

**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
April 20, 2000

Public Counsel offers these comments in response to the second formal drafts of gas and electric company consumer rules. Our comments are organized according to the numbers, format and language of the Consumer Rules in the second formal draft on electric companies. We ask however that our comments be considered in both the gas and electric rulemakings as most consumer rule language is common to both. Proposed deletions are bold and struck through, proposed additions are in bold and italicized within parentheses. Public Counsel explanatory comments, where necessary, follow each section in bold italicized text.

Our chief concern is the proposed weakening of the prior obligation rule. Public Counsel is extremely distressed that the Commission Staff has proposed to dilute the strongest protection consumers have against the loss of energy service. We are particularly concerned that the record contains no evidence on which the Staff might rely to reach the conclusion that this rule unduly burdens any utility aside from simple, unsupported assertions by the utilities that prior obligation causes them harm. We urge the Staff to weigh the unsubstantiated allegations of harm by the utilities against the very real harm consumers suffer when they are disconnected from their sources of energy and reconsider the need to change an effective rule that has been in place for a number of years.

In addition to our prior obligation concerns, Public Counsel seeks other minor changes to Staff's proposed rule revisions that will benefit Washington's consumers.

CONSUMER RULES

WAC 480-100-041 Information to Consumers

- (1) An electric utility must provide information regarding rates, rules and regulations needed for its customers and applicants to obtain adequate and efficient service. The information must be available at each of the company's listed business offices.
- (2) The utility must provide to each applicant relevant rate information and a brochure that explains the rights and responsibilities of a utility customer. The brochure must include, at a minimum, information about the utility's regular business hours, the utility's mailing address, the utility's toll-free number, the 24-hour emergency number(s), and an explanation of the utility's processes to establish credit, deposits, billing, delinquent accounts, disconnection of service initiated by the utility, cancellation of service by the customer, the dispute process, and the commission's informal complaint procedures to be followed if the customer remains dissatisfied with the utility's dispute process.
- (3) At least once each year the utility must directly advise each of its customers how to obtain:
 - (a) A copy of the consumer brochure described in subsection 2 of this section;
 - (b) A copy of the customer's applicable rate information;
 - (c) A copy of the electric rules, chapter 480-100 WAC; and
 - (d) A copy of the utility's current rates and regulations.
- (4) The utility must provide an applicant, upon request, the high and low bills for the requested service premise during the prior calendar year.
- (5) The utility must provide a customer, upon request, a detailed account of the customer's actual electric usage at the service premise for the previous 12-month period.
- (6) The utility must provide the commission copies of all pamphlets, brochures, and bill inserts of regulated service information prior to delivery of such information 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.*
- (4) Subsection 4 - Changed requirement for providing applicant's consumption information.*
- (5) Subsection 6 - Clarified commission requires utilities to provides information to consumers only on regulated services.*

WAC 480-100-046 Application for service

- (1) When an applicant orders service from the 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;
 - (d) Proof of identification. The utility must allow the applicant to choose from a list, provided by the utility, of at least five sources of identification. The list must include a current driver's license or other picture identification, ~~and~~
 - ~~(e) Any additional information the utility may reasonably require for billing, service, and determining deposits.~~ *(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 utilities must provide a service date to the applicant at the time of application. The utility must provide the following service dates to the applicant:
 - (a) For service at a location where utility service facilities exist and will not have to be modified in any way to serve the applicant, the utility will provide a service date at the time of application. If the utility becomes aware that the service date cannot be met, it must notify the customer prior to the service date *(and waive any connection or service initiation fee)*.
 - ((i) The utility shall provide the customer with a service order tracking number so the customer can easily identify the service request in subsequent interactions with the company.)*
 - (b) For service at a location where utility service facilities do not exist or require modification, the utility will provide the following service dates:
 - (i) Upon request by the applicant, prior to signing a service agreement, the utility must provide a range of dates by which service can be made available.
 - (b) (ii) Upon signing a service agreement with the applicant, the utility must provide a date by which service will be made available. If the utility becomes aware that the service date cannot be met, it must notify the applicant prior to the service date *(and waive any connection or service initiation fee)*.
 - ((iii) The utility shall provide the customer with a service order tracking number so*

the customer can easily identify the service request in subsequent interactions with the company.)

(4) A customer may not resell electricity unless specifically authorized in the utility's tariff.

PUBLIC COUNSEL COMMENTS ON THE ABOVE SECTION:

2(d) Public Counsel opposes the discretionary aspect of in this "proof of identification" draft. In workshop comments 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 for some customers and not others prior to service raises fundamental questions of fairness and equal protection. If identification is requested from some, it should be requested from all.

Any system that allows company agents significant discretion to determine which applicants should 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.

2(e) This new proposed language is entirely too broad and vague. Can a company "reasonably require" a credit report? A social security number? The social security number of a spouse and other spousal information?

(3) 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, and suggest fee waivers or payments to customers when companies fail to meet scheduled appointments.

Staff Comments:

(1) "Application" is not addressed in 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 480-100-071 (2)(e).

(4) Added company must provide service date and if it cannot commit to that date it must advise the customer.

(5) In (2)(d) and (e) language was changed to clarify types of identification and other kinds of information company can require a customer to provide at time of application.

WAC 480-100-051 Deposit Requirements

- (1) Deposit criteria for residential applicants and customers - An electric utility may not collect a deposit if an applicant or customer for residential service:
- (a) Has had residential service with the utility within the prior twelve months, unless during any six consecutive months:
 - (i) The applicant or customer received three or more delinquency notices; or
 - (ii) The applicant's or customer's service for a similar class of service was disconnected for nonpayment;
 - (b) Can furnish a satisfactory guarantor. A guarantor must be considered satisfactory if the guarantor has at least established credit with the utility as outlined in this section. A utility may, at its discretion, accept a guarantor that does not meet the requirements of this section. If the customer has been disconnected, the guarantor is responsible for the amount stated on the disconnection notice, not to exceed the amount of the deposit as defined in subsection (5) unless the guarantor has agreed to guarantee an additional amount as specified in subsection (9) of this section; or
 - (c) Has notified the utility of the inability to pay a deposit as provided in WAC 480-100-XX5 Winter low income payment program.
- (2) Other deposit criteria applicable to residential applicants. The utility may not collect a deposit from a residential applicant who:
- (a) Can demonstrate they have met the criteria stated in subsection (1)(a) of this section with another electric or natural gas utility, provided that the credit reference can be quickly and easily checked, and in writing if requested by the utility;
 - (b) Can demonstrate 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) Deposit collection. The utility may collect a 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 that address; or~~
 - (a) The applicant or customer has an unpaid, overdue balance owing to any electric or gas utility for a similar class of service.
- (4) Deposit criteria for non-residential applicants and customers - A non-residential applicant or customer for nonresidential electric service may be required to demonstrate that it is a satisfactory credit risk by reasonable means appropriate under the circumstances.

- (5) Deposit amount - Required deposits for an applicant or customer may not exceed:
- (a) Two-twelfths of the service location's most recent twelve months actual billings for utilities billing monthly or two-twelfths of an estimate of annual billings if actual service did not exist; or
 - (b) Three-twelfths of the service location's most recent twelve months billings for utilities billing bi-monthly or three-twelfths of an estimate of annual billings if actual service did not exist.
- (6) Deposit payment arrangements - 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 utility must allow the applicant or customer to make payment arrangements of fifty percent of the deposit prior to service. The applicant or customer then 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. The utility and applicant or customer may make other mutually acceptable deposit payment arrangements.
- (7) Alternative to 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 service initiation fees and reasonably estimated regular service charges or budget billings 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 applicant or customer in a normal fashion.
- (8) Transfer of 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 deposit - If a deposit or additional deposit amount is required after establishment of service, the reasons must be specified in writing to the customer. Any request for a deposit or additional deposit amount must comply with the standards outlined in this section. If the original deposit was secured by a guarantor and 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) Deposit payment date - 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 if the deposit requirement is mailed from within the state of Washington or the ninth business day if mailed from outside of 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 deposits - Interest on 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 deposit - Deposits plus accrued interest must be applied to the customer's account or refunded at the customer's request when there has been satisfactory payment or upon termination of service.
- (a) Satisfactory payment - Satisfactory payment is established when the customer has paid for service twelve 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 deposit amount plus accrued interest, less any amounts due the utility by the customer.
- (13) How deposits are refunded - Any deposit plus accrued interest must be made available to the customer no later than fifteen calendar days following completion of twelve months of satisfactory payment or the cancellation of service by one of the following:
- (a) Applied to the customer's account for service beginning in the thirteenth month, or
 - (b) At the customer's request, in the form of a check delivered either by mail or in person at the local business office.

PUBLIC COUNSEL COMMENTS ON THE ABOVE SECTION:

(3)(a)—Roommate's arrears. The language of this subsection allows companies to collect a deposit merely because a prior customer with arrears appears to live at the residence. Public Counsel opposes this condition and recommends its removal, especially given the potential that prior obligation protections may be weakened in this rulemaking and increasing numbers of vulnerable people will undoubtedly find themselves without financial means or legal avenues to avail themselves of basic necessities such as heat and light. In addition to raising potential Equal Credit Opportunity Act problems, 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 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 required to pay deposits to ensure that racial or neighborhood-based redlining does not occur.

Staff Comments:

- (1) Reformatted subsections (1) and (3)*
- (2) Changed the requirement of delinquent notices*
- (3) Changed employment requirement to "full-time" consecutive employment. In subsection (2)(b) - Eliminated the requirement for "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*
- (7) Subsection 13- Clarified language regarding how deposits are refunded.*

WAC 480-100-056 Refusal of Service (Combined with WAC 480-100-116 Responsibility for Delinquent Accounts)

- (1) Electric utilities 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 utility purchase and install individual meters considering the long-run benefits of measuring and billing each occupant's electric use separately.
- (2) The utility may refuse to provide service if:
 - (a) Providing service will cause an adverse affect on other customers, or does not comply with government regulations or the electric industry accepted standards;
 - (b) In the utility's judgement, there are hazardous conditions at the premise, or the applicant's or customer's wiring or electrical equipment is hazardous; or of such nature that safe and satisfactory service cannot be provided;
 - (c) 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 of damage;

(d) The utility is unable to obtain all necessary rights-of-way, easements, approvals, and permits;

(e) It is not economically feasible to provide service; or

(f) To The customer that is known by the utility to have fraudulently obtained service as described in WAC 480-100-071, Discontinuance/disconnection of service;

(3) The utility may not refuse to provide service to an applicant or customer because there are outstanding amounts due from a prior customer at the same premise, 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.)*

(4) The utility may not refuse service to an applicant or customer *(because of a prior obligation to the utility)*. ~~who has two or less prior obligations in any one calendar year.~~ A prior obligation is the dollar amount the utility has billed to the customer for which it has not received payment at the time service has been disconnected.

~~(5) The utility must allow the applicant or customer a minimum of two prior obligations in any one calendar year.~~

PUBLIC COUNSEL COMMENTS ON THE ABOVE SECTION:

(4-5)—Prior obligation. In the last formal draft, staff stated that in order to determine if changes to prior obligation are warranted, “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.” Public Counsel has not seen a showing made by any utility of even the number of prior obligation customers in a given year, much less the costs associated with service to them. We are concerned the record contains no basis from which the Staff might reasonably seek to change the existing and functioning rule. Therefore, we request a staff summary of such evidence that compels staff to weaken important prior obligation protections.

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. While it has been in effect, prior obligation has not been shown to place an excessive burden on the companies. 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 continues to oppose the diminishment of current prior obligation protections.

(3) As described in current and proposed WAC 480-100-071, a utility has the burden of proving that fraud occurred before discontinuing service. Though it is not clear in the proposed language, the same burden of proof should apply in this refusal of service context.

Staff Comments:

(1) Combined with WAC 480-100-116 Responsibility for Delinquent Accounts.

(2) Combined subsections 2-7 under subsection 2.

(3) Subsection 5 - Added a minimum number of times prior obligation may be offered to applicants or customers.

WAC 480-100-071 Discontinuance/disconnection of service

(1) Customer-directed: The utility may require customers to give at least three days notice prior to the date service is to be discontinued. The customer is not responsible for usage after the requested date for discontinuance, provided the customer gave proper notice. 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 and can access the meter, or that a new responsible party has taken service.

(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 that the customer has tampered with or stolen its property, has used service through an illegal connection, or has fraudulently obtained service. The utility has the burden of proving that fraud occurred. For the purpose of this section, a nonsufficient funds check or dishonored electronic payment alone will not be considered fraud.

(i) First offense: The utility may disconnect service without notice when it discovers theft, tampering, or fraud unless the customer immediately pays all of the following:

(a) The tariffed rate for service that the utility estimates was used as a result of the theft, tampering, or fraud;

(b) All utility costs resulting from such theft, tampering, or fraud; and

(c) Any applicable required deposit.

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

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

(c) The utility identifies a hazardous condition in the customer's facilities or in the utility's facilities serving the customer.

- (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 section;
- (e) The customer has not kept an agreed upon payment arrangement for payment of a delinquent balance after the utility has issued appropriate notices as described in subsection (6) of this section; or ;
- (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 filed tariff;

This section 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 (6) of this section, the utility may discontinue service for any one of the following conditions:

- (a) For delinquent regulated charges as billed under WAC 480-100- 101 Billing requirements and payment date, including any required deposit, except that the utility cannot disconnect service when the customer has met the requirements of subsection (5) of this rule for medical emergency or has agreed to or maintains agreed upon payment arrangements with the utility, as described in WAC 480-100-101 Billing requirement and payment date.
- (b) For use of electric energy 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 electric use without the utility's approval;
- (d) For refusing to allow the utility access to the customer's premise as required in WAC 480-100-091, Access to premise;
- (e) For violating rules, service agreements, or filed tariff(s); or
- (f) For use of equipment that detrimentally affects the utility's service to its other customers.

(4) Combination utilities - Electric service may not be disconnected for any amount owing for regulated natural gas services or for any nonregulated services.

(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 for a grace period of five business days after receiving either verbal or written notification of the existence of a medical emergency. The utility must reinstate service within four hours if the customer contacts the utility between 8:00 a.m. and 5:00 p.m. If the customer contacts the utility after 5:00 p.m. the utility must restore service by 12:00 p.m. the next business day.

When service is reinstated, the utility will not require payment of a reconnection charge and/or deposit prior to reinstating service but will bill all such charges on the customer's next regular bill.

(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 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 sixty days, unless renewed.
- (c) A medical emergency does not excuse a customer from having to pay 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 one hundred and twenty 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 what this subsection prescribes. The utility must send a notice to the customer confirming the payment arrangements within two business days.

(d) If the customer fails to provide an acceptable medical certificate or ten percent of the delinquent balance within the five business-day-grace period or 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 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, or by personally delivering a notice providing a disconnection date not earlier than 5:00 p.m. of the second business day following the date of delivery.

~~(c) 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) of this section. Notification consists of the following requirements:

(a) The utility must serve a written disconnection notice to 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 480-100-072 WAC Payment arrangements, and 480-100-XX5 WAC 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 cause for disconnection, 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 and 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 (a) of this subsection;

(c) In addition to the notice required by subsection (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's 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;

(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 the sixth business days if mailed from outside the state of Washington; or

(iii) Telephone notice - The utility must attempt at least two times to contact the customer during regular business hours. A log or record of the calls must be kept for a minimum of ninety calendar days showing the telephone number called, the time of the call, and details of the results of each attempted call. When the utility has been

unable to reach 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 days after the date of mailing if mailed from within the state of Washington or the sixth 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. two business days after the date of delivery;

(d) If the utility has not disconnected service within ten business days of the disconnection date stated in subsection (6)(a)(I) of this section, 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 described in (a) of this subsection;

(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 provided in this subsection prior to disconnecting service;

(f) Except in case of danger to life or property, the utility 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, but will not be required to give change for cash paid in excess of the amount due and owing. The utility must credit any overpayment to the customer's account. The utility may charge 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, a 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 to delay the 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;

(ii) A nursing home, boarding home, adult family home, group care facility, intermediate care facility for the mentally retarded (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 to delay the 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) For the purpose of this section, the date of mailing will not be considered the first day of the notice period;

(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 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 eight days prior to initiating or re-initiating disconnection procedures.)*

(9) 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. 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.

PUBLIC COUNSEL COMMENTS ON THE ABOVE SECTION:

(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.

(2)(a) - Combined language addressing obtaining service fraudulently (2)(g) with tampered or stolen service (2)(a).

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

(3) Added the utility may disconnect without notice when it identifies a hazardous condition. Utility disconnecting service without further notice:

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

Customer disconnecting service:

(5) Customers must provide the date service is to be disconnected. 1 - Added language allowing the utility to require the customer to provide at least 3 days notice for service disconnection.

(6) Customers are not responsible for service after the requested date for disconnection.

(7) 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:

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

(9) Requires companies to restore disconnected service within four hours after being notified of medical emergency situation. 5-Clarifies when the utility is required to restore service.

(10) Lengthened time of medical certificate from 30 days to 60 days.

(11) Restricted customers who delay disconnection of service via for medical emergencies from no limited amount of times to two times within 120 days.

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

(13) If the customer fails to abide by the payment agreement of the medical emergency, the utility can disconnect service upon mailing a 3-day notice or personally delivering a notice allowing one business prior to disconnecting service.

(14) (5)(e)-Combined language with (5)(d).

Notice procedures:

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

(16) Reformatted the procedures for disconnection.

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

(18) 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.

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

Utility-directed with notice -

(20) (3)(d) - Deleted reference to disconnecting due service to willful waste of service.

(21) Subsection 4- Added language electric service may not be disconnected for any amount owing with regulated gas service or for any nonregulated service.

WAC 480-100 xx4 Reconnecting service after disconnection

(1) An 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 and:

(a) The causes for disconnection not related to a delinquent account are removed and the customer pays all delinquent regulated charges, including any required deposit; or

(b) The customer has entered into an agreed upon payment arrangement for a delinquent account and any required deposit; or

(c) The delinquent account is a prior obligation account as defined in WAC 480-100-056 Refusal of service, and the customer has paid or made arrangements for a deposit (*as provided in WAC 480-90/100-051(6);*)

(2) The commission may require reconnection pending resolution of any bona fide dispute between the utility and the customer over the propriety of disconnection.

PUBLIC COUNSEL COMMENTS ON THE ABOVE SECTION:

(1)(c) Simply supplies reference to options customers/applicants have for paying or making arrangements for paying deposits.

Staff Comments:

(1) New rule created out of current WAC 480-100-072 Discontinuance of service (4).

(2) Added commission may order reconnection pending resolution of any bona fide dispute as stated in existing rule.

WAC 480-100-072 Payment arrangements

- (1) If a residential customer is billed for both gas and electric service and pays a portion of the total amount billed, the electric utility 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 to which service the payment will apply, the utility must apply the payment to both services on a prorated basis according to the amounts billed for each service.
- (2) If the utility is delayed in billing the residential customer, the utility must offer payment arrangements that are equal to the length of time the bill was delayed.
- (3) The utility must offer all residential customers the option of an equal payment plan.
 - (a) 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 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 the utility believes this would be in the best interest of all parties concerned;
- (4) When a residential 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 customer may enter into one six-month payment arrangement prior to disconnection of service during the customer's total service time with the utility;
 - (b) If the customer does not choose to enter into a six-month payment arrangement, then the customer and the 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 480-100-XX5 Winter low-income payment program if appropriate.
- (5) The utility must provide a receipt to customers for all payments made in cash.

Staff Comments:

Changes to existing rule:

- (1) Moved subsections (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 utilities 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.*
- (7) Clarified rule pertains to residential customers.*

WAC 480-100-XX5 Winter low-income payment program

(1) During the winter months between, November 15 and March 15, the electric utility may not discontinue residential space heating service if the customer does all of the following:

(a) Notifies the utility of the inability to pay the bill and any required 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 utility within five business days and service is disconnected, the customer can receive the protections of this chapter, by paying reconnection charges, if any, and by otherwise fulfilling the requirements of this section;

(b) Provides self-certification of household income for the prior twelve months to a grantee of the Department of community, trade, and economic development or its successor. 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 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 provide a dollar figure to the company that is seven percent of the household income. 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 the customer's 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 and abides to that agreement to:

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

(ii) Pay a monthly payment during the winter period. The utility will not require payment of more than seven percent of the customer's monthly income. 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 seven percent of the monthly income plus one-twelfth of any past due amounts accrued from the date application is made and thereafter. 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 to the utility, if requested, 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) Pays 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 disconnect service in accordance with WAC 480-100-071, Discontinuance/disconnection of service, if the customer has not kept the payment arrangements as described in subsection (1) of this section. The utility must also include in the customer's disconnection notice:
 - (i) A description of the customer's duties outlined in subsection (1) of this section; and
 - (ii) An explanation that the utility will restore service if the customer contacts the utility and satisfies the other requirements of 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 subsection (1) of this section 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 any reconnection charges; and
 - (ii) Pay all amounts that would have been due and owing on the date the service is reconnected; *or*
 - (iii) Utilize reconnection protections afforded under sections WAC 480-90/100-056-Medical Emergencies or WAC 480-100 xx4 (1)(c), (2)--Reconnecting service after disconnection;)* and
 - (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.

PUBLIC COUNSEL COMMENTS ON THE ABOVE SECTION:

(2)(g)(iii) To reference reconnection protections in other rules that should be available to customers in crisis.

Staff Comments:

Changes to rule:

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

WAC 480-90-076 Service Responsibility

- (1) Customer responsibility - The customer will notify the electric utility in writing prior to changes in the customer's equipment or usage, which will materially affect the service to be rendered. The customer will give such notice within a reasonable time so the utility can provide the necessary facilities and acquire additional power supply if needed. The charge for such necessary facilities, if any, will be in accordance with the utility's filed tariff.
- (2) Electric utility responsibility - Electric utilities:
 - (a) Will install and maintain equipment within its system that may be necessary to operate the electric system. The commission may require the utility to provide additional equipment in connection with performing special investigations if economically feasible.
 - (b) Will promptly notify all affected customers of a change to the service that would affect the efficiency of operation or the adjustment of the customer's equipment. If an adjustment to the customer's equipment is necessary, the cost will be recovered in accordance with the utility's tariff, except that when the customer has been notified of a change in service prior to receiving service or when such that change is required by law, the customer must bear all cost in connection with making changes to the customer's own equipment.
 - (c) Must maintain its plant in such a condition that will enable it to furnish safe, adequate, and efficient service and meet applicable state and federal standards.
 - (d) 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 an electric utility to make repairs to or change its facilities, the utility may, , suspend service for such periods as may be reasonably necessary and in such a manner as to minimize the inconvenience to customers. The utility will individually notify police and fire departments affected by such a 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.
 - (e) 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.

PUBLIC COUNSEL COMMENTS ON THE ABOVE SECTION:

(2)(e)—Record of interruptions. Public Counsel believes “substantial number” should be addressed within the Commission’s electric reliability rulemaking to ensure a level of uniformity of reporting and comparability of data across companies. If the Commission chooses not to pursue that rulemaking past its current status, Staff should consider what “number” it deems appropriate in this area.

Staff Comments:

This rule was renumbered. No other changes were made to this rule.

WAC 480-100-xx6 Consumer proprietary information

- (1) An electric utility may not disclose, permit access to, or use customer proprietary information to market service or product offerings to a customer who does not already subscribe to that service or product.
- (2) A utility may not share customer proprietary information with its affiliates to market service or product offerings to a customer who does not already subscribe to that service or product.
- (3) Customer proprietary information means information that related to the quantity, technical configuration, type, destination, and amount of use of service or products subscribed to by a customer of a regulated utility that is available to the utility solely by virtue of the customer-utility relationship.

Staff Comments:

New rule, adapted from current telecommunication rule (WAC 480-120-151 Telecommunication’s carriers use of customer proprietary network information (CPNI)).

WAC 480-100-081 Service entrance facilities

- (1) An electric utility may require customers to:
 - (a) *(Comply with reasonable requirements to)* provide entrance facilities at the easiest access point to the utility’s distribution system and
 - (b) Comply with reasonable requirements to keep those facilities free from tampering or interference.

(2) In order to permit the required clearances, utilities may require their customers to provide a structurally sound point of attachment for the utility's service conductors pursuant to the National Electric Code.

PUBLIC COUNSEL COMMENTS ON THE ABOVE SECTION:

(1)(a) 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" as well as "free from tampering" requirements. This reasonable language should be retained.

Staff Comments:

Rule rewritten for clarity.

WAC 480-100-091 Access to premises

Authorized representatives of a 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. Electric utility representatives must provide a means of identification upon request. (2) When performing maintenance, testing, installation, or removal of 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.

Staff Comments:

- (1) Revised per water rules and stakeholder comments.*
- (2) Added subsection (2).*

WAC 480-100-096 Electric utility responsibility for complaints and disputes

- (1) When an 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;
 - (d) Take corrective action, if warranted, as soon as possible under the circumstances;
 - (e) Inform the complainant that the decision may be appealed to a supervisor at the utility; and

Inform the complainant:

- (i) Of the complainant's right to speak to a supervisor; and
- (ii) Of the complainant'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 480-09-420 Pleadings and briefs - Applications for authority - Protests.
- (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 by the commission.
- (4) Each 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;
 - (d) The final result; and
 - (e) All correspondence and records regarding the complaint.

Staff Comments:

Changes to existing rules:

- (1) Added requirement (a) to subsection (1),*
- (2) Added requirement (c) to subsection (3), and*
- (3) Changed record keeping requirement for all complaints from one to three years*
- (4) Subsection 4 - Added the company's complaint record must include all correspondence and records regarding the complaint.*
- (5) Subsection (2)(b)- Changed WAC 480-09-500 Brief adjudicative proceedings to WAC 480-09-420 Pleadings and briefs - Applications for authority - Protests.*

WAC 480-100-101 Billing requirements and payment date

- (1) Customer bills must:
 - (a) Be issued at intervals not to exceed two one-month billing cycles;

(3) A customer may request the utility to perform additional meter tests within twelve-months of the last meter test. 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 to the customer within fifteen business days not including the transit time if the meter is shipped by a third party carrier to the utility's shop. If the additional meter test results show the meter is performing accurately as described in subsection (2) of WAC 480-100-136, Accuracy requirements for electric 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 additional meter test that shows the meter is performing outside acceptable tolerance levels as defined in subsection (4) of WAC 480-100-136, Accuracy requirements for electric meters.

(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 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 to the commission within ten business days.

(5) If a meter test reveals a meter error greater than specified as acceptable in subsection (2) of WAC 480-100-136, Accuracy requirements for electric meters, the utility must repair or replace the meter at no cost to the customer. The utility must 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's usage was first measured by a defective meter, limited to a maximum correction period of six months;

(b) ~~In cases where the customer will be billed for additional meter usage, the utility must bill to the date the customer's usage was first measured by a defective meter, limited to a maximum correction period of six months. The utility will offer payment arrangements in accordance with subsection (2) of WAC 480-100-072, Payment Arrangements.~~

(The utility shall not charge or disconnect a customer for any past due amount relating to meter inaccuracy.)

(6) Reports - the commission may require the utility to provide meter test results to the commission in response to a customer's complaint. These reports will contain the name or 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.

PUBLIC COUNSEL COMMENTS ON THE ABOVE SECTION:

(5)(b)—Public Counsel continues to oppose any retroactive collection of revenues from a customer by a company for faulty meters. It is a company's obligation, not the customer's, to keep meters accurate and companies should bear the risk for meter inaccuracies. Furthermore, this proposed section as written diminishes the company's incentive to monitor accurately. Companies have the equipment, expertise and authorization to keep meters accurate and to discover inaccuracies. Customers do not. Lacking expertise and equipment, customers are unable to discover inaccuracies that cost them and unable to contest company determinations that a customer has benefited from an inaccuracy. Thus, the content and wisdom of the current rule should be retained.

At the very least, no customer should ever be disconnected or threatened with disconnection for a past due amount relating to meter inaccuracy.

Staff Comments:

Changes to existing rule:

(1) Staff suggest combining the following rules into one:

WAC 480-100-171 Complaint Meter Test

WAC 480-100-166 Dispute as to meter accuracy

WAC 480-100-111 Refund for inaccurate metering

(2) Deleted utility option of refusing meter test

(3) Deleted "initiate" in subsection (1) and changed to must test and report results to customer within ten business days. Extended time frame for testing the meter and reporting to the customer from ten days to fifteen days and allowed time for shipping meter from third party carrier.

(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.

(7) In subsection (1), added language stating if customer is disputing the accuracy of the meter, the customer must allow the company access to the meter.

WAC 480-100-311 Payment locations

(1) An electric utility must provide payment agencies in locally accessible locations where applicants and customers can make payments at no charge to the applicants and customers as

needed to receive service. Payment agencies must clearly post and maintain regular business hours. (*“Locally accessible” is defined as ensuring access to payment agencies that the average low-income, elderly or disabled applicants and customers of an area served will find convenient and truly accessible.*)

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

(3) The utility must provide, at a minimum, a toll-free telephone number for applicants and customers to use during business hours in order 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 affected customers and to the commission at least thirty days prior to the closing of any business office, customer service center, or payment agency. In the event that 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.

PUBLIC COUNSEL COMMENTS ON THE ABOVE SECTION:

Public Counsel approves of the addition of “locally accessible” language to the rule above, though we are concerned as to how the term will be applied in practice. Thus, before we can comment on the adequacy of payment station access provided in this section, Public would appreciate a statement of formal or informal guidelines staff might have regarding what does and does not meet the “locally accessible” test in various contexts.

(1)—Customers have expressed increasing frustrations with the frequent closings and inconvenience of payment agency locations. 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. Given the level of frustration among customers and companies’ inadequate internal definitions of “reasonable access” and “convenience,” more clarity needs to be written into the rule.

We are equally concerned with a perceived correlation between the decreasing availability of local payment options and the level of uncollectibles experienced by utilities, and suggest that the commission and the utilities consider the wisdom of pursuing a

strategy which makes the company more inaccessible to consumers who wish to pay for service.

(4) Customer concerns about diminishing access to in-person customer service agents need to be thoughtfully addressed in these proceedings. Public Counsel continues to recommend 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. 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.

Similarly, while Public Counsel is generally supportive of improving access to the utility through electronic means over the internet, we remain concerned that access to vital information technology is disproportionately limited for rural and limited income consumers.

Until companies can show that telephone-centered customer service will not have an adverse effect on Washington's low-income populations, the 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."

Staff Comments:

Changes to existing rule:

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

480-100-XX7 Electric customer notification requirements

An electric utility must notice its customers once, either prior or after commission action, depending on the type of filing.

(1) Customer notice prior to commission action:

(a) Each affected customer must receive at least thirty days notice prior to the requested effective date when an electric utility proposes to:

- (i) Increase recurring monthly rates;
- (ii) File a general rate increase that will be:
 - (A) Addressed in an open meeting; or
 - (B) Addressed in a formal hearing process (see WAC 480-80-125, Notice by utility to customers concerning hearing, for content of notice);
- (iii) Restrict access to services (e.g., discontinue a service, limit access to service by imposing a new usage level on existing services, etc.);
- (iv) change the ownership or control of the operating company (see WAC 480-143-210, Transfer customer notice requirements, for content of notice);

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

- (i) Each customer that will be affected by the company's proposal; and
- (ii) The public affairs section of the commission.

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

- (i) The date the notice is issued;
- (ii) The utility's 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 __ KWH a month. Usage multiplied by proposed rate = \$ per month.)
- (vii) When the rates will be billed (i.e., monthly or bi-monthly);
- (viii) Date the change would go into effect;
- (ix) 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;
- (x) 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
- (xi) The utility must include public involvement language in the notice. A utility may chose from (A) or (B) below:

(A) All comments to the Commission must be submitted in writing or presented at the public meeting on this case. If you have questions or you would like to be

added to the mailing list for this case, you may contact the Washington Utilities and Transportation Commission at P.O. Box 47250, Olympia, WA 98504-7250; 1-800-562-6150 (toll free); comments@wutc.wa.gov; or 360-664-3604 (fax). (B) A utility may use language of its own. The following information must be included if this option is chosen:

(I) A brief explanation of how to participate in the commission's process by attending an open meeting, writing a letter, e-mail or fax;

(II) How to contact the commission for process questions or notification of the scheduled open meeting date; and

(III) The commission's mailing address, voice and fax numbers, and e-mail address.

(d) Methods of notice permitted - Notice may be accomplished by bill insert, bill message, printing on back of the billing envelope or a separate mailing to all affected customers.

(2) Customer notice after commission action:

(a) Each affected customer must receive notice on the first bill after a commission decision when a utility increases rates for:

- (i) Non-recurring charges (e.g., late payment fees, NSF fees, etc.);
- (ii) Local taxes; or
- (iii) Conservation program rates.

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

- (i) Each customer affected by the utility's proposal; and
- (ii) The public affairs department of the commission.

(c) Content of notice: At a minimum, after commission action notice must include the effective date, a clear description of the changes to rates or services and a utility's contact number where customers may seek additional information;

(d) Methods of notice permitted - In addition to the methods permitted in subsection (1)(d) of this section, notice after commission action may be accomplished by publication in a utility's newsletter.

(3) Commission assistance on customer notice. The commission's public affairs section is available to assist utilities with customer notice questions. The public affairs section will also review and offer suggestions on draft customer notice language. If a utility would like assistance, the utility should submit the notice for review at least one week prior to planned notice printing date.

(4) Other customer notice. The commission may require notification to customers other than described in this rule when a utility's proposal has a significant impact on customer rates, or access to services, or when customer education is needed.

Staff Comments:

(1) This rule is designed to ensure that customers of a regulated electric utility proposing a change in its rates or services receive adequate information to understand the change and the effect on them and to determine whether or not to become involved in the commission's decision-making process. A good customer notice meets three basic ideas: to notify intent, to educate, and to involve customers. Currently, customer notice requirements are contained in WAC 480-80-120 Notice to the public of tariff changes, and WAC 480-80-125 Notice by utilities to customers concerning hearing, governed by 80.28.060 RCW. It is staff's intent (chapter 480-80 is currently opened for review) to repeal WAC 480-80-120 and replace that requirement with the new proposed customer notice rules. In WAC 480-80-125, the formal hearing notice, staff will update the language and will recommend that it remains within chapter 480-80 WAC.

(2) See "Principles underlying customer notice practices."

Public Counsel supports this effort to notify customers of company proposals and to foster public involvement in commission decisions that effect energy service.