days available at a medical professional's discretion.

*(6)(a)(2)—Disconnection Notices. Because alternative providers of these basic monopoly services do not exist, a customer’s service should not be disconnected for failure to pay for unregulated service or equipment purchase charges. Additionally, staff should ensure that companies do not include overdue amounts for unregulated services or purchases on service disconnection notices. This bill bundling practice coerces customers into making payments that should not be required to keep basic services. Furthermore, customers should be clearly informed that although unpaid installments for equipment or non-basic services might be subject to collection, non-payment of such charges will not lead to disconnection. Only non-payment of basic gas and electric services should lead to disconnection. Protecting customers against disconnection in all but the most obvious situations of payment evasion is paramount.*

*(6)(c)(3)—Contact notice. The draft removes the provision in current rule (2)(G)(6) that requires notice by actual “contact” with the customer. Public Counsel recommends retaining that provision. Times of illness are times of stress and confusion. The potential for adversely affecting someone’s health due to failed communication is too great. Protections should be increased, not reduced, for customers with medical problems.*

*(8)—Payments at a payment agency. The draft language states that payment of past-due amounts will only “constitute payment” after the “customer informs the company of the payment” AND “the company has verified the payment.” No disconnection should occur between the time a customer informs a company of payment and the company’s verification of that payment. In the proposed draft it appears that a customer who makes a timely payment at a payment agency and then calls to inform the company of that payment could still be labeled delinquent, or worse disconnected, if the payment does not arrive in time and the company fails to verify the payment. It is unacceptable for customers to bear the burden of lag time between payment and posting when it is the companies that have chosen to provide pay stations in lieu of staffed local offices. Public Counsel would like to see it clearly delineated that a customer who informs a company of payment shall not be disconnected or labeled delinquent during any interval between when they pay or inform of payment and when the company processes or verifies payment. As well, to protect customers who pay in time but fail to call, a mandatory grace period should be required which takes into account the longest possible lag-time between payment agency payment and a company’s posting of that payment to the account.*

**WAC 480-90/100-xx3 Reconnecting service after disconnection.**

*(A gas/electric utility must disclose the following reconnection options to every*

*disconnected customer.*) A gas/electric utility must restore a disconnected service within one business day after the customer has paid, or at the time the utility has agreed to bill, any reconnection charge when:

- (1) the causes for disconnection not related to a delinquent account are removed;
- (2) the customer pays all regulated charges, including any required deposit;
- (3) the customer has entered into an agreed upon payment arrangement for a delinquent account, and any required deposit; or
- (4) the delinquent account ~~has been designated~~ *(is)* a prior obligation account as defined in WAC 480-90-056 Refusal of service, and the customer has paid or made arrangements for a deposit.

*Comments:*

*Required companies to restore service, after causes of disconnection have been removed, in one business day.*

**(4)—Reconnection of prior obligation account.** *Public Counsel recommends language to clarify the section.*

**WAC 480-90/100-072 Payment arrangements.**

(1) If a customer is billed for both gas and electric service and pays a portion of the total amount billed, the gas/electric utility must allow the customer the option of applying the payment to the service of their choice. *(On dual accounts where customers fail to designate a payment preference, companies shall indicate the service type providing the customer's primary heat source.)* If the customer makes a partial payment and does not choose which service the payment will apply to, the utility must apply the payment to *(the primary heat portion of the account first.)* ~~both services on a prorated basis according to the amounts billed for each service.~~

(2) If due to utility error the utility is delayed in billing the customer, the utility must offer payment arrangements that are equal to the length of time the customer waited for the bill.

(3) The utility must offer all residential customers the option of an equal payment plan.

(a) In general, an equal payment plan allows the customer to pay the same amount each month based on historical usage. If historical information is not available, the utility will base the amount on projected usage.

(b) The utility may refuse to offer the equal payment plan to customers who have been removed from the equal payment plan for nonpayment within the past six (6) months or have more than a two month *(past due)* balance on their current account. However, the utility may offer the equal payment plan to any customer when it believes this would be

in the best interest of all parties concerned.

(4) When a customer contacts the utility regarding a delinquent account or to avoid a delinquent account, the utility must offer extended payment arrangements appropriate for both the customer and the utility.

(a) The *(utility must inform the customer that the)* customer may enter into a six month payment arrangement on a delinquent account one time prior to disconnection of service.

(b) If the customer does not choose to enter into a six-month payment arrangement, then the customer and utility may make arrangements appropriate to both the customer and utility. If the customer does not propose payment arrangements acceptable to the utility, the utility will advise the customer of the payment plan described in WAC 480-90-xx4, Winter low-income payment program, if appropriate.

(5) The utility will provide a receipt to customers for all payments made in cash.

*Comments:*

1) *Moved Section 3 and 4 of existing rule to separate new rule.*

2) *Added that if the utility delayed billing to the customer, it must allow the customer to make payment arrangements equal to the length of time the customer waited for the bill.*

3) *Added that companies who provide both electric and gas service, must prorate payments to each service if the customer has not designated which service should be paid.*

4) *Added that the utility must provide receipts for all cash payments.*

5) *Added that the customer may enter into a six month payment arrangement on a delinquent account one time prior to disconnection of service.*

6) *Clarified how budget payment plans are calculated.*

***(1)—Combined gas and electric billing. Public Counsel approves of staff's proposal that allows customers the option of requiring companies to apply partial payments to the account the customer selects. Notification to customers of their options will be an important mechanism to help them understand this protection. Customers should be given periodic opportunities to evaluate their payment allocation and change it as necessary.***

***We are concerned about the proposed language regarding customers who fail to make a choice. This language appears to ensure that both accounts will be delinquent even though payment was sufficient to cover one portion (gas or electric) of the bill. We recommend that the draft be amended to ensure that the customer does not face disconnection of both energy services. On dual accounts, companies should be required to indicate the service type providing the primary heat source. Where customers fail to make a choice, companies should apply partial payments to the primary heat portion of the account first.***

***(4)(a)—Public Counsel strongly supports the customer option of a six month payment***

*arrangement. This will provide customers a meaningful opportunity to recover from financial setbacks. A mandatory six-month payment plan has the added benefit of helping customers stay current, thus avoiding unnecessary disconnection and reconnection fees.*

**WAC 480-90/100-xx4 Winter low-income payment program.**

(1) During the winter months, between November 15 and March 15, the natural gas/electric utility may not discontinue residential space heating service if the customer:

(a) Notifies the company of the inability to pay the bill, including a security deposit. This notice should be provided within five business days of receiving a delinquent notice unless there are extenuating circumstances. If the customer does not notify the company within five business days and service is disconnected, the customer can, by paying reconnection charges, if any, and upon fulfilling the requirements of this section, receive the protections of this chapter.

(b) Provides self-certification of household income for the prior twelve months to a grantee of the Department of Community, Trade, and Economic Development. 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, within thirty days, 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 also within thirty days provide a dollar figure to the company that is seven percent of the household income within thirty days of the date the company was notified of the inability to pay as in (a) of this subsection. For the purposes of this section household income is defined as the total income of all household members as determined by the grantee. The grantee may verify information provided in the self-certification;

(c) Applies for home energy assistance from appropriate government and/or private sector organizations and certifies that any assistance received will be applied to their current and future utility bills;

(d) Applies to the utility or other appropriate agencies for low income weatherization assistance if such assistance is available for the dwelling;

(e) Agrees to and maintains the following:

(i) pay all amounts owed to the utility by the following October 15 and to pay for continued service;

(ii) pay a monthly payment during the winter period of at least seven percent of the monthly household income during the winter months. In addition, the customer must pay one-twelfth of any billings from the date application is made through March 15. A customer may agree to pay a higher percentage of income

during this period, but the customer's account will not be considered past due unless payment during this period is less than the amount that was calculated using the formula above. If the customer does not pay the past due bill by the following October 15, the customer will not be eligible for protections under this section, until the past due bill is paid.

- (f) Notifies and provides documentation, if requested, to the utility that the customer has received any home heating assistance payment from government and/or private sector organizations after being approved for the plan. When the utility receives this information it must recalculate the payments for the customer; and
- (g) Pay all amounts owed even if the customer moves.
- (2) The utility will:
  - (a) Assist the customer in fulfilling the requirements under this section;
  - (b) Be required to transfer an account to a new residence when a customer who has established a plan under this section moves from one residence to another within the same utility's service area;
  - (c) Be allowed to discontinue service if the customer has not kept the payment arrangements in Section 1 above, as directed in WAC 480-100-071, Discontinuance of service. The utility will include in the customer's disconnect notice:
    - (i) a description of the customer's duties outlined in section (1) above, and
    - (ii) an explanation that it will restore service if the customer contacts the utility and satisfies the other requirements in this section.
  - (d) Be allowed to disconnect service for practices authorized by law other than for nonpayment as stated in this section;
  - (e) Allow customers who qualified under Section (1) above and who default on their payment plan and are disconnected in accordance with WAC 480-100-071, disconnection of service, to reconnect and maintain the protection afforded under this chapter when they:
    - (i) pay **(or make arrangements for)** any reconnection charges; and
    - (ii) ~~pay all amounts that would have been due and owing on the date the service is reconnected;~~ **(pay or make arrangements for a deposit as provided in WAC 480-90-xx3(4) regarding the reconnection of service after disconnection.)**
  - (f) Provide a written copy of the extended payment plan to the customer.
- (3) Any customer who has a past due amount owing under this payment plan will not be eligible to reapply for a new extended payment plan unless authorized by the utility.

*Comments:*

- 1) *This rule is moved from 480-90/100-072, Payment Arrangements, Section 3 and 4.*
- 2) *Reformatted rule to more closely parallel with 80.28.010(4) and (5) RCW.*
- 3) *Moved definitions of energy assistance grantee and household income from WAC 480-100-021 (5) and (6) to section (1)(b) of this rule.*

**(2)(e)(i-ii)—Public Counsel recommends making this section consistent with draft provisions for service reconnection in WACs 480-90/100-xx3 and 480-90/100-056.**

**WAC 480-100-076 Service responsibilities.**

(1) Customer responsibility - the customer will notify the gas/electric utility in writing, in advance, of all changes in their equipment or usage, which will materially affect the service to be rendered. The customer will give such notice within a reasonable time to permit the utility to provide the necessary facilities and to acquire additional gas supply if required. The cost of necessary facilities, if any, will be equitably adjusted between the gas utility and the customer unless otherwise provided for in the utility's filed tariff(s).

(2) Gas/electric utility responsibility - each gas/electric utility will install and maintain at appropriate locations within its system such equipment as may be necessary to determine the operating characteristics of the system. The commission may require additional equipment in connection with performing special investigations if economically feasible.

In case any substantial change is made by the gas/electric utility in the character of service rendered, which change would affect the efficiency of operation or the adjustment of the equipment of customers, the utility will promptly notify all customers who may be affected. Where adjustments of such equipment need to be made to permit use under such changed conditions, such adjustments will be made, and the cost will be equitably split between the utility and the customer. When the customer has been advised of such contemplated change prior to taking service, or when such change is required by law, the customer will bear all costs in connection with making changes to the customer's own equipment.

(3) Maintenance - each gas/electric utility will maintain its plant in such a condition as will enable it to furnish adequate service and meet applicable state and federal standards.

(4) Interruptions of service - Each gas/electric utility will make all reasonable efforts to avoid interruptions of service and, when such interruptions occur, will endeavor to reestablish service with the shortest possible delay.

When it is necessary for a gas/electric utility to make repairs to or change its facilities, the utility may, without incurring any liability, suspend service for such periods as may be reasonably necessary and in such manner as to minimize the inconvenience to customers. The utility will individually notify police and fire departments affected by such suspension. All customers affected by a scheduled interruption will be given notification through newspapers, radio announcements, or other means at least one day in advance.

(5) Record of interruptions - each gas/electric utility must keep a record of all interruptions of service affecting a substantial number of 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.

**Comments:**

*Rule rewritten for clarity.*

**(5)—Record of interruptions.** *Public Counsel believes “substantial number” should be addressed within the Commission’s reliability rulemaking to ensure a level of uniformity of reporting and comparability of data across companies.*

**WAC 480-90-086 and 100-081 Service entrance facilities.**

The gas/electric utility may require customers to:

- (1) ***(comply with reasonable requirements to)*** provide entrance facilities at the easiest access point to its distribution system and;
- (2) comply with reasonable requirements to keep those facilities free from tampering or interference.

**Comments:**

*Rewritten for clarity.*

***The current language of WAC 480-100-081 protects customers from unreasonable demands, stating that companies may only require customers to “comply with reasonable requirements” with regard to both “access point” and “free from tampering” requirements. This reasonable language should be retained.***

**WAC 480-90/100-091 Access to premises.**

(1) Authorized representatives of a gas/electric utility have the right to enter a customer’s property during reasonable hours to perform meter reading, maintenance, testing, installation, or removal of the utility’s property. Customers may ask to see the identification of the gas/electric utility representatives.

(2) When performing maintenance or installing or removing the utility’s property, the utility must restore the customer’s property as close as possible to the condition prior to the utility’s action or other such arrangements as agreed to with the customer.

**Comments:**

*Revised per water rules and stakeholders' comments.*

**WAC 480-90/100-096 Gas/electric utility's responsibility for complaints and disputes.**

- (1) When a natural gas/electric utility receives a complaint in any form from a customer or an applicant for service it must acknowledge receipt of the complaint and
  - (a) provide the name of the utility's contact to the complainant;
  - (b) investigate the complaint promptly;
  - (c) report the results of the investigation to the complainant (*within five business days*);
  - (d) take corrective action, if warranted, as soon as possible under the circumstances;
  - (e) inform the complainant (*as early as possible after the initiation of a complaint*) that the decision may be appealed to a supervisor at the utility; and
  - (f) inform the complainant (*as early as possible after the initiation of a complaint of the customer's right to pursue the complaint with the commission if they should remain dissatisfied*) ~~if still dissatisfied after speaking with the supervisor, of the customer's right to file a complaint with the commission~~ and provide the commission's address and toll-free telephone number.
- (2) Applicants, customers, or their representatives may file with the commission:
  - (a) an informal complaint as described in WAC 480-09-150 Informal complaints or
  - (b) a formal complaint against the utility as described in WAC 480-09-500 Brief adjudicative proceedings.
- (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 at a date specified.
- (4) Each gas/electric utility must keep a record of all complaints for at least three years and, on request, make them readily available for commission review. The record must contain:
  - (a) the complainant's name and address;
  - (b) the date and nature of the complaint;
  - (c) the action taken; and
  - (d) the final result.

***((e) all correspondence and records regarding the complaint.)***

*Comments:*

1) added requirement (a) to section 1

2) added requirement (c) to section 3

3) changed record keeping requirement for all complaints from one to three years

**(1)(a-c)—“Promptly” investigate and respond should be specifically defined in terms of days.**

**(1)(e)—Dissatisfied complainant. The proposed language provides company agents and supervisors with considerable discretionary authority to determine when the threshold of continued dissatisfaction is passed, triggering the need to inform the customer of the right to speak to a supervisor or appeal to the commission. We propose language that requires companies to inform customers up front, as early as possible after the initiation of a complaint, of their right to pursue the complaint with a supervisor and/or commission staff.**

**(4)—Record-keeping of complaints. The draft does not appear to address customer correspondence. Current rule (6) requires companies to “acknowledge” written complaints and retain all “correspondence” and “records” of complaints. The draft should be amended to reflect this current customer protection ensuring that a customer’s written version of events and production of pertinent documents or records must be kept, recorded and made readily available.**

**WAC 480-90-106 and 100-101 Billing requirements and payment date.**

(1) Customer bills must:

- (a) Be issued at intervals not to exceed two months;
- (b) Show the total amount due;
- (c) Show the date the bill becomes delinquent if not paid;
- (d) Include the utility’s business address, business hours, *(toll-free)* telephone number and emergency telephone number by which a customer may contact the utility;
- (e) Include the current and previous meter reading, the current read date, and the total amount of therms used and the rate per therm;
- (f) Show energy usage comparison for the *(current month and the)* same billing month of the previous year for the following:
  - (i) number of days in billing period;
  - (ii) therms used;
  - (iii) average therms used per day;

- (iv) average temperature per day;
  - (g) Show taxes and any tax percentage rate that the taxes are computed from. Taxes must also be totaled to show a total tax amount;
  - (h) Clearly identify when a bill has been prorated. A prorated bill will be issued when service is provided for a fraction of the billing period or when a rate change has occurred during the billing period. Unless otherwise specified in the utility's tariff, the charge will be prorated in the following manner:
    - (i) flat rate service will be prorated on the basis of the proportionate part of the period service that was rendered.
    - (ii) metered service will be billed for the amount metered, except the minimum charges will be the applicable minimum as shown in the tariff.
  - (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 on file with the commission.
    - (ii) the utility may not estimate for more than two consecutive billing cycles.
  - (j) Clearly identify determination of maximum demand. Utilities providing service to any customer on a demand basis must detail in their filed tariff the method of applying charges and of ascertaining the demand.
- (2) The minimum time allowed for payment after the bill's mailing date must be fifteen (15) days, if mailed within the state of Washington, or eighteen (18) days if mailed outside the state of Washington.
- (3) A customer may request to pay by a certain date that is not the normally designated payment date when showing good cause. Good cause may include, but is not limited to, adjustment of a billing cycle to parallel receipt of income. The preferred payment date must be prior to the next invoice date.

*Comments:*

- 1) *Added total amount owed will be listed on bill.*
- 2) *Added that utility must include business address, toll-free telephone number, business hours and emergency telephone number on bill.*
- 3) *Added information to be included on bill in order to calculate bill amount.*
- 4) *Added what information is to be provided in order to compare bill with previous year's usage.*
- 5) *Clarified tax information to be included on bill.*
- 6) *Added utility may not estimate bill for more than two consecutive billing cycles.*
- 7) *Added three days to bill due date if bill is mailed outside of the state.*
- 8) *Added when a customer requests a preferred payment date, it must be requested prior to the next bill date.*

9) Moved reference of the 15-day minimum for billing from WAC 480-100-071 (1)(a), Disconnection of service.

10) Added method of estimation of bills must be detailed in the utility's tariff.

**(1)(d)—Public Counsel recommends requiring companies to list a toll-free number, as suggested in staff's comment (2) above.**

**Public Counsel generally supports staff's proposal for a bill format that will provide consumers information sufficient to readily reproduce the calculation of their bills.**

### **WAC 480-90-161 and 100/171 Complaint meter test (combined rule).**

WAC 480-90-161 and 100/171 Complaint Meter Test

WAC 480-90-156 and 100/166 Dispute as to meter accuracy

WAC 480-90-116 and 100/111 Refund for inaccurate metering

(1) The natural gas utility must test and report to the customer the accuracy of a meter within ten (10) business days after receiving a request from a customer. The utility must allow the customer to order one meter test free of charge during a twelve month period.

(2) The customer may either witness the meter test or designate a representative to witness the test. The customer may require the meter to be sealed upon removal in the customer's or the representative's presence. The seal must not be broken until the test is made in the customer's or the representative's presence, or until permission to break the seal has been granted by the commission. The utility must report the results of the meter test to the customer.

(3) A customer may request the utility to perform additional meter tests. The utility must immediately inform the customer of any additional meter test charges. If the customer elects to have the meter test performed, the utility will perform the test and report the test results within ten (10) business days to the customer. If the additional meter test results show the meter is performing accurately as described in WAC 480-90-146, Initial accuracy of meters, the utility may charge the customer for performing the additional meter tests. The charge of the meter test must be listed in the utility's tariff. The utility may not charge the customer for any meter test which shows the meter is performing inaccurately.

(4) If the customer disputes any meter test result, the utility or the customer may contact the commission to review the complaint. When the commission has notified the utility that a complaint has been received regarding the customer's meter, the utility will not change the meter set assembly in any manner unless authorized by the commission. If the utility violates this provision, the commission may consider it as supporting the customer's

dispute since the change might affect the proof of the dispute. The commission may require the utility to perform an additional test and report the test results within ten business days to the commission.

(5) If a meter test reveals a meter error not in accordance with WAC 480-90-146, Initial accuracy of meters, the utility must repair or replace the meter at no cost to the customer. The utility will adjust the bills to the customer based on the best information available to determine the appropriate charges.

(a) The utility must refund the customer back to the date the customer was first billed for a defective meter but not more than six months.

~~(b) In cases where the customer will be billed for additional meter usage, the utility will bill to the date the customer was first billed for a defective meter but not more than six months. The utility will make payment arrangements to allow the customer additional time to pay the bill. (No customer should ever be disconnected for a past due amount relating to meter inaccuracy.)~~

(6) Reports - the commission may require the utility to provide meter test results in response to a customer's complaint. These reports will contain the name and address of the customer, the meter manufacturer's name, the manufacturer's and utility's meter number, the size or capacity of the meter, the date the meter was tested, the reading of the meter when tested, the accuracy of the meter as found, and the accuracy of the meter after adjustment.

*Comments:*

1) Deleted utility option of refusing meter test

2) Deleted "initiate" in section (1) and changed to must test and report results to customer within ten business.

3) Moved WAC 480-90-156 and 480-90-116 to this rule.

4) Added if the customer requests additional meter tests, the utility must inform the customer of the meter test charges.

5) Clarified that utility may use "best information available" to adjust bills due to meter inaccuracy.

6) Clarified customer will not be billed for more than six months for additional meter usage as well as limiting refunds to six months.

***(5)(b)—Public Counsel opposes any retroactive collection of revenues from customers by a company for faulty meters when meter reading remains the company's responsibility. It is a company's obligation, not the customer's, to keep meters accurate. Companies have the equipment, expertise and authorization to keep meters accurate. Customers do not. Furthermore, by providing sole authority to the utility to set the bill, this section as written diminishes the company's incentive to monitor accurately. Lacking expertise and equipment, customers would be unable to contest company determinations. Thus, the***

*content of the current rule should be retained. Companies should bear the risk for meter inaccuracies.*

*No customer should ever be disconnected for a past due amount relating to meter inaccuracy.*

**WAC 480-90-211 and 100-311 Payment locations.**

(1) The natural gas/electric utility must provide payment agencies in convenient locations where applicants and customers can make cash and urgent payments as needed to receive service. *(A company must have at least one payment agency for every XXX customers served and at least one payment agency within XXX miles of every town or neighborhood served.)* Payment agencies must clearly post and maintain regular business hours.

(2) The utility and its payment agencies must provide receipts for any cash payments made by the applicants or customers.

(3) The utility must provide, at a minimum, a toll-free telephone number for applicants and customers to receive information relating to services and rates; to accept and process orders for service; to explain charges on customer bills; to adjust charges made in error; and to generally act as representatives of the utility.

(4) *(Companies shall provide applicants and customers reasonable access to company representatives for conducting business.)* The utility must provide written notice to its customers and the commission at least thirty days prior to the closing of any business office, customer service center or payment agency. In the event a payment agency is closed on less than thirty days notice, written notification is required as soon as the utility becomes aware of the closure. At a minimum, the following information is required:

- (a) The communities affected by the closing;
- (b) The date of the closing;
- (c) A listing of other methods and facility locations available for payment of cash or urgent payments; and
- (d) A listing of other methods and locations for obtaining business office and customer service center services.

*Comments:*

- 1) Changed title of section*
- 2) Deleted definition of urgent payment*
- 3) Changed "reasonable access" to convenient location in section 1.*

- 4) Deleted business office designation
- 5) Deleted requirement that business offices be accessible in person.
- 6) Added utility must notify customers of payment agency closures.

*Customer concerns about diminishing access to in-person customer service agents need to be thoughtfully addressed in these proceedings. Public Counsel is especially concerned about customers who wish to pay their bill immediately to avoid disconnection but are unable to do so in person.*

*(1)—Customers have expressed increasing frustrations with the frequent closings and inconvenience of payment agency locations. See for instance commission complaint no. 51874. In that complaint an urban customer indicates that the local payment agency changed locations twice over a short period of time before moving out of his area entirely. Even though no payment agency existed anywhere near his part of the city the local business office, which was relatively close, still refused to take his payment. The utility responded by stating that no rule mandated a certain number of customers per payment agency location and that no rule required the company to have payment agencies in every part of the city. Given the level of frustration among customers and companies' inadequate definitions of "reasonable access" and "convenience," such rules clearly should exist.*

*An appropriate ratio of customers per payment agency, taking into account the differing needs of rural and urban areas, is one possible solution to this issue. Public Counsel has not suggested a specific ratio and is interested in a discussion among stakeholders in a workshop setting.*

*Public Counsel recommends that before the Commission codifies the current shift away from in-person customer service, it should carefully consider the adverse combination of telephone-centered service and low telephone penetration rates within low-income and other vulnerable populations. Households dependent upon public assistance are especially likely to lack telephones. Thus, relying on the telephone as the predominate means to communicate with customers, particularly about their ability to avoid shut-off or to negotiate payment plans, is likely to fail. For example, one National Consumer Law Center study found that 80% of Maine households disconnected from essential energy services had no telephone. That study also found energy consumers without telephones to be underrepresented in utility payment plans.*

Washington-specific data is needed on low-income telephone penetration rates and the correlation of that population with those on energy assistance or facing disconnection. The lack of a telephone makes it difficult for low-income households to negotiate payment plans



or to contact consumer groups or social service providers that could help them avoid disconnection. Closing local customer service options to rely on distant telephone service centers can only make these problems worse for low-income customers.

Until companies can show that telephone-centered customer service will not have an adverse effect on Washington's low-income populations, the following language from the introductory paragraph in the current electric rule (480-100-311) should be retained: "Companies shall provide applicants and customers reasonable access to company representatives for conducting business."

#### **WAC 480-090/100-xx5 Natural gas/electric customer notification requirements.**

##### **(1) Customer notice prior to commission action.**

(a) Customers must receive thirty days notice prior to the requested effective date when a natural gas/electric company proposes to:

- (i) increase rates (see exceptions in section 2);
  - (ii) change terms and/or conditions of an existing service;
  - (iii) change the ownership or control of the operating company (see WAC 480-143-210 Transfer customer notice requirements, for content of notice);
  - (iv) institute a charge for a service that was formerly provided without charge;
- or
- (v) eliminate or grandfather any service.

(b) At a minimum, a gas/electric utility must notify:

- (i) all customers who may be affected by the company's proposal; and
- (ii) the public affairs section of the commission.

(c) Content of notice for rate change. Each customer notice must contain, at a minimum:

- (i) date the notice is issued;
- (ii) utility name and address;
- (iii) a clear explanation of the proposal that ensures customers understand the proposed change and the impact of the change;
- (iv) the utility's reasons for the change (use examples as needed);
- (v) a comparison of current and proposed rates by service;
- (vi) an example of the proposal based on an average customer's use (for example: an average residential customer uses x therms a month. Usage x proposed rate = \$ per month.)
- (vii) when the rates will be billed (i.e., monthly or bi-monthly);
- (viii) requested effective and/or implementation date;

- (ix) the total annual revenue increase or the percentage of increases for each individual customer class, service and/or categories contained in the utility's proposal;
- (x) an explanation that the commission has the authority to set final rates that may vary from the utility's request and may be either higher or lower depending on the results of the investigation;
- (xi) a description of how and where the customers may contact the utility if they have specific questions or need additional information about the proposal; and
- (xii) public involvement language as follows: If you have questions about the ratemaking process, you may contact the Washington Utilities and Transportation Commission at the following address:

Secretary, Washington Utilities & Transportation Commission  
P.O. Box 47250,  
Olympia, WA 98504-7250  
1-800-562-6150 (toll free)  
comments@wutc.wa.gov

If you would like to comment on this proposal, it is important for you to do so now. Comments must be submitted in writing or presented at the commission's open meeting to be included as part of the formal record. The commission is interested in receiving your views regarding this proposal whether in favor or not. All open meetings are held in Olympia, WA. If you would like to be added to the commission's mailing list to be notified of the open meeting date please call 1-800-562-6150 and leave your name, complete mailing address including your utility's name and a description of the proposal you are interested in.

(d) Customer notice prior to commission action may be accomplished by bill insert, bill message or separate mailing to all affected customers.

(2) Customer notice after commission action. Notice after commission action is required only when the commission approves an increase in federal, state, county or city imposed taxes, fees, or surcharges, and when credits are issued; or when the commission approves an increase for non-recurring charges which include, but are not limited to, disconnect visit charge, returned check charge, connection or reconnection charge, late payment charge, or purchase gas adjustment filings. This also includes the formal hearing customer notice as required in 480-80-125 Notice by utility to customers concerning hearing.

(a) All customers who may be affected by the utility's proposal and the

commission's public affairs department must be notified.  
(b) At a minimum, notice au