

**U-100523 Paperless Billing Rulemaking
 Comment Summary Matrix (Final)
 October 8, 2010**

	Section	Commenter	Comments	Staff Response
Electronic Information (NEW SECTION)				
1.	480-90-179 [Note: also applies to electric rules]	Northwest Natural Gas Company (NWNG or Company)	<p>Company proposed revision of section to provide for greater clarity. The company's proposed language change adds the term notice in several places. Also, the company proposed the term applicant be removed because it does not provide bills, notices of tariff revisions or bill inserts to applicants.</p> <p>Company suggested changing the language as follows: The electronic notice of such information will be considered compliant with any statute, rule, commission order, or tariff revisions or bill inserts when a customer has consented to receive the information in electronic form, provided that the e-mail notification includes a link to the electronic information or otherwise advises the customer of the electronic location of such information.</p>	<p>Staff agrees in part and disagrees in part. In general, staff agrees to language offering more clarity. However, staff disagrees with the general use of notice since this might cause confusion with disconnection notices. Staff also disagrees with the elimination of the term applicant because there may be some cases where companies allow customers to sign up for paperless billing at the same time the customer is signing up for initial service.</p> <p>Staff disagrees. Company's edits did not change the meaning and in staff's opinion does not offer further clarity.</p>

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		UTC staff	UTC staff proposes language that restricts the use of an opt-in default (i.e., use of any pre-checked or filled-in consent/acknowledgements).	The consent form or screen must not have the consent box filled-in (i.e., already checked). The consumer must personally check or fill in (i.e., click on) the consent box/space agreeing to sign up for paperless billing.
Format of electronic communications				
2.	480-90-179(1) [Note: also applies to electric rules]	Northwest Natural Gas Company (NWNG or Company)	Company suggested adding phrase “in electronic form” for greater clarity. All information provided in electronic form must meet the requirements for format, due dates, calculation of due dates, minimum timeframes, and any other requirements specified with WAC 480-90/100.	Staff agrees. The phrase “in electronic form” will be substituted for the word electronically throughout the rules.
Verification of consent				
3.	480-90-179(2) [Note: also applies to electric rules]	Northwest Natural Gas Company (NWNG or Company)	Title of section changed from “Verification of Customer Consent” to “Customer Consent” which is more consistent with the requirements established in this section. Company requests that staff consider broadening this section to allow for verbal customer consent.	Staff agrees in part and disagrees in part. The focus of this section is verifying the customer consent. A record of the consent in the customer’s account record is a necessary part of the verification process in the event a disagreement arises. Staff would agree to change the title to “Obtaining and documenting customer consent.” Staff generally agrees with the minor word changes for clarity purposes. Staff disagrees. Company can direct the customer to its web site, or e-mail link to customer to sign up for

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	<p>480-90-179(2)(a) [Note: also applies to electric rules]</p>	<p>Northwest Natural Gas Company (NWNG or Company)</p>	<p>Utility requests this section be removed because it is too restrictive. Disallowing “any other information” would preclude the company from including the company name, logo or other navigational information on the consumer consent web page. NWNG has successfully bundled paperless billing, auto pay and equal pay in Oregon.</p>	<p>paperless billing. If a customer verbally requests paperless billing, the company can agree to send the customer an e-mail with a link to the consumer consent screen.</p> <p>Verification of verbal customer consent would require a disinterested 3rd party verification to be made with copies of the audio verification. If the company was going to mail the consumer a paper form to sign, then it would be pointless to allow for verbal consent in the first place.</p> <p>Staff agrees in part and disagrees in part. Staff agrees to broaden this subsection to allow the company name, logo, etc. and to select for paperless billing, equal pay and auto pay from the same screen or Web-page. However, staff disagrees that selecting paperless billing should be conditioned on the customer also selecting auto pay.</p> <p>Paperless billing and auto pay are different services. As currently drafted the rule permits customers to sign-up for paperless billing without also signing up for auto-pay or any</p>

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	480-90/100-179(2)(b)	<p>Pacific Power (PacifiCorp or Company)</p> <p>Puget Sound Energy (PSE or Company)</p>	<p>Remove this section. Company already has sufficient safeguards in place. Once the customer has completed the process to access their account information online, they may then elect to sign up for paperless billing. To participate in paperless billing, customers must enroll in PacifiCorp’s online payment program.</p> <p>PSE requests staff to allow consent to be given by the customer’s financial institution or 3rd party. PSE stated that most of its customers opting for paperless billing choose their financial institution or a 3rd party to make payments to PSE when requested by the customer.</p>	<p>other services. It is acceptable for the company to modify an existing screen so that the information the customer is consenting to is on the same screen with the consent.</p> <p>Staff disagrees. Staff is concerned about identity theft. Staff believes that requiring the utility to get customer’s direct permission reduces this threat.</p> <p>Staff is unaware of the banking option you reference. If you are describing a bank bill-pay service where a customer arranges to pay the utility directly from the bank – we do not believe this is covered by either this rule or WAC 480-90/100-153.</p> <p>If a customer’s bank contacts PSE to arrange to receive the customer’s bill we believe PSE needs to get the customer’s consent directly from the customer before disclosing private customer information to a bank, e.g., a third party per WAC 480-90/100-</p>

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	480-90/100-179(2)(d)	Puget Sound Energy (PSE or Company)	<p>(iii) Added phrase “and subject to the limitations provided in this rule.” Company proposed this added phrase in a number of additional places.</p> <p>(v) Added language “with notice or enter an update due to”.</p>	<p>153. See clarification language in proposed rules WAC 480-90/100-179 (2).</p> <p>Staff disagrees. Basically, all the rules are subject to the limitations provided within the rules. Staff does not believe this additional phrase is necessary.</p> <p>Staff disagrees. Staff believes that the proposed language decreases clarity and may cause confusion.</p>
	480-100-179(2) (b) through (d) [Note: also applies to gas rules]	Northwest Natural Gas Company (NWNG or Company)	Eliminate the phrase “The customer of record” and replace with: “A name, service address, and account number that exactly matches the utility record for such account.	Staff agrees.
	480-100-179(2)(e) [Note: also applies to gas rules]	Pacific Power (PacifiCorp or Company)	Change the word from confirmation to acknowledgement.	Staff disagrees. Staff believes this is a confirmation of the customer’s understanding of the optional services.
		Public Counsel (PC)	Add following statement to consent requirement: Confirmation that customers understand that they will now receive all	Staff agrees.

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	480-100-179(2) (b) through (d) [Note: also applies to gas rules]	Pacific Power (PacifiCorp or Company)	notices regarding service, including notices of the utility's request to increase rates and changes in service, electronically. Company suggested general edits to improve clarity. Did not change the meaning or intent of original proposed language.	Staff agrees.
	480-100-179(2)(e) [Note: also applies to gas rules]	Pacific Power (PacifiCorp or Company)	Company requests that the new language requiring it to contact existing customers on paperless billing to verify consent be removed. If commission determines that this step is necessary, because it is a one-time requirement, it may be beneficial for it to be contained in the order adopting the new rules instead of placing the requirement within the rules.	Staff agrees to change this requirement. Since existing customers are already receiving the paperless billing service, the one-time notification will be changed to an annual notification required by WAC 480-90/100-103(3) and (4).
		Northwest Natural Gas Company (NWNG or Company)	Company requests that the new language requiring it to contact existing customers on paperless billing to verify consent be removed.	See above.
Distribution of electronic notices				
4.	480-90-179(3) 480-100-179(3)	Public Counsel (PC)	PC proposed that the notices of changes be included in the body of the e-mail containing the customer's bill and not as an attachment or link.	Staff disagrees. Staff believes that putting all the information in the e-mail would be difficult to read.

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	480-90-179(3)(a) 480-100-179(3)(a)	Puget Sound Energy (PSE or Company)	PSE feels that the wording is so broad that it could be misleading and suggests that the word "SERVICE" be added.	Staff agrees with additional minor change.
Documents requiring paper delivery				
5.	480-90-179(4) 480-100-179(4)	Puget Sound Energy (PSE or Company)	The company proposed a slight revision as it may be misinterpreted to require a written copy of payment plans. PSE added the words "if any".	Staff agrees.
PROPOSED NEW RULE				
Limit on changes to information format				
6.	480-90-179(5) 480-100-179(5)	Puget Sound Energy (PSE or Company)	Company suggested adding the following sentence at the end. "If a customer is unable to properly receive, view or understand electronic information provided by the utility, the utility may refuse to provide that customer with electronic information."	Staff agrees.
PROPOSED NEW RULE				
Electronic Data Interchange – new language proposed by PSE				
7.	480-90-179(6) 480-100-179(6)	Pacific Power (PacifiCorp or Company)	Company proposed the term Specialized format in place of Electronic Data Interchange (EDI). Company is saying that the format should not be limited to EDI. Company also proposed some minor edits to improve clarity. Customers will still be required to choose between paper copies or the specialized format(s).	Staff agrees.

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PROPOSED NEW RULE				
Undeliverable electronic documents – new language proposed by PC				
8.	480-90-179(7) 480-100-179(7)	Public Counsel (PC)	PC proposed new rules regarding undeliverable electronic documents as a result of staff’s agreement that new language might offer useful guidance to the company and added protection to customers.	Staff agrees in part and made some edits to PC’s proposed language.
PROPOSED NEW RULE				
Implementation timeframe – new language proposed by PSE				
9.	480-90-179 480-100-179	Puget Sound Energy (PSE or Company)	Company suggest that the draft rule provide either 90-day window for implementation or allow utilities to request an extension of time beyond the 60 days suggested by staff	Staff agrees to 90-day timeframe. Recommend this condition be incorporated into the order approving the rules.
AMEND RULE				
Information to consumers				
10.	480-90/100-103	UTC staff	Staff proposes to add language to require annual disclosure of the customer’s rights and responsibilities regarding the utilities paperless billing process.	Staff believes that immediate notification of existing customers to the utilities paperless billing process is not necessary. The next time the utility sends out its annual information to consumers is sufficient.
AMEND RULE				
Disclosure of private information.				
11.	480-90/100-153	Public Counsel (PC)	Public Counsel strongly urges the commission not to amend WAC 480-90/100-153 to allow utilities to obtain and retain a customer’s authorization to share private and personal information electronically with the utility’s affiliates.	Staff agrees in part and disagrees in part. Staff agrees to add additional conditional language to improve customers’ ability to control disclosure of their private information. Staff disagrees with PC

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				that eliminating the existing requirement that utilities obtain written consent to disclose information would decrease customers' ability to control disclosure of their private information.
AMEND RULE				
Billing requirement and payment date				
12.	480-90-178(4)	Public Counsel (PC)	Public Counsel urged the commission to modify the proposed language to require utilities to complete the change in one, rather than two, billing cycles.	Staff disagrees. If the customer's request is received a few days before the next billing cycle, the utility would find it extremely difficult to comply with PC's suggestion.