

WAC 480-90-023 Definitions. "Affiliated interest" means a person or corporation as defined in RCW 80.16.010.

"Aggregate data" means any personally identifiable information from which all identifying information has been removed or modified so that the personal information is rendered unreadable, unusable, or undecipherable by an unauthorized person and cannot be attributed to any individual customer.

"Applicant" means any person, corporation, partnership, government agency, or other entity that applies for service with a gas utility or who reapplies for service at a new or existing location after service has been discontinued.

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

"Business day" means Monday through Friday, 8:00 a.m. until 5:00 p.m., except for official state holidays.

"Commission" means the Washington utilities and transportation commission.

"Control" means the possession, direct or indirect, of the power to direct or cause the direction of the management and

policies of a company, whether through the ownership of voting shares, by contract, or otherwise.

"Customer" means any person, corporation, partnership, government agency, or other entity that applied for, has been accepted for, and is currently receiving service.

"Cubic foot of gas" means a volumetric unit of measure used in sales and testing.

"Primary Purpose" means the collection, use, or disclosure of information collected by the utility or supplied by the customer where there is an authorized business need in order to: (1) provide, bill, or collect for, regulated gas service; (2) provide for system or operational needs; (3) provide services as required by state or federal law or as specifically authorized in the utility's approved tariff or; (4) plan, implement, or evaluate gas assistance, gas management, renewable energy, or as part of a commission-authorized program conducted by an entity under the supervision of the commission, or pursuant to state or federal statutes governing gas assistance.

"Personally identifiable information" means information that can be used to distinguish or trace an individual's

identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual, including information related to the quantity, technical configuration, type, destination 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.

"Sales volume" means a cubic foot of gas for billing purposes is the amount of gas that occupies a volume of one cubic foot under the temperature and pressure conditions existing in the customer's meter. Temperature and/or pressure recording or compensating devices may be used to reflect temperature or pressure base conditions for computing the volume sold. Temperature and/or pressure compensation factors may be used to compute the volume of gas sold as provided in the utility's tariff.

"Secondary purpose" means any purpose that is not a primary purpose.

"Testing volume" means a cubic foot of gas for testing purposes is the amount that occupies a volume of one cubic foot

at a temperature of 60° Fahrenheit and pressure of 14.73 pounds per square inch absolute.

"Gas" means any fuel or process gas, whether liquid petroleum gas, manufactured gas, natural gas, or any mixture of these.

"Liquefied petroleum gas" means a gas consisting of vapors of one or more of the paraffin hydrocarbons, or a combination of one or more of these vapors with air.

"Manufactured gas" means any gas produced artificially by any process.

"Natural gas" means a mixture of gaseous hydrocarbons (chiefly methane) and nonhydrocarbons that occur naturally in the earth.

"Subsidiary" means any company in which the gas utility owns directly or indirectly five percent or more of the voting securities, unless the utility demonstrates it does not have control.

"Therm" means a unit of heat equal to 100,000 Btus.

"Gas utility" (utility) means any business entity (e.g., corporation, company, association, joint stock association, or

partnership) or person, including a lessee, trustee, or court appointed receiver, that meets the three following conditions:

Owns, controls, operates, or manages any gas plant in Washington state;

Manufactures, transmits, distributes, sells, or furnishes gas to the public for compensation; and

Is subject to the commission's jurisdiction.

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

[Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. WSR 05-06-051 (Docket No. A-021178 and TO-030288, General Order No. R-518), § 480-90-023, filed 2/28/05, effective 3/31/05. Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-023, filed 5/3/01, effective 6/3/01.]

WAC 480-90-128 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 of service, 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 confirm either that the customer has vacated the premises and can access the meter or that a new responsible party is taking 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 the utility determines that the customer has tampered with or stolen the utility's 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 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 any agreed upon payment arrangement for payment of a delinquent balance after the utility has issued appropriate notice 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;~~

(32) Utility-directed with notice. After properly notifying the customer, as explained in subsection ~~(64)~~ of this section, the utility may discontinue service for any one of the following conditions:

(a) For delinquent charges associated with regulated gas service (or, for regulated gas and regulated electric service if the utility provides both services), including any required deposit. However, the utility cannot disconnect service when the customer has met the requirements of subsection (~~58~~) of this section for medical emergencies or has agreed to or maintains agreed-upon payment arrangements with the utility, as described in WAC 480-90-143, Winter low-income payment program;

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

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

(d) For refusing to allow utility representatives access to the customer's premises as required in WAC 480-90-168, Access to premises; identification;

(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.

(43) Gas service may not be disconnected for amounts that may be owed the utility for nonregulated services.

(64) Disconnection notification requirements. The utility must notify customers before disconnecting their service, except as described in subsection (27) of this section. Notification consists of the following requirementsmust include the notices described in (4) (a) (i) and (4) (a) (ii) of this section:

(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 notices ~~is~~are for nonpayment during the winter months, the utility must advise the customer of the payment plan described in WAC 480-90-138, Payment arrangements, and WAC 480-90-143, Winter low-income payment program. Each ~~d~~Disconnection notices must include:

(i) The utility must provide the first written disconnection notice by email, text, or other electronic communication, if the utility has such contact information for the customer, and by delivery of a hard copy to the service premises. The notice must include a disconnection date that is

not less than eight business days after the date the utility either delivers the notice to the service premises and attaches it to the customer's primary door or mails the notice if the utility mails the notice from inside the states of Washington, Oregon, or Idaho. The disconnection date in the notice may not be less than eleven business days from the mailing date if the utility mails the notice from outside the states of Washington, Oregon, and Idaho.~~A disconnection date that is not less than eight business days after the date of personal delivery or mailing if mailed from inside the states of Washington, Oregon, or Idaho, or a disconnection date that is not less than eleven business days if mailed from outside the states of Washington, Oregon, and Idaho.~~

(ii) The second disconnection notice must be provided by email, text, or other electronic communication, if the utility has such contact information, and by one of the three options listed below:

(A) Delivered notice. The utility must deliver a second notice to the service premises 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;

(B) 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 states of Washington, Oregon, or Idaho, or the sixth business day if mailed from outside the states of Washington, Oregon, or Idaho; or.

(C) 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. If the utility is unable to reach the customer by telephone, a written notice must be mailed to the customer 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 states of Washington, Oregon, or Idaho, or the sixth business day if mailed from outside the states of Washington, Oregon, and Idaho, or written notice must be personally delivered providing

a disconnection date of not earlier than 5:00 p.m. of the second business day following the date of delivery.

For utilities billing for electric and gas service, each type of notice listed above must provide the information contained in (b) of this subsection;

(b) Each disconnection notice must include all relevant information about the disconnection action including:

~~All relevant information about the disconnection action including the cause for disconnection, the amount owed for regulated natural gas service and, if applicable, regulated electric service; and how to avoid disconnection;~~

(i) The cause for disconnection, the amount owed for regulated electric service; and how to avoid disconnection;

~~(ii) All relevant information about any charges that may be assessed; and~~

~~(iii) 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;~~

~~(c) If the utility discovers the notice information required under the options in (a)(ii) of this subsection is~~

inaccurate, the utility must issue another notice to the customer as described in (a) (i) of this subsection;

(e) If the utility has not disconnected service within ten business days of the disconnection date stated in (a) (i) of this subsection, the disconnection notice will be considered void unless the customer and the utility have agreed to 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;

(d) In addition to the notice required by (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 service premises 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 states of Washington, Oregon, or Idaho, or the sixth business day if mailed from outside the states of Washington, Oregon, or Idaho.~~

~~(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. If the utility is unable to reach the customer by telephone, a written notice must be mailed to the customer 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 states of Washington, Oregon, or Idaho, or the sixth business day if mailed from outside the states of Washington, Oregon, and Idaho, or written notice must be personally delivered providing a disconnection date of not earlier than 5:00 p.m. of the second business day following the date of delivery.~~

~~For utilities billing for electric and gas service, each type of notice listed above must provide the information contained in (a) (iii) of this subsection;~~

~~(e) If the utility discovers that the written notice information required under the options in (d) of this subsection is inaccurate, the utility must issue another notice to the customer as described in (a) of this subsection;~~

~~(f)d) If the utility provides a second notice within ten business days of the disconnection date stated~~required by in (a) (i) of this subsection, the disconnection date is extended an additional ten workingbusiness days from the disconnection date of the second notice. If the utility does not disconnect service within the extended ten-business-day period, the 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 an additional notice as required in (d)a) (ii) of this subsection.

~~(g)e) If the utility provides a second notice after the ten business days of the disconnection date required by (a) (i) of this subsection, the 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;

(h~~f~~) Utilities with combined accounts for both natural gas and electric service will have the option of choosing which service will be disconnected;

(i~~g~~) 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 described in (a) of this subsection prior to disconnecting service;

(j~~h~~) 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;

(k~~i~~) 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;

(±j) 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 the 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;

(mk) Medical facilities. When service is known to be 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 must 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; or

(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 services, a notice of pending disconnection must 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;

(~~n~~1) Any customer may designate a third party to receive a disconnection notice or notice of other matters affecting the

customer's service. The utility must 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 must consider a social agency to be a third party. 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 must 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.

(75) For purposes of this section, the date of mailing a notice will not be considered the first day of the notice period.

(6) Remote Disconnection. Utilities may not disconnect natural gas services remotely.

(27) 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 the utility determines that the customer has tampered with or stolen the utility's 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 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 (64) of this section;

(e) The customer has not kept any agreed-upon payment arrangement for payment of a delinquent balance after the utility has issued appropriate notice 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;

(58) **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 during the same business day if the customer contacts the utility prior to the close of the business day and requests a same-day reconnection. Otherwise, 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 must bill all such charges on the customer's next regular bill or on a separate invoice.

(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 gas 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 not require 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 a 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 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 this subsection prescribes. The utility must send a notice to the customer confirming the payment arrangements within two business days of having reached the agreement;

(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 states of Washington, Oregon, or Idaho, or the sixth business day if mailed from outside the states of Washington, Oregon, and Idaho, or by personally delivering a notice

providing a disconnection date of not earlier than 5:00 p.m. of the second business day following the date of delivery;

(e) A customer may claim medical emergency and be entitled to the benefits described in this subsection only twice within any one hundred twenty-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 WAC 480-90-138, Payment arrangements, and WAC 480-90-143, 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 states of Washington, Oregon, or Idaho,~~

~~or a disconnection date that is not less than eleven business days if mailed from outside the states of Washington, Oregon, and Idaho.~~

~~(ii) All relevant information about the disconnection action including the cause for disconnection, the amount owed for regulated natural gas service and, if applicable, regulated electric service; and how to avoid disconnection;~~

~~(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 in (a) of this subsection is inaccurate, the utility must issue another notice to the customer as described in (a) of this subsection;~~

~~(c) If the utility has not disconnected service within ten business days of the disconnection date stated in (a)(i) of this subsection, the disconnection notice will be considered void unless the customer and the utility have agreed to 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;~~

~~(d) In addition to the notice required by (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 service premises 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 states of Washington, Oregon, or Idaho, or the sixth business day if mailed from outside the states of Washington, Oregon, or Idaho.~~

~~(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. If the utility is unable to reach the customer by telephone, a written notice must be mailed to the customer 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 states of Washington, Oregon, or Idaho, or the sixth business day if mailed from outside the states of Washington, Oregon, and Idaho, or written notice must be personally delivered providing a disconnection date of not earlier than 5:00 p.m. of the second business day following the date of delivery.~~

~~For utilities billing for electric and gas service, each type of notice listed above must provide the information contained in (a) (iii) of this subsection;~~

~~(c) If the utility discovers that the written notice information required under the options in (d) of this subsection is inaccurate, the utility must issue another notice to the customer as described in (a) of this subsection;~~

~~(f) If the utility provides a second notice within ten business days of the disconnection date stated in (a) (i) of this~~

~~subsection, the disconnection date is extended an additional ten working days from the disconnection date of the second notice. If the utility does not disconnect service within the extended ten business day period, the 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 an additional notice as required in (d) of this subsection.~~

~~(g) If the utility provides a second notice after the ten business days of the disconnection date required by (a) (i) of this subsection, the 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;~~

~~(h) Utilities with combined accounts for both natural gas and electric service will have the option of choosing which service will be disconnected;~~

~~(i) 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 described in (a) of this subsection prior to disconnecting service;~~

~~(j) 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;~~

~~(k) 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;~~

~~(l) 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 the 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;~~

~~(m) Medical facilities. When service is known to be 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 must 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; or~~

~~(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 services, a notice of pending disconnection must 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;~~

~~(n) Any customer may designate a third party to receive a disconnection notice or notice of other matters affecting the customer's service. The utility must 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 must consider a social agency to be a third party. 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 must 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 purposes of this section, the date of mailing a notice will not be considered the first day of the notice period.~~

(89) 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.

(910) 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.

[Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-128, filed 5/3/01, effective 6/3/01.]

WAC 480-90-133 Reconnecting service after disconnection.

(1) A gas utility must make every reasonable effort to restore a disconnected service within twenty-four hours, or other time mutually agreeable between the customer and the utility, 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 any delinquent regulated charges, plus any required deposit; or

(b) The customer has entered into an agreed-upon payment arrangement for a delinquent account, and pays any required deposit as defined in WAC 480-90-113, Residential service deposit requirement, or WAC 480-90-118, Nonresidential service deposit requirements; or

(c) The customer has paid all regulated amounts due on the account that is not a prior obligation and the customer has paid any required deposit as defined in WAC 480-90-113, Residential service deposit requirements, or WAC 480-90-118, Nonresidential service deposit requirements.

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

(3) A gas utility may not reconnect natural gas service remotely.

[Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-133, filed 5/3/01, effective 6/3/01.]

WAC 480-90-153 Protection and Disclosure of private information. (1) A gas utility must safeguard all personally identifiable information within the utility's possession or control from unauthorized access or disclosure to the maximum extent possible. For purposes of this section, "safeguard" includes but is not necessarily limited to encrypting the information in a manner that meets or exceeds the National Institute of Standards and Technology (NIST) standard.

(2) A gas utility may only collect and retain personally identifiable information that is reasonably necessary for the utility to provide services to customers.

(3) A utility may not disclose personally identifiable information to affiliates, subsidiaries, or a parent

organization based solely on an existing business relationship between those entities. The utility may disclose personally identifiable information to an affiliate, subsidiary or parent organization only to the extent necessary to perform duties directly relating to the utility's "primary purpose."

(4) A utility may disclose personally identifiable information to third-party vendors only to the extent necessary for the utility to provide service to its customers. The utility must require that all third-party vendors that have access to personally identifiable information have policies, procedures, and technological safeguards in place sufficient to prevent the misuse or improper or unauthorized disclosure of such information.

(5) A utility remains responsible for the safeguarding of all personally identifiable information the utility discloses to affiliates, subsidiaries, parent corporations, or third party vendors to the same extent that the utility must safeguard that information when it is in the utility's possession.

(6) A gas utility may not disclose or sell private ~~consumer~~ customer information or information from which a third party

could reasonably deduce the identity of the customer or customers from whom such data is collected 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 or electronic permission to do so.

(7) Nothing in this rule may be construed to preclude the utility from complying with demands for personally identifiable information as required by law, such as through a warrant or subpoena.

~~_(2) 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.~~

(38) The utility must obtain a customer's prior permission for each instance of disclosure or sale of his or her private

~~customer~~ personally identifiable information to an affiliate, subsidiary or other third party for purposes of marketing services or products that the customer does not already subscribe to and maintain a record of each instance of permission for disclosing his or her ~~private customer~~ personally identifiable information.

(9) If a customer discloses his or her gas consumption data to a third party that is unaffiliated with, and has no other business relationship with, the utility, the utility will not be responsible for the security of that data, or its use or misuse.

(~~4~~10) The utility will retain the following information for each instance of a customer consent for disclosure of his or her ~~private customer~~ personally identifiable information if provided electronically:

(a) The confirmation of consent for the disclosure of ~~private customer~~ personally identifiable information;

(b) A list of the date of the consent and the affiliates, subsidiaries, or third parties to which the customer has authorized disclosure of his or her ~~private customer~~ personally identifiable information; and

(c) A confirmation that the name, service address, and account number exactly matches the utility record for such account.

(11) Subject to agreements with third parties, a customer has the right to revoke, at any time, any previously granted authorization to transfer personally identifiable information to a third party.

(12) The utility must maintain and post its privacy policy on its website in a prominent location.

(a) New customers will receive a copy of the privacy policy on the initiation of utility service.

(b) The utility must notify existing customers whenever the utility amends its privacy policy by whatever method the utility uses to transmit the customers' bills.

(c) The utility must provide a written copy of the privacy policy upon customer request.

(d) Notice of the utility's privacy policy will include a customer service phone number and Internet address where customers can direct additional questions or obtain additional information.

(~~135~~) This section does not prevent disclosure of the essential terms and conditions of special contracts as provided for in WAC 480-80-143 (Special contracts for gas, electric, and water companies).

(~~146~~) This section does not prevent the utility from inserting any marketing information into the customer's billing package.

(~~715~~) The utility may ~~collect and release~~ disclose customer information in aggregate form ~~if the aggregated information does not allow any specific customer to be identified~~ for legitimate business purposes.

(16) Customers are entitled to access their own personally identifiable information within a reasonable time after the utility collects and verifies the data. The utility must make reasonable efforts to ensure that customers may choose how they receive such information without being required to share private information, including gas consumption data, with a third party.

(17) Customers should incur no additional charge for the provision of their retail gas consumption data in a timely, accessible manner to themselves or their third-party designee.

(a) If a gas utility contracts with a third party for a service that allows a customer to monitor his or her gas usage, the third party may not use that data for a secondary commercial purpose without the customer's consent.

(18) The utility must provide customers with access to their own private information through a convenient, user-friendly Internet website interface.

(19) Customers have the right to know what private information the utility maintains about the customer and the retention period of such information. The utility will make a reasonable effort to respond to requests for such information within five business days of a customer request.

(20) The utility must ensure that the information it collects, stores, uses, and discloses is reasonably accurate and complete, and otherwise compliant with applicable rules and tariffs regarding the quality of gas usage data.

(21) Each customer must have the opportunity to dispute the accuracy or completeness of the private information that the utility has collected for that customer. The utility will provide adequate procedures for customers to dispute the

accuracy of their private information, and to request appropriate corrections or amendments.

(22) The utility must take all reasonable steps to destroy, or arrange for the destruction of, personally identifiable information in accordance with its data retention practices.

(23) The utility must notify customers as soon as practicable of any security breach and the nature and extent of any actually or potentially compromised or disclosed information in accordance with RCW 19.255.010. The utility must take all reasonable measures, including cooperating fully with law enforcement agencies to recover lost information and prevent the loss of further personally identifiable information. The utility must notify the commission as soon as reasonably possible of any security breach and all measures the utility is taking to remedy the breach.

(24) The utility will perform an annual audit of data collected and review the purpose of that data collection to ensure it collects only necessary data.

[Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 11-06-032 (Docket U-100523, General Order R-563), § 480-90-153, filed 2/25/11, effective 3/28/11. Statutory Authority: RCW 80.01.040,

80.04.160, 81.04.160, and 34.05.353. WSR 03-22-046 (Docket No. A-030832, General Order No. R-509), § 480-90-153, filed 10/29/03, effective 11/29/03. Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 01-20-059 (Docket No. UG-990294, General Order No. R-488), § 480-90-153, filed 9/28/01, effective 10/29/01.]

WAC 480-90-178 Billing requirements and payment date. (1)

Customer bills must:

(a) Be issued at intervals not to exceed two one-month billing cycles, unless the utility can show good cause for delaying the issuance of the bill. The utility must be able to show good cause if requested by the commission;

(b) Show the total amount due and payable;

(c) Show the date the bill becomes delinquent if not paid;

(d) Show the utility's business address, business hours, and toll-free telephone number and emergency telephone number by which a customer may contact the utility;

(e) Show the current and previous monthly meter readings, the current monthly read date, and the total amount of therms used for the billing cycle, provided that the customer bill must only provide the meter readings and read date for the final

reading for the monthly billing cycle; the bill need not include interval readings, although customers must be provided access to their consumption data in accordance with WAC 480-90-153;;

(f) Show the amount of therms used for each billing rate, the applicable billing rates per therm, the basic charge or minimum bill;

(g) Show the amount of any municipal tax surcharges or their respective percentage rates;

(h) Clearly identify when a bill has been prorated. A prorated bill must be issued when service is provided for a fraction of the billing period. Unless otherwise specified in the utility's tariff, the charge must be prorated in the following manner:

(i) Flat-rate service must be prorated on the basis of the proportionate part of the period that service was rendered;

(ii) Metered service must be billed for the amount metered. The basic or minimum charge must be billed in full;

(i) Clearly identify when a bill is based on an estimation.

(i) A utility must detail its method(s) for estimating customer bills in its tariff;

(ii) The utility may not estimate for more than four consecutive months unless the cause of the estimation is inclement weather, terrain, or a previous arrangement with the customer; and

(j) Clearly identify determination of maximum demand. A utility providing service to any customer on a demand basis must detail in its filed tariff the method of applying charges and of ascertaining the demand.

(2) The minimum time allowed for payment after the bill's mailing date must be fifteen days, if mailed from within the states of Washington, Oregon, or Idaho, or eighteen days if mailed from outside the states of Washington, Oregon, and Idaho.

(3) The utility must allow a customer to change a designated payment-due date when the customer has a satisfactory reason for the change. A satisfactory reason may include, but is not limited to, adjustment of a designated payment-due date to parallel receipt of income. The preferred payment date must be prior to the next billing date.

(4) With the consent of the customer, a utility may provide billings in electronic form if the bill meets all the

requirements for the use of electronic information in this chapter. The utility must maintain a record of the consent as a part of the customer's account record, and the customer may change from electronic to printed billing upon request, as provided in this chapter. The utility must complete the change within two billing cycles of the request.

(5) Corrected bills:

(a) A utility must issue a corrected bill upon finding that an underbilling or overbilling occurred as a result of a meter failure, meter malfunction, meter with unassigned energy usage, or any other situation where energy usage was not billed or was inaccurately billed. The utility must use the rates and rate schedule in effect during the billing period(s) covered by the corrected bill. The utility must issue the corrected bill within sixty days from the date the utility discovered that an account had been underbilled or overbilled. Except as provided in subsection (7) of this section, when a utility's investigation finds that it has underbilled energy usage, it may not collect underbilled amounts for any period greater than six months from the date the error occurred. The maximum period for which

utilities are required to adjust bills for overbilling is six years.

(b) For the purposes of this rule:

(i) A meter failure or malfunction is defined as: A mechanical malfunction or failure that prevents the meter or any ancillary data collection or transmission device from registering or transmitting the actual amount of energy used. A meter failure or malfunction includes, but is not limited to, a stopped meter, a meter that is faster or slower than the metering tolerance specified in WAC 480-90-338, or an erratic meter.

(ii) An unassigned energy usage meter is defined as a meter that is installed at a valid service address and accurately records energy usage during a period of time where there was no active gas service account at that premises.

(c) A utility must develop and maintain procedures that establish practices for the prompt identification, repair and replacement of meters that are not functioning correctly and for identification of unassigned usage meters. The objective of such procedures shall be to mitigate the number of underbilling

occurrences that exceed six months in duration. These procedures must address, at a minimum:

(i) Practices to prevent the issuance of corrected bills due to incorrect prorated bills, improperly assigned meters, incorrectly installed meters, incorrect billing rate schedules, incorrect billing multipliers, or any other event that may affect billing accuracy.

(ii) Processes for the investigation of meter issues include, but are not limited to, stopped, slowed, and erratic usage meters.

(iii) Processes for the investigation of meter usage from unidentified usage meters.

(6) For the purpose of this rule, a corrected bill may take the form of a newly issued bill or may be reflected as a line item adjustment on a subsequent monthly or bimonthly bill. When a corrected bill is issued, the utility must provide the following information on the corrected bill, in a bill insert, letter, or any combination of methods that clearly explains all the information required to be sent to the customer:

(a) The reason for the bill correction;

(b) A breakdown of the bill correction for each month included in the corrected bill;

(c) The total amount of the bill correction that is due and payable;

(d) The time period covered by the bill correction; and

(e) When issuing a corrected bill for underbilling, an explanation of the availability of payment arrangements in accordance with WAC 480-90-138(1) payment arrangements.

(7) Exceptions to billing correction rules:

(a) Corrected bills related to an underbilling due to tampering or interference with the utility's property, use of the utility's service through an illegal connection, or the fraudulent use of a utility's service, are exempt from the six-month restriction set forth in subsection (5) (a) of this section.

(b) Adjustments for underbilling of nonresidential customers will be limited to six months. However, the utility may extend this period for good cause if a longer period is appropriate due to circumstances such as the complexity of specific accounts, changing metering configurations, load

changes of large industrial customers, special meter configuration involving current transformers, or wiring reconfigurations by the customer. Utilities must report to the commission within sixty days the reasons for any adjustments longer than six months.

(c) The utility may choose not to issue a corrected bill to recover underbilled amounts less than fifty dollars.

(8) An estimated meter read made in accordance with subsection (1)(i) of this section is not considered a meter failure or malfunction or a billing error. A bill true-up based on an actual meter reading after one or more estimated bills is not considered a corrected bill for purposes of subsection (5)(a) of this section.

[Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 16-06-038 (Docket U-144155, General Order R-586), § 480-90-178, filed 2/23/16, effective 3/25/16; WSR 11-06-032 (Docket U-100523, General Order R-563), § 480-90-178, filed 2/25/11, effective 3/28/11; WSR 01-11-003 (Docket No. UG-990294, General Order No. R-484), § 480-90-178, filed 5/3/01, effective 6/3/01.]