

December 6, 2010

***VIA ELECTRONIC FILING***

Washington Utilities and Transportation Commission  
1300 S. Evergreen Park Drive S.W.  
P.O. Box 47250  
Olympia, WA 98504-7250

Attention: David W. Danner  
Executive Director and Secretary

RE: Docket U-100523 Comments on Proposed Rules

Dear Mr. Danner:

PacifiCorp, d.b.a. Pacific Power (PacifiCorp or Company) submits the following comments in response to the Washington Utilities and Transportation Commission's (Commission) Notice of Opportunity to File Written Comments on Proposed Rules (Notice) issued in Docket U-100523 on November 5, 2010. The Notice seeks comments on proposed rules to address the use of electronic means to communicate with customers. The Commission initially issued a discussion draft on June 11, 2010, seeking comments from interested persons by July 14, 2010. The Commission issued a revised discussion draft on August 9, 2010, seeking comments from interested persons by September 9, 2010. PacifiCorp, and various other interested persons submitted comments on the previous discussion drafts.

The Commission issued separate proposed rules for gas and electric utilities. PacifiCorp's comments focus on the draft rules for electric utilities. PacifiCorp appreciates Staff's efforts in conducting this rulemaking and addressing issues raised by the interested persons. The spirit of the proposed rules included in the Notice appears to capture the intent of this proceeding and takes into consideration information provided throughout this proceeding. However, the letter of the proposed rules imposes detailed requirements for managing the electronic flow of information between the utility and customer that may be costly and burdensome to implement. Additionally, it is not clear that such measures would add benefit beyond measures currently in place for the exchange of electronic information.

As noted in comments previously submitted in this proceeding, PacifiCorp offers its customers the ability to receive electronic communications from the Company. Through the Company's website, customers may enroll to manage their accounts online, receive paperless bills, bill inserts and other important notices regarding utility service, and pay bills. In developing the online service options, PacifiCorp worked closely with consultants and customer focus groups to ensure the website employs security measures designed to protect customer information while at the same time creating a user-friendly

environment based on best practices. Included with these comments as Attachment A is a compilation of screen shots demonstrating the current steps in the processes for registering a new web profile to have access to online account information, enrollment in the Company's online payment program with paperless billing, and equal payment plan.

PacifiCorp respectfully suggests that it may be beneficial to hold a workshop to allow utilities the opportunity to fully explain current online service availability and mechanics. Additionally, PacifiCorp offers the following comments specific to individual sections of the proposed rules. In some instances, PacifiCorp offers suggested revisions designed to capture the intent of the proposed rules without placing undue burden on utilities to implement changes.

### **WAC 480-100-103 Information to customers**

PacifiCorp does not have any comments on the proposed changes to this section at this time. However, PacifiCorp reserves the right to provide comments during the course of this proceeding.

### **WAC-480-100-153 Disclosure of private information**

Previous drafts of proposed changes to this section would have required utilities to obtain and maintain customer consent for disclosure of private information for each individual service or product offering. The proposed rules expand a utility's responsibilities regarding obtaining and maintaining a customer's consent to disclose private information to third parties by specifying information that must be maintained regarding such consent. The Company's current policy is not to release customer information. However, should the Company make a change in that policy, it has concerns with amount of data required to be stored for each account. Specific concerns are explained in the Company's comments on proposed section WAC 480-100-179, below.

Additionally, subsection (3) and the last sentence included in subsection (2) are duplicative as they essentially contain the same requirement. The proposed rules should be modified as follows:

**WAC 480-100-153 Disclosure of private information.** (1) An electric 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 service 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.

(2) Private consumer information includes the customer's name, address, telephone number, and any other personally identifying 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. ~~For each individual service or~~

~~product offering, the utility must obtain and maintain a record of customer consent for the disclosure of private consumer information.~~

~~(3) The utility must obtain customer disclosure permission for each individual service, product offering or disclosure and maintain a record of each permission for the disclosure of private customer information.~~

~~(4) The utility will ensure the following specific information is retained when the consent for the disclosure of private customer information is provided electronically:~~

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

~~—— (b) A list of the service, product offering or disclosure with respect to which the customer has authorized disclosure of his or her private customer information; and~~

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

(The remainder of the text has been omitted. PacifiCorp has no suggested revisions at this time to the omitted text.)

#### **WAC 480-100-178 Billing requirements and payment date**

PacifiCorp does not have any comments on the proposed changes to this section at this time. However, PacifiCorp reserves the right to provide comments during the course of this proceeding.

#### **WAC 480-100-179 Electronic information (New Section)**

As currently drafted, this section could require significant changes to PacifiCorp's system at significant costs. PacifiCorp's current practices, described above, sufficiently guard against identity theft and capture sufficient information to document a customer's consent to receiving electronic information. The proposed rules also include very detailed requirements for capturing and tracking electronic information that may limit a utility's ability to use available technology and to adapt to future technology developments. To the extent rules are necessary to govern electronic communications between utilities and their customers, such rules should be broad enough to allow flexibility in managing such communications in a way that minimizes costly changes to existing technology systems.

These proposed rules present significant changes from previous drafts. The prefatory subsection contains language allowing the electronic provision of bills, notices of tariff revisions and bill inserts required by legal authorities, and limits the electronic provision to email. Restricting provision by transmission to the customer's email address, limits electronic transmission to just one technology during this era of evolving technologies.

As noted in previous comments, PacifiCorp makes such information available to customers through the Company's website, provided customers create a secure web

profile for themselves to gain access to that information. For customers choosing online bill pay and paperless billing<sup>1</sup>, an email notification is sent each month when a customer's new bill is available to view on line. The email notification contains a hot link that customers may use to link to their secure log in identifier to access their account information. The email does not contain an embedded copy of the bill nor does it attach the bill.

Account information availability online includes bills, billing history, bill inserts and information about other services such as automatic bill pay and equal payment plans. Alternatively, customers always have the option to visit the Company's website to access their account information.

The requirement that bills, notices of tariff inserts and legally-required bill inserts be emailed would lead to a significant change in business processes and will not provide the high level of security currently provided by accessing the information through a secure login on the website. The Company worked closely with consultants and customer focus groups to develop its current practices and is not aware of any security or customer service issues that would necessitate changes such as those that would need to occur if this section of the rule is adopted as written. The prefatory language in the August 9, 2010 draft of the proposed rules is broad enough to allow flexibility in providing electronic information to customers while also affording an appropriate level of security measures to protect sensitive customer information. PacifiCorp recommends using the prefatory section from the August 9, 2010 draft rules.

Subsection (2) contains requirements for obtaining and maintaining customer consent prior to providing information to customers in electronic form. During a conversation with Staff, the Company was advised the format of its current program's enrollment pages, provided as Attachment A, meets the intent of the proposed rule. The Company also understood that based on this discussion Staff will be modifying the language of the proposed rules. PacifiCorp appreciates Staff's desire to record each customer's consent to participate in online and paperless bill programs, but is concerned with the amount of data required to be stored under the proposed rules. The data PacifiCorp currently stores provides enough information to confirm a customer's consent to participate in the programs. The company retains the account number, the name of the customer, and the date of enrollment.

Further, Subsection (2)(a) introduces a requirement to offer customers the opportunity to separately consent to automatic payment services and equal payment plans. Payment methods are separate services and different from the provision of bills, notices of tariff revisions and bill inserts. Addressing any aspect of payment services in a rule regarding utility provision of information to customers is out of context.

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<sup>1</sup> The Company currently offers a combination electronic bill payment and paperless bill option. A project plan has been approved and the Company will have available by the end of 2011 a paperless billing only option.

The proposed rules allow for electronic provision of bill notices, notices of tariff revisions, and bill inserts, but the Company has not determined whether it will provide all of this information in an electronic format and proposes modifications to the proposed rules to allow the option to continue to send these notices via U.S. mail.

PacifiCorp offers the following suggested revisions to Subsection (2) to address the above concerns and to provide further clarity:

**(2) Obtaining and documenting customer consent.** The utility must obtain prior written or electronic consent directly from the customer to provide the above--prescribed information in electronic form (customer consent). The customer consent must not contain any pre-filled fields. The customer consent must be obtained directly from the customer of record and comply with the following:

~~\_\_\_\_\_ (a) The consent section on the document, screen, or web page may also offer the customer separate, individual opportunities to consent to:~~

~~\_\_\_\_\_ (i) Paperless billing.~~

~~\_\_\_\_\_ (ii) Automatic payment services.~~

~~\_\_\_\_\_ (iii) Equal payment plan.~~

~~No other information may be combined on the same document, screen or web page except company contact information. The customer must personally check each box or space giving his or her consent to one or more services. Each service requires a separate, affirmative consent. The consent screen must not have the consent box or space already filled in.~~

~~(ab) The utility must retain a record of the customer's consent as a part of the customer's account records in accordance with the utility's record retention policies as evidence of the customer's consent to receive selected documents in electronic form, or to participate in paperless billing or automatic payment services or to participate in the utility's equal payment service.~~

~~(be) Documentation of the customer consent must be made available to the customer and to the commission at no charge, if requested.~~

~~(ce) At a minimum, the customer consent must include the following:~~

~~(i) The name, service address, and account number that exactly matches the utility record for such account;~~

~~(ii) The customer's opt-in decision to choose receive electronic information;~~

~~(iii) Confirmation that the customer understands the utility will provide, upon request, a paper copy of any document sent electronically at no additional charge and that the customer may opt out of receiving information electronically at any time and revert to paper format through the mail at no additional charge;~~

~~(iv) Confirmation that the customer understands it is their responsibility to notify the utility of any change to their email or other electronic address; and~~

(v) Confirmation that the customer understands that ~~in~~ in addition to the paperless bills they will now may receive all bill notifications and notices regarding service, including notices of the utility's request to increase rates and changes in service, in electronic format.


Subsection (7) is new and contains requirements for addressing undeliverable electronic documents. As with any delivery method, there are a number of reasons electronic documents may not be successfully delivered. For example, the customer's email address is no longer valid, or electronic messages are filtered in spam detectors by Internet Service Providers (ISPs) or by the customers' system, or due to general system problems with the ISPs. Because the Company cannot determine the reason for the undeliverable email, removing customers from receiving electronic communication would create confusion and be a customer dissatisfier. The Commission's rules do not address undeliverability of information delivered through other means. It is not clear why such measures are necessary for electronic information. There may be concern that customers may be subject to late fees if they do not receive notice of bill availability, or may not receive information about potential rate increases or other important information. Such information is always available to PacifiCorp customers through the Company's website and customers will receive a paper bill in the mail if they become past due.

Further, requiring additional delivery attempts within one business day is administratively burdensome and technologically impossible with the current third party vendor PacifiCorp uses to send email bill notifications. This vendor does not receive the undeliverable emails, but rather the Company receives them. To support this requirement, the Company must engage an additional third party vendor to resend emails, requiring significant human resources and additional unnecessary costs. For all of these reasons, PacifiCorp recommends deleting subsection (7) in its entirety.

PacifiCorp has no comments on the remaining revisions contained in the Notice at this time but reserves the right to provide comments in the future if necessary.

PacifiCorp appreciates the opportunity to provide comments and participate in the review of the billing and noticing rules. Please direct any questions to Cathie Allen, Regulatory Manager, (503) 813-5934.

Sincerely,

  
Andrea L. Kelly  
Vice President, Regulation

Enclosure



## Your Account

## Payment &amp; Billing Options

[Pay by Phone](#)
[Pay Stations & Drop Boxes](#)
[Electronic Data Interchange](#)
[Gift Payment](#)
[Financial Assistance](#)
[Choose Your Due Date](#)
[Equal Payment Plan](#)
[Return to the full Your Account menu](#)

## Online Payment Options

Secure Site

Our online payment options are easy, secure and free. Payments are made from your checking or savings account and posted to your account within 24 hours.

### Automatic Online Payments

- Set up automatic payment once – no need to visit our website monthly.
- Checking or savings account information securely stored for future payments.
- Receive an e-mail when your bill is ready to view.
- Bill paid automatically every month on due date.
- Paperless billing with option to print copy of bill.
- Receive e-mail confirmation within 24 hours of your payment.

[Enroll Now >>](#)

### Manual Monthly Online Payment

- Receive an e-mail when your bill is ready to pay.
- Log on to our website every month to pay your bill.
- Paperless billing with option to print copy of bill.
- Choose if you want to securely store your checking or savings account information for future payments.
- Receive e-mail confirmation within 24 hours of your payment.

[Enroll Now >>](#)

### One-Time Online Payment

Best only if you are making a single, last-minute payment or paying a security deposit.

[Pay Now >>](#)

#### More information:

- [Online payment frequently asked questions](#)
- [Online payment tips and announcements](#)
- Review customer notifications, newsletters, energy efficiency information and other updates in our [message center](#)

### Sign In

24-hour account access! Set up, manage and pay your bill!

User ID

Password

 Remember me 
[What's this?](#)
[Forgot User ID?](#)  
[Forgot Password?](#)


### Account Quick Links

[Pay Your Bill](#)
[Start Service](#)
[Stop Service](#)
[Transfer Service](#)
[View Usage History](#)


### Customer Service



Customer service  
1-888-221-7070

Online Payment and Equal Payment Program Enrollment:

Automatic Online Payment Enrollment Page:



[Careers](#) : [About Us](#) : [News](#)  
   
[Advanced Search](#)

Your Account
Residential
Business
Contractors
Efficiency & Environment
Education & Safety

[Home](#) > [Your Account](#) > [Payment & Billing Options](#) > [Online Billing And Payment](#)

Your Account

Payment & Billing Options

Pay by Phone

Pay Stations & Drop Boxes

EDI

Make a Gift Payment

Financial Assistance

Choose Your Due Date

Equal Payment Plan

[Return to the full Your Account menu](#)


## Online Billing And Payment Secure Site

Hide account info

**John C. Tester**  
 123 TEST ST  
 TESTLAND, TL 12345-1234  
 555-555-5555  
 JohnnyC@Test.com

12345678-001 2 Active

This account has not yet been enrolled in our online payment program.



Did you know that production and transportation of paper bills and check payments in the United States use 755 million pounds of paper and 512 million gallons of gasoline? (source: Pay It Green Alliance)

Our paperless billing and automatic online payment option allows you to set up automatic payments so your bills are paid automatically every month on the due date. You will help protect the environment by getting e-mail alerts rather than paper bills and enjoy the ease of paying your bill online without sending checks.

Your bills can be printed from our website to keep for your records. If you have questions, call us toll-free any time at 1-800-538-4228 for assistance.

Take an even bigger step to minimize your environmental footprint by enrolling in our Blue Sky renewable energy program.

Accept terms and conditions

Read Terms & Conditions

Yes, I agree to the terms and conditions for paperless billing and online payment.

Credit cards or debit cards cannot be used to make an online payment.

Cancel
Back
Continue

A new tab or window will appear after clicking on this button.

Welcome, Portland!

You are logged in.

Log Out

Change your password

Edit your online profile

Account Quick Links

[Pay Your Bill](#)


[Start Service](#)

[Stop Service](#)

[Transfer Service](#)

[View Usage History](#)

Customer Service



Customer service  
1-888-221-7070

Report a power outage  
1-877-LITESOUT

Report a streetlight outage

Home : [Español](#) : [Site Map](#) : [Privacy](#) : [Terms of Use](#) : [Request Information](#) : [Contact Us](#)

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- Payments
- Pay Your Bill
- Payment Activity
- Payment Methods
- Automatic Payments
- Bill History
- Customer Service Help
- Close

Secure Site

## Add Automatic Payments

Customer:

### Step 1: Set up automatic payment frequency.

Account Number:

Automatically pay every new invoice up to a specified limit.

Payment Amount: **Invoice amount due up to a maximum of:** \$  (leave blank for no max.)

Frequency:  Date due

Please note that a payment draft will NOT occur if your bill amount exceeds the maximum amount with your next bill. However, if you choose to pay your current balance now, the full balance will draft even if it exceeds the maximum amount indicated above.


If entering a new payment method, select [Enter a new bank account] from the drop down list in Step 2, and click Submit.

### Step 2: Enter automatic payment options.

Start Payments On  /  /  2010  
(mm/dd/yyyy):

Payment Method:

## Manual Monthly Online Payment Enrollment Page:



[Careers](#) : [About Us](#) : [News](#)  
   
[Advanced Search](#)

Your Account
Residential
Business
Contractors
Efficiency & Environment
Education & Safety

Home > Your Account > Payment & Billing Options > Online Billing And Payment

Your Account

Payment & Billing Options


- [Pay by Phone](#)
- [Pay Stations & Drop Boxes](#)
- [EDI](#)
- [Make a Gift Payment](#)
- [Financial Assistance](#)
- [Choose Your Due Date](#)
- [Equal Payment Plan](#)
- [Return to the full Your Account menu](#)

## Online Billing And Payment Secure Site

Hide account info

**John C. Tester**  
123 TEST ST  
TESTLAND, TL 12345-1234      12345678-001 2 Active  
555-555-5555  
JohannyC@Test.com

This account has not yet been enrolled in our online payment program.

 Did you know that production and transportation of paper bills and check payments in the United States use 755 million pounds of paper and 512 million gallons of gasoline? (source: Pay It Green Alliance)

Our paperless billing and manual monthly online payment option allows you to log on to your account every month to view and pay your bill online quickly and securely. You will help protect the environment by getting e-mail alerts rather than paper bills and enjoy the ease of paying your bill online without sending checks.

Your bills can be printed from our website to keep for your records. If you have questions, call us toll-free any time at 1-800-538-4228 for assistance.

Take an even bigger step to minimize your environmental footprint by enrolling in our Blue Sky renewable energy program.

Enroll in paperless billing and manual monthly online payment

[Read Terms & Conditions](#)

Yes, I agree to the terms and conditions for paperless billing and online payment.  
Credit cards or debit cards cannot be used to make an online payment.

Cancel
Back
Enroll

A new tab or window will appear after clicking on this button.

Welcome, Portland!

You are logged in.


[Log Out](#)

Change your password  
Edit your online profile

Account Quick Links

- [Pay Your Bill](#)
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Customer Service



Customer service  
1-888-221-7070

Report a power outage  
1-877-LITESOUT

Report a streetlight outage

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- Payments
- Pay Your Bill
- Payment Activity
- Payment Methods
- Automatic Payments
- Bill History
- Customer Service Help
- Close

System Site

## Pay Your Bill

Step 1: Select the account number you wish to pay by checking the appropriate box below.

Display: Current statements for all enrolled accounts Go

Items: 1-1 of 1

<input type="checkbox"/>	Date	Account Number	Description	More Info
<input type="checkbox"/> (Select All)	10/28/2010	[REDACTED]	Click here to see your bill	Payments

Items: 1-1 of 1

[Continue](#)

**Note:** Your current bill is available approximately 72 hours after the bill is generated. You will receive an e-mail notification to your e-mail address we have on file when this has occurred. To view your bill, click on the above link.

Payments post in 24-72 hours. Balances on this site will not reflect payments made after the bill is generated. You can view your online payment history in this window under the Payments menu option and within 24 hours on the payment and billing history page on our main Web site.