

September 10, 2010

***VIA ELECTRONIC FILING***

Washington Utilities and Transportation Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504‑7250

Attention: David W. Danner
 Executive Director and Secretary

RE: Docket U-100523 Comments on Proposed Revisions to Draft Rules

Dear Mr. Danner:

 PacifiCorp, d.b.a. Pacific Power (“PacifiCorp” or “Company”) submits the following comments in response to the Washington Utilities and Transportation Commission’s (“Commission”) Notice of Opportunity to File Written Comments (“Notice”) issued in Docket U-100523 on August 9, 2010. The Notice seeks comments on proposed draft rules to address the use of electronic bills, notices of tariff revisions, bill inserts, documents in adjudicative proceedings and reports required by settlement stipulations. The Commission initially issued a discussion draft on June 11, 2010, seeking comments from interested persons by July 14, 2010. PacifiCorp, and various other interested persons submitted comments on the initial discussion draft.

The proposed rules included with the Notice address many of PacifiCorp’s concerns with the initial draft. However, there are a few areas of concern with the latest draft. The Commission issued separate proposed rules for gas and electric utilities. PacifiCorp’s comments focus on the draft rules for electric utilities. Included with these comments as Attachment A is a copy of the draft rules with PacifiCorp’s suggested edits shown in redline.

**WAC 480-100-XXX(2) (Verification of Consent)**

 This proposed new section would require utilities to obtain customer consent to provide bills and other utility information in electronic format. The proposed rule would require such customer consent to meet certain criteria. PacifiCorp understands the nature of the concerns that customers be able to comprehend what they are consenting to when agreeing to receive paperless bills and other information. Proposed new subsection (2)(a) would prohibit customer consent from being combined with any other information.

 In its July 14, 2010 comments PacifiCorp briefly described the enrollment process for customers to create their own web profiles to view information related to their service. By going through this process, customers electronically receive information about their accounts. Through the instant comments, PacifiCorp offers further information to give a better understanding of the process. Customers may register for a web profile in three simple steps, which results in four screen shots. In the first screen, customers input information (first and last name, a user ID, a password, and confirm the e-mail address) to be associated with the web profile. In the second screen, the customer reviews the information provided, and if correct, types the text of a security check box into a confirmation box and then submits to the Company’s secure server. In the third screen shot, the customer sees a notice to activate the web profile. To activate the web profile, the customer clicks a link provided in an email sent to the web address provided by the customer. After the customer clicks on the link in the email, the customer is taken to a screen shot indicating that the web profile has been successfully activated.

 After successful activation of a web profile, the customers may then select the account(s) to be associated with that web profile. This is accomplished in four steps, resulting in five screenshots. In the first screen, the customer enters the account number(s) to be associated with the web profile. In the second screen, the customer confirms his or her identity. In the third screen, the customer selects the account(s) to access online. In the fourth screen, the customer must confirm the information provided through the previous three screens. After confirming, the customer sees a fifth screen with a notification that the request for electronic access to account information was successfully submitted. The customer may then access his or her account information online.

Once the customer has completed the process to access their account information online, they may then elect to sign up for paperless billing. To participate in paperless billing, customers must enroll in PacifiCorp’s online payment program, which is a simple process. This may only occur after the customer activates a web profile and links an account to that profile. To enroll in the online payment program, a customer must check a box to indicate acceptance of the terms and conditions of the online payment program. A link to the terms and conditions of the online payment program is located directly above the box a customer checks to indicate acceptance of those terms and conditions. Upon successful enrollment, the Company sends a “welcome” email to the customer. Currently, PacifiCorp’s system captures the customer’s acceptance of the terms and conditions of the online payment program.

 Requiring that customer confirmation of consent to receive electronic bills and information be contained separate from other information would require system changes, which could cause considerable expense to be incurred. Customers enrolling in paperless billing and online payment do so of their own choice. As illustrated above, PacifiCorp customers go through several steps in order to complete the online enrollment process and activate paperless billing. Requiring additional steps to confirm consent seems to be a “belt and suspenders” approach, the benefits of which could be outweighed by the expense to comply. If additional consent is required, it would be easier, and less confusing for a customer, if the Company would modify an existing screen to include the consent, keeping the information concerning the program they are consenting to on the same screen with consent. PacifiCorp would also like to note that should screen or system changes ultimately be required, in addition to the expense associated with making changes such as adding additional screens and records, the time it takes to analyze, develop and implement the changes may far exceed the 60 days to complete as suggested by Staff.[[1]](#footnote-1) PacifiCorp agrees with Puget Sound Energy’s recommendation to allow up to 180 days to implement any changes required by the new rules.

 Section XXX(2)(d) contains proposed information that the customer must confirm. PacifiCorp does not oppose the idea of obtaining some sort of acknowledgement that the customer consents to receiving electronic bills and information. PacifiCorp’s system already captures the customer’s acceptance of the terms and conditions for use of paperless billing and online payment. PacifiCorp would prefer to combine such confirmation into an existing screen. By doing this, customers would actively acknowledge such consent in a more cost-effective manner. Additionally, PacifiCorp offers suggested revisions, as noted in Attachment A.

 Section XXX(2)(e) contains a proposed requirement that utilities send customers already enrolled in electronic notification options an email to verify consent to be consistent with the new rules resulting from this rulemaking. Utilities would be required to send a one-time email to customers with essentially the same information as that contained in proposed XXX(2)(d). As noted above, PacifiCorp customers enroll in paperless billing of their own choice. Requiring the Company to send a one-time email to those customers already enrolled in the program seems unnecessary and may confuse the customer. If, however, the Commission determines this step is necessary, because this would be a one-time requirement, it may be beneficial for it to be contained in the order adopting the new rules rather than placing it in the rules. Leaving it in the rules may bring confusion as time elapses between the effective date of the new rules and future review for compliance with the rules.

 The Company offers several other suggested edits for clarity. These suggested edits are shown in Attachment A.

PacifiCorp appreciates the opportunity to provide comments and participate in the review of the billing and noticing rules. Please direct any questions to Cathie Allen, Regulatory Manager, (503) 813-5934.

Sincerely,

Andrea L. Kelly

Vice President, Regulation

1. See Comment Summary Matrix, Staff Response to Issue #11, Implementation Time Frame, p. 12 (August 3, 2010). [↑](#footnote-ref-1)