

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES &
TRANSPORTATION
COMMISSION,

Complainant,

v.

PUGET SOUND ENERGY, INC.

Respondent.

DOCKET UE-072300

DOCKET UG-072301

(consolidated)

PUBLIC COUNSEL'S RESPONSE
TO SEATTLE STEAM'S MOTION
FOR LEAVE TO NOTIFY
SCHEDULE 57 CUSTOMERS OR
IN THE ALTERNATIVE FOR
MORE COMPLETE NOTICE

Pursuant to WAC 480-07-375(4), the Public Counsel Section of the Washington State Attorney General's Office (Public Counsel) responds to the Motion for Leave to Notify Schedule 57 Customers or in the Alternative for More Complete Notice (Motion) filed by Seattle Steam Company (Seattle Steam) on March 18, 2008. Public Counsel opposes Seattle Steam's request for leave to send the letter, attached to its Motion as Exhibit A, to Schedule 57 customers, and requests that the Motion be denied.

Public Counsel notes that Schedule 57 customers will be, or have been, notified of this case through the existing notification process, which includes receipt of an individual notice describing the proposed rate change for Schedule 57 customers and announcement of the case by Puget Sound Energy (PSE) to news media in the areas where these customers operate.¹ Once notified, these customers, who are all "companies large enough to use one million therms a year of gas,"² can obtain additional information regarding the proposed increase from the filed documents available on the Commission's website.

¹ WAC 480-90-194. *See also* Letter from Public Counsel (March 12, 2008) (on file with the UTC Records Center).

² Motion, ¶ 2 and n.1.

Seattle Steam's request to use confidential PSE customer lists to contact Schedule 57 customers is improper. Such use appears contrary to the provisions of the Protective Order³ filed in this case, as well as WAC 480-90-153⁴ which prohibits utilities from disclosing customer information to third parties for marketing purposes.

To the extent that the industrial customer representatives in the case can establish the need for additional customer notice by PSE, Public Counsel has no objection to such supplemental notice.

DATED this 25th of March, 2008.

ROBERT M. McKENNA
Attorney General

SARAH A. SHIFLEY
Assistant Attorney General
Public Counsel Section

³ Protective Order, ¶¶ 6 and 10.

⁴ WAC 480-90-153(1) and (2) provide:

A gas utility may not disclose or sell private consumer information with or to its affiliates, subsidiaries, or any other third party for the purposes of marketing services or product offerings to a customer who does not already subscribe to that service or product, unless the utility has first obtained the customer's written permission to do so. . . . Private consumer information includes the customer's name, address, telephone number, and any other personally identifying information, as well as information 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.