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July 17, 1999.

Attached are the initial drafts of the metering, safety, and standards rules. These are in rough draft form so please excuse any spelling, grammar, or punctuation errors.

These drafts are being sent to the parties who attended the metering, safety and standards workshop.

These drafts are meant to elicit additional feedback. We have tried to consider all oral and written comments we have received to date. Please review the drafts and provide additional feedback by sending them to Jim Russell (jrussell@wutc.wa.gov) and Graciela Etchart (getchart@wutc.wa.gov) by July 28, 1999.

We will then take the comments and send out a formal round of drafts some time in mid August and schedule another workshop by mid October.

Thanks to everybody for providing valuable input at the 1st workshop. Hope to hear from you soon.

Jim Russell
Graciela Etchart

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7/16/99

General Common Rules:

WAC 480-90-011 Application of rules (gas version).

(1) These rules apply to any company that manufactures, transmits, distributes, sells, or furnishes gas and is subject to commission jurisdiction under RCW 80.04.010 and Chapter 80.28 RCW.

(Revised based on water and other rule revisions)

WAC 480-100-011 Application of rules (electric version).

(1) These rules apply to any company that generates, transmits, and distributes electricity and is subject to commission jurisdiction under RCW 80.04.010 and Chapter 80.28 RCW.

(Revised based on water and other rule revisions)

WAC 480-90/100-xx1 Exemptions from rules.

(1) The commission may grant an exemption of any rule in this chapter, when doing so is consistent with the public interest, the purposes underlying regulation, and applicable statutes.

(2) To request a rule exemption, a person must file with the commission a written request identifying the rule for which an exemption is sought and giving a full explanation of the reason the exemption is requested.

(3) The commission will assign the request a docket number, if needed, and schedule the request for consideration at one of its regularly scheduled open meetings or, if appropriate under chapter 34.05 RCW, in an adjudication. The commission will notify the person requesting the exemption, and other interested persons, of the date the commission will consider the request.

(4) The commission will enter an order granting or denying the request or setting it for hearing, pursuant to chapter 480-09 WAC.

(Extracted from 480-90-011 and revised based on water and other rule revisions)

WAC 480-90/100-xx2 Resolving disputes about the meaning of these rules.

(1) Anyone who doubts, or believes they are harmed by, a gas/electric company's interpretation of these rules may ask the commission to decide whether the

gas/electric company's interpretation is wrong. If the commission finds the gas/electric company's interpretation is wrong, the commission will order appropriate relief.

(2) Any gas/electric company that doubts, or believes it is harmed by, a customer's interpretation of these rules may ask the commission to decide whether the customer's interpretation is wrong. If the commission finds the customer's interpretation is wrong, the commission will order appropriate relief.

(Extracted from 480-90-011 and revised)

WAC 480-90/100-016 Saving clause.

(1) The commission may impose additional or different requirements on any gas/electric company in response to an application, a complaint, or on its own motion. These rules do not relieve any gas/electric company from any duties and obligations under the laws of the state of Washington.

(Revised per water and other rule revisions)

WAC 480-90-021 Glossary (gas version).

British thermal unit (Btu) - the quantity of heat required to raise the temperature of one pound of water at 60° Fahrenheit and standard pressure, one degree Fahrenheit.

- (1) Commission - the Washington utilities and transportation commission.
- (2) Cubic foot of gas - a volumetric unit of measure used in sales and testing.
 - (a) Sales - a cubic foot of gas for billing purposes is the amount of gas that occupies a volume of one cubic foot under the temperature and pressure conditions existing in the customer's meter. Temperature and/or pressure recording or compensating devices may be used to reflect temperature or pressure base conditions for computing the volume sold. Temperature and/or pressure compensation factors may be used to compute the volume of gas sold as provided in the utility's tariff.
 - (b) Testing - a cubic foot of gas for testing purposes is the amount that occupies a volume of one cubic foot at a temperature of sixty degrees Fahrenheit and pressure of 14.73 pounds per square inch absolute.
- (3) Customer - any person, cooperative organization, business entity, or government entity that receives, or applies for, utility service.
- (4) Gas - any fuel or process gas, whether liquid petroleum gas, manufactured gas, natural gas, or any mixture of these.
 - (a) Liquefied petroleum gas - a gas consisting of vapors of one or more of the paraffin hydrocarbons, or a combination of one or more of these vapors with air.

- (b) Manufactured gas - any gas produced artificially by any process in
- (c) Natural gas - a mixture of gaseous hydrocarbons (chiefly methane) and nonhydrocarbons that occur naturally in the earth.
- (5) Therm - a unit of heat equal to 100,000 Btu's.
- (6) Utility - any business entity (e.g., corporation, company, association, joint stock association, or partnership) or person, including a lessee, trustee, or court appointed receiver, that meets the three following conditions:
 - a. owns, controls, operates, or manages any gas plant Washington State;
 - b. furnishes gas service to the public for compensation; and
 - c. is subject to the commission's jurisdiction.

Terms used in this chapter and defined in the public service laws of Washington State (*i.e.*, principally Title 80 RCW) have the same meaning here as in the statutes. Terms not defined in these rules or the applicable statutes have the meaning generally accepted in the gas industry, or their ordinary meaning if there is no meaning generally accepted in the gas industry.

(Revised)

WAC 480-100-021 Glossary.

- (1) Commission - the Washington utilities and transportation commission.
- (2) Customer - any person, cooperative organization, business entity, or government entity that receives, or applies for, utility service.
- (3) Energy assistance grantee - a grantee of the department of community, trade, and economic development which administers federally funded energy assistance programs.
- (4) Household income - the total income of all household members as determined by a grantee of the department of community, trade, and economic development.
- (5) Meter tests
 - (a) Periodic test - a routine test made in the regular course of a utility's operation.
 - (b) Complaint test - a test made as a result of a request by a customer.
 - (c) Installation test - a test made prior to the installation of a meter. New meters when received by a utility may be tested by an acceptable sampling plan prior to initial installation.
 - (d) Special test - any test other than a periodic, complaint, or installation test.
 - (e) Sample test - a test made as a result of the inclusion of a meter in a random statistical sample.
- (6) Payment arrangement - payment schedule by written or oral agreement between the customer and the utility
- (7) Payment plan - payment schedule by written agreement between the customer and the utility under WAC 480-100-072(3).
- (8) Utility - any business entity (e.g., corporation, company, association, joint stock association, or partnership) or person, including a lessee, trustee, or court appointed

receiver, that meets the three following conditions:

- (a) owns, controls, operates, or manages any electric plant in Washington State;
- (b) generates, transmits, and distributes electricity to the public for compensation; and
- (c) is subject to the commission's jurisdiction.

(9) Winter period - November 15 through March 15.

Terms used in this chapter and defined in the public service laws of Washington State (*i.e.*, principally Title 80 RCW) have the same meaning here as in the statutes. Terms not defined in these rules or the applicable statutes have the meaning generally accepted in the electric industry, or their ordinary meaning if there is no meaning generally accepted in the electric industry.

WAC 480-90/100-026 Tariffs.

(1) A utility must publish its rate schedules, and rules and regulations governing services in accordance with chapter 480-80 WAC utilities general - tariffs.

(Revised)

WAC 480-90/100-061 Contract for service.

(1) A gas/electric company may execute a contract whenever the classification of service under which the customer or applicant is to be served requires that such service be taken for a specified minimum period. The utility must submit to the Commission a sample copy of each typical contract form currently in use.

WAC 480-90/100-066 Distribution extension tariff

(1) Each gas/electric company must file, as a part of its tariff, a distribution extension rule setting forth the conditions under which it will extend its facilities to make service available to an applicant.

Common Consumer Rules:

WAC 480-90/100-041 Availability of information

(1) Each gas/electric company must provide the information needed for its customers and applicants for service to obtain adequate and efficient service.

(2) Each company must notify its customers of its regular business hours, a 24-hour toll-free telephone number, mailing address and a twenty-four hour emergency telephone at least once a year.

(3) Each company must provide to each new applicant relevant rate information and a consumer brochure detailing the rights and responsibilities of a utility customer. The consumer brochure must include information relating to establishing credit, deposits, billing, delinquent accounts, disconnection of service initiated by the company, cancellation of service by the customers, how to dispute a bill with the company and then with the commission by formal or informal complaint. Once a year the company must notify its current customers how to obtain the consumer brochure and applicable rate information.

(4) The company must make the following information available upon request:

(a) a copy of the natural gas/electric rules, chapter 480-90/100-041WAC.

(b) a copy of the company's current rates and regulations (tariff).

(c) a copy of the consumer brochure described in Section 3 above. .

(5) The company must provide an applicant, upon request, a clear summary of the average high and low gas/electric usage based on the actual consumption of the applicant's service premise for each billing period during the prior year.

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

(7) The company must provide the commission copies of all pamphlets, brochures, bill messages and other information provided to the customers.

WAC 480-90/100-046 Application for service

(1) Gas/Electric companies may require the following information when an applicant applies for service:

(a) the applicant's name, address and telephone number;

(b) the date the person applied for service;

(c) the type of service requested such as residential or commercial service.

(d) an alternative telephone number for the company to contact the customer, if available; and

(e) proof of identification.

(2) The companies must provide a service date to the applicant at the time of application.

(3) Under no circumstances will a customer resell electricity/gas unless specifically authorized in the filed tariff of the company.

WAC 480-90/100-051 Establishment of credit and deposits

(1) An electric/gas company may not collect a security deposit if an applicant or customer for residential electric/gas service:

(a) has had electric/gas service with the company within the prior six consecutive months. provided that:

(i) the applicant or customer has not received more than two delinquency notices during the past six month period, and

(ii) the applicant's or customer's service for a similar class was not disconnected for nonpayment;

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

(c) 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;

(d) has ownership of a legal interest in the premises being served;

(e) can furnish a guarantor that has demonstrated (1a) above with the company. If the customer has a past due balance, the guarantor is responsible for that amount, not to exceed the amount of the deposit as defined subsection (4).

Additionally, the guarantor is responsible for the customer's past due balance at the address where the customer resided at the time the guarantee was made;

(f) has notified the company of the inability to pay a deposit as provided in WAC 480-100-072(3) and meets with requirements of WAC 480-100-072 (4)(a), Payment Arrangements.

(2) The company may collect a deposit from any customer where there is prior customer living at the residence who owes a past due bill to the company, or when there is an unpaid overdue balance owing for service from the company.

(3) An applicant for nonresidential electric/gas service may be required to demonstrate that it is a satisfactory credit risk by reasonable means appropriate under the circumstances.

(4) Required deposits for a customer or location may not exceed:

(a) two-twelfths of the residence's most previous 12 months usage for companies billing monthly;

(b) three-twelfths of the residence's most previous 12 months usage for companies billing bimonthly.

(5) When an applicant or customer is required to pay a deposit but is unable to pay the entire deposit in advance of connection or continuation of service, the company must allow the applicant or customer to pay fifty percent of the deposit prior to service, with the remaining balance payable in equal amounts over the next two months.

(6) When a customer moves to a new address within the company's service territory, the deposit, plus accrued interest must be transferred, less any outstanding past-due balance owing from the old address.

(7) Should a deposit or additional deposit amount be 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.

(8) Any 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 or delivered in person to the customer.

(9) Interest on deposits collected from applicants or customer 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, continuing through November 30 of the following year. The commission will advise the company each year of the specific rate by mail;

(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 annually.

(10) Deposits plus accrued interest must be refunded when there has been satisfactory payment or upon termination of service.

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

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

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

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

(11) Any deposit, plus accrued interest must be refunded to the customer in accordance with the preference indicated by the customer at the time of deposit or as modified on a later date using one of the following methods:

(a) in the form of a check issued and mailed to the customer no later than fifteen days following completion of twelve months of satisfactory payment; or

(b) available for the customer at the company's local business office upon; or

(c) applied to the customer's account for service beginning in the 13th month.

WAC 480-90/100-056 Refusal of Service

WAC 480-90/100-121/116 Responsibility for Delinquent Accounts

(1) Electric/gas companies must refuse requests to provide service to a master meter in a building with permanent occupants when all of the following conditions exist:

(a) the building or property has more than one dwelling unit;

(b) the occupants control a significant part of the electricity used in the individual units; and

(c) it is cost effective for the occupants to have the company purchase and install individual meters considering the long-run benefits of measuring and billing each occupant's electric use separately.

(2) The electric/gas company 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 the electric/gas industry standards.

(3) The electric/gas company may refuse to provide service if, in the company's judgement, the applicant's or customers's wiring or electrical/piping or gas burning equipment is hazardous, or of such nature that satisfactory service cannot be provided.

(4) The electric/gas company may refuse to provide service to if the applicant or customer does not provide the required devices to protect the electric/gas company's or other customers' properties.

(5) The electric/gas company may refuse to provide service if the electric/gas company cannot obtain all necessary rights-of-way, easements, approvals, and permits.

(6) The company may not be required to provide service if it would be economically unfeasible to do so.

(7) The company may refuse to provide service if the customer has obtained fraudulent service as described in WAC 480-100-071, Discontinuance of Service.

(8) The electric/gas company may not refuse to provide service to an applicant or customer when there are unpaid bills from a prior customer at the same premises unless the company believes, based on objective evidence, that the applicant is acting on behalf of the prior customer with the intent to avoid payment.

*^{cust?}(9) The electric/gas company may permanently deny service to an applicant or customer because of a prior obligation to the company. 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.

***Some stakeholders commented that prior obligation should be changed or limited in some way. Staff would be open to considering changes if stakeholders are able to supply evidence that the prior obligation rule is financially burdensome or otherwise onerous (e.g. total uncollectible, total prior obligation, uncollectibles compared to other electric/gas companies)**

WAC 480-90-071 Discontinuance of service (Gas).

(1) Customer-directed: Customers wanting to discontinue service must notify the gas company. The company must disconnect the service as requested by the customer. If the customer fails to request disconnection of service the customer will be responsible to continue paying for natural gas service at the company's tariff rate until the company becomes aware that the customer vacated the property.

(2) Company-directed without notice or without further notice: The company may discontinue service without notice or without further notice when:

(a) After conducting a thorough investigation, it determines the customer has tampered with its property;

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

(c) A customer pays a delinquent account with a check the bank or other financial institution has dishonored after the company has issued appropriate notice, as

described in subsection (5) of this section;

(d) The customer has not kept any agreed upon payment plan for a delinquent balance after a notice was mailed;

(e) It has determined a customer has used service prior to applying for service. The company must charge the customer for service used in accordance with the company's tariff rate schedule(s); or

(f) It discovers that a customer has obtained service fraudulently. The company has the burden of proving that fraud occurred. Examples of fraud include when service is connected without the company's knowledge, when service is obtained through false means or representations, or when service is used to provide service to other persons who are required to obtain their own service. A nonsufficient fund check will not be considered fraud.

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

(a) The tariff rate for service that the company estimates was taken fraudulently; plus

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

(c) Any applicable required deposit.

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

(3) Company-directed with notice: After properly notifying the customer, as explained in subsection (5) of this section, the company may discontinue service to its customers for any one of the following conditions:

(a) Delinquent regulated charges as billed under WAC 480-100-096, Form of Bills, including any required deposit, except that the company cannot disconnect service for a customer who has met the requirements under medical emergency under this subsection (4) of this section, or as described in WAC 480-100-072, Payment arrangements, or has agreed to or kept agreed upon payment arrangements with the company;

(i) gas service may not be disconnected for any amount owing associated with regulated electric services.

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

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

(d) Willful waste of natural gas through improper or imperfect wiring, equipment, or otherwise;

(e) Wiring or equipment that does not meet the company's standards or fails to comply with government regulations or with the natural gas company standards;

(f) Refusing to allow access to the customer's premise as required in WAC 480-100-091;

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

(h) Use of equipment that detrimentally affects the company's service to its other

customers.

(4) **Medical Emergencies** - When the company 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 company will not require payment of a reconnection charge and/or deposit prior to reinstating service but will bill at a later date.

(a) The company may require that the customer, within five business days, submit written certification from a qualified medical professional stating that the disconnection of natural gas service would significantly endanger the physical health 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 company from accepting other forms of certification, but the maximum the company can require is written certification. If the company requires written certification, it may require not more than the following information:

- (i) Residence location;
- (ii) An explanation of how the physical health of the person will be endangered 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 120 days unless renewed.

(c) A medical emergency does not excuse a customer from paying delinquent and ongoing charges. The company may require the customer do the following within the five-business-day grace period: Pay a minimum of ten percent of the delinquent balance and enter into an agreement to pay the remaining delinquent balance within 120 days; and to pay subsequent bills when due. Nothing in this section precludes the company from agreeing to an alternate payment plan, but the company may not require the customer to pay more than this subsection prescribes. The company 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 company may disconnect service without further notice.

(e) If the customer fails to abide by the terms of the payment agreement the company may disconnect service without further notice.

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

(5) The company must notify customers before disconnecting their service except as addressed in subsection (2). Notification consists of the following requirements:

(a) The company must serve a written disconnection notice on the customer, either by mail or by personal delivery to the customer's address attached to the primary

door. If the disconnection notice is for nonpayment during the winter period the company must advise the customer of the payment plan addressed in WAC 480-100-072 , Payment arrangements. Each disconnection notice must include:

- (i) A disconnection date that is no 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 no less than eleven days if mailed from outside of the state of Washington; and
- (ii) All relevant information about the disconnection action including the amount owing and how to correct the problem; and
- (iii) The company's name, address, and telephone number by which a customer may contact the company to discuss the pending disconnection of service.

(b) If the company discovers the notice information is inaccurate, the company must renotice as described in this subsection.

(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 company must deliver a second notice to the customer service premise and attach it to the customer's primary door. The notice must contain a deadline for compliance that is no less than 5:00 p.m. of the second business day after the time of delivery; or
- (ii) Mailed notice - The company must mail a second notice, which must include a deadline for compliance that is no less 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 days if mailed from outside the state of Washington. The day of mailing will not be considered the first day of the notice period, or
- (iii) Telephone notice -The company must attempt two times to contact the customer at their residence during regular business hours. If the company is unable to reach the customer, the company will attempt to contact the customer using any business or message number provided. A log or record of the calls will be kept for a minimum of 90 days showing the telephone number called, the time of the call, and details of the results of each attempted call.

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

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

(f) A company employee dispatched to disconnect service must accept payment of a delinquent account at the service address if tendered in cash, but is not required to give change for cash tendered in excess of the amount due and owing. The company must credit any excess payment to the customer's account. When disconnection does not take place due to payment made by the customer, the company may assess a fee for the disconnection visit to the service address as

provided in the company's tariff. The disconnection notice must describe the disconnection visit charge, the amount, and the circumstances under which the charge will be made.

(g) 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 company 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 company must allow five days past the original disconnect date to permit the service users to arrange for continued service.

(h) When service is provided to a hospital, medical clinic with resident patients, or nursing home, notice of pending disconnection must be provided to the secretary of the Washington department of social and health services, and to the customer. Upon request to the company from the Washington department of social and health services secretary or designee, a delay of service disconnection for five business days past the original disconnect date must be allowed before disconnecting service to allow the department to take whatever steps are necessary to protect the interests of resident patients who are the responsibility of the Washington department of social and health services.

(i) Any customer may designate a third party to receive a disconnect notice or other matters affecting the customer's service. When the company discovers that a customer is apparently not able to understand the affect of the disconnection, the company will consider a social agency to be the third party. In either case, the company will delay service disconnection for five business days after issuing a disconnect notice to the third party. The company will determine which social agencies are appropriate and willing to receive the disconnect notice, the name and/or title of the person able to deal with the disconnection and provide that information to the customer.

(6) 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 company'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.

(7) Payments at a payment agency - Payment of any past-due amounts to a designated payment agency of the natural gas company constitutes payment when the customer informs the company of the payment and the company has verified the payment.

(8) Reconnecting service after disconnection - The company must restore disconnected service within 24 hours after the customer has paid, or at the time the company has agreed to bill, any reconnection charge and:

- (a) The causes of disconnection not related to a delinquent account are removed;
- (b) The customer pays all regulated charges, including any required deposit;
- (c) The customer has entered into an agreed upon payment arrangement for a delinquent account, and any required deposit; or
- (d) the delinquent account has been designated a prior obligation account, and the customer has paid or made arrangements for a deposit..

WAC 480-100-071 Discontinuance of service (Electric)

(1) Customer-directed: Customers wanting to discontinue service must notify the electric company. The company must disconnect the service as requested by the customer. If the customer fails to request disconnection of service the customer will be responsible to continue paying for electric service at the company's tariff rate until the company becomes aware that the customer vacated the property.

(2) Company-directed without notice or without further notice: The company may discontinue service without notice or without further notice when:

(a) After conducting a thorough investigation, it determines the customer has tampered with its property;

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

(c) A customer pays a delinquent account with a check the bank or other financial institution has dishonored after the company has issued appropriate notice, as described in subsection (5) of this section;

(d) The customer has not kept any agreed upon payment plan for a delinquent balance after a notice was mailed;

(e) It has determined a customer has used service prior to applying for service. The company must charge the customer for service used in accordance with the company's tariff rate schedule(s); or

(f) It discovers that a customer has obtained service fraudulently. The company has the burden of proving that fraud occurred. Examples of fraud include when service is connected without the company's knowledge, when service is obtained through false means or representations, or when service is used to provide service to other persons who are required to obtain their own service. A nonsufficient fund check will not be considered fraud.

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

(a) The tariff rate for service that the company estimates was taken fraudulently; plus

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

(c) Any applicable required deposit.

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

(3) Company-directed with notice: After properly notifying the customer, as explained in subsection (5) of this section, the company may discontinue service to its customers for any one of the following conditions:

(a) Delinquent regulated charges as billed under WAC 480-100-096, Form of Bills, including any required deposit, except that the company cannot disconnect service for a customer who has met the requirements under medical emergency under this subsection (4) of this section, or as described in WAC 480-100-072, Payment arrangements, or has agreed to or kept agreed upon payment arrangements with

the company;

- (i) electric service may not be disconnected for any amount owing associated with regulated gas service.
- (b) Electrical energy use for purposes or properties other than those specified in the customer's application for service;
- (c) Under flat rate service for non-metered load, for increased electrical energy use without the electric company's approval;
- (d) Willful waste of electrical energy through improper or imperfect wiring, equipment, or otherwise;
- (e) Wiring or equipment that does not meet the company's standards or fails to comply with government regulations or with the electric company standards;
- (f) Refusing to allow access to the customer's premise as required in WAC 480-100-091;
- (g) Violating rules, service agreements, or filed tariff(s); or
- (h) Use of equipment that detrimentally affects the company's service to its other customers.

(4) Medical Emergencies - When the company 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 company will not require payment of a reconnection charge and/or deposit prior to reinstating service but will bill at a later date.

(a) The company may require that the customer, within five business days, submit written certification from a qualified medical professional stating that the disconnection of electric service would significantly endanger the physical health 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 company from accepting other forms of certification, but the maximum the company can require is written certification. If the company requires written certification, it may require not more than the following information:

- (i) Residence location;
 - (ii) An explanation of how the physical health of the person will be endangered 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 120 days unless renewed.
- (c) A medical emergency does not excuse a customer from paying delinquent and ongoing charges. The company may require the customer do the following within the five-business-day grace period: Pay a minimum of ten percent of the delinquent balance and enter into an agreement to pay the remaining delinquent balance within 120 days; and to pay subsequent bills when due. Nothing in this section precludes the company from agreeing to an alternate payment plan, but the company may not

require the customer to pay more than this subsection prescribes. The company 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 company may disconnect service without further notice.

(e) If the customer fails to abide by the terms of the payment agreement the company may disconnect service without further notice.

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

(5) The company must notify customers before disconnecting their service except as addressed in subsection (2). Notification consists of the following requirements:

(a) The company must serve a written disconnection notice on the customer, either by mail or by personal delivery to the customer's address attached to the primary door. If the disconnection notice is for nonpayment during the winter period the company must advise the customer of the payment plan addressed in WAC 480-100-072 , Payment arrangements. Each disconnection notice must include:

(i) A disconnection date that is no 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 no less than eleven days if mailed from outside of the state of Washington; and

(ii) All relevant information about the disconnection action including the amount owing and how to correct the problem; and

(iii) The company's name, address, and telephone number by which a customer may contact the company to discuss the pending disconnection of service.

(b) If the company discovers the notice information is inaccurate, the company must renounce as described in this subsection.

(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 company must deliver a second notice to the customer service premise and attach it to the customer's primary door. The notice must contain a deadline for compliance that is no less than 5:00 p.m. of the second business day after the time of delivery; or

(ii) Mailed notice - The company must mail a second notice, which must include a deadline for compliance that is no less 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 days if mailed from outside the state of Washington. The day of mailing will not be considered the first day of the notice period, or

(iii) Telephone notice -The company must attempt two times to contact the customer at their residence during regular business hours. If the company is unable to reach the customer, the company will attempt to contact the customer using any business or message number provided. A log or record of the calls will be kept for a minimum of 90 days showing the telephone number called, the time of the call, and details of the results of each

attempted call.

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

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

(f) A company employee dispatched to disconnect service must accept payment of a delinquent account at the service address if tendered in cash, but is not required to give change for cash tendered in excess of the amount due and owing. The company must credit any excess payment to the customer's account. When disconnection does not take place due to payment made by the customer, the company may assess a fee for the disconnection visit to the service address as provided in the company's tariff. The disconnection notice must describe the disconnection visit charge, the amount, and the circumstances under which the charge will be made.

(g) 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 company 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 company must allow five days past the original disconnect date to permit the service users to arrange for continued service.

(h) When service is provided to a hospital, medical clinic with resident patients, or nursing home, notice of pending disconnection must be provided to the secretary of the Washington department of social and health services, and to the customer. Upon request to the company from the Washington department of social and health services secretary or designee, a delay of service disconnection for five business days past the original disconnect date must be allowed before disconnecting service to allow the department to take whatever steps are necessary to protect the interests of resident patients who are the responsibility of the Washington department of social and health services.

(i) Any customer may designate a third party to receive a disconnect notice or other matters affecting the customer's service. When the company discovers that a customer is apparently not able to understand the affect of the disconnection, the company will consider a social agency to be the third party. In either case, the company will delay service disconnection for five business days after issuing a disconnect notice to the third party. The company will determine which social agencies are appropriate and willing to receive the disconnect notice, the name and/or title of the person able to deal with the disconnection and provide that information to the customer.

(6) 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 company'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.

(7) Payments at a payment agency - Payment of any past-due amounts to a designated payment agency of the electric company constitutes payment when the customer informs the company of the payment and the company has verified the payment.

(8) Reconnecting service after disconnection - The company must restore disconnected service within 24 hours after the customer has paid, or at the time the company has agreed to bill, any reconnection charge and:

- (a) The causes of disconnection not related to a delinquent account are removed;
- (b) The customer pays all regulated charges, including any required deposit;
- (c) The customer has entered into an agreed upon payment arrangement for a delinquent account, and any required deposit; or
- (d) the delinquent account has been designated a prior obligation account, and the customer has paid or made arrangements for a deposit..

WAC 480-90-072 Payment arrangements and Moritorium. (Gas)

(1) The natural gas company 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 a projected usage .

(b) The company is not required to offer the equal payment plan to customers who have been removed from the equal payment plan for nonpayment within the past six months or have more than a two-month balance on their current account.

(c) The company may offer the equal payment plan to any customer when it believes this would be in the best interest of all parties concerned.

(2) When a customer contacts the company regarding a delinquent account or to avoid a delinquent account, the company must offer extended payment arrangements appropriate for both the customer and the company. If the customer and the company cannot agree to a payment arrangement, the company will advise the customer of the payment plan described in subsection (5) of this section, if appropriate.

(3) If due to company error the company is delayed in billing the customer, the company must make payments arrangements that are equal to the length of time the customer waited for the bill.

(4) If a customer is billed for both gas and electric service and pays a portion of the total amount billed, the company must allow the customer the option of applying the payment to the service of their choice. If the customer makes a partial payment and does not choose which service the payment will apply to, the company must apply the payment to both services on a prorated basis according to the amounts billed for each service.

MORATORIUM