

August 2, 2001

Ms. Carole J. Washburn  
Executive Secretary  
Washington Utilities and Transportation Commission  
P.O. Box 47250  
Olympia, WA 98504-7250

**Re: Docket U-010648-Comments on WAC 480-09: Procedure**

Dear : Ms. Carole J. Washburn

Puget Sound Energy, Inc. ("PSE" or "the Company") is providing these comments regarding suggested revisions to WAC 480-09, as provided in the Commission's notice of opportunity to submit comments, with the deadline extended to June 25, 2001. PSE is very interested in these proceedings and looks forward to working with all other interested parties on this rulemaking.

***Comments on Rules***

PSE generally supportive of the comments submitted by PacifiCorp on July 25, 2001. Those revisions would appear to strongly support the criteria enumerated by Governor Locke in Executive Order 97-02. The Company looks forward to exploring the opportunity to incorporate PacifiCorp's proposals in WAC 480-09.

Rather than provide additional discussion on the points highlighted in PacifiCorp's comments, PSE will limit its comments in this filing to additional issues. Specifically, PSE offers the following language for consideration by interested parties regarding informal complaints under WAC 480-09-150. Please consider the following rule language as draft language intended to communicate concepts and foster discussion. The primary interest PSE is trying address pertains to clarifying the definition of "complaint." The definition offered is consistent with the common use of the word complaint. In addition to differentiating complaints from other requests for assistance in dealing with utilities, the proposed rule also includes provisions that the Commission and utilities will continue to address inquiries and requests that are currently addressed, but would not be classified as a complaint according to the draft language.

PSE proposes to include some additional language associated with the process pertaining to complaints that delay disconnection for non-payment. WAC 480-100-128 (9) prohibits electric utilities from disconnecting service if the customer is “engaged in discussions” with the utility or the commission. A similar provision exists in WAC 480-90 pertaining to gas utilities. This rule seems quite reasonable. However, when combined with other elements of that rule<sup>1</sup>, establishing timelines for processing such “discussions” seems appropriate. The concern is that if the customer’s “discussions” with the commission under 480-100-128 (9) have not been resolved by day nine of the disconnection notice period, the utility has to renotice the customer and is not able to disconnect the customer for non-payment for another eight-business days. Currently, there are no guidelines in WAC 480-09 for coming to a speedy resolution of the “discussions” under WAC 480-100-128 (9), meaning these discussions can remain open indefinitely. PSE’s proposed language below includes suggested language that would attempt to have resolve the “discussions” within the ten-business day schedule for the initial disconnect notice.

#### ***480-09-150 Informal Complaints and Requests for Assistance and Information***

##### (1) Definitions

- (a) **Informal Complaint:** When a customer or service applicant (or duly authorized agent thereof) explicitly expresses dissatisfaction with service provided by a utility or alleges (explicitly or implicitly) that a utility has violated a specific statute or rule.
- (b) **Request for Assistance or Information:** When a customer or service applicant (or duly authorized agent thereof) requests information from the commission regarding utility service or requests assistance from the commission in dealing with a utility in situations other than Informal Complaints defined directly above in (1)(a).

##### (2) Filing Informal Complaints and Requests for Assistance or Information.

- (a) Customers or service applicants may make Informal Complaints and Requests for Assistance or Information by letter or other written communication.
- (b) If the initial communication provided above in (2)(a) is not clearly an Informal Complaint or Request for Assistance or Information, the customer or service applicant will be asked which category the communication falls into. If, after assistance from the commission, the

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<sup>1</sup> Under WAC 480-100-128 (6) (a) (i) an electric utility must provide customers with a minimum of eight-business days notice that service will be disconnected for non-payment. According to WAC 480-100-128 (6) (c) if service has not been disconnected within ten-business days, the electric utility must renotice for the minimum eight-business days.

party is still unsure of which category applies, the communication will be considered a Request for Assistance or Information.

- (c) Informal complaints or Requests for Assistance or Information may be taken up by the commission with the affected persons, by correspondence or otherwise, to bring about a resolution of the Informal Complaint or Request for Assistance or Information without formal hearing or order.
- (d) The commission encourages the informal settlement of disputes whenever possible (See WAC 480-09-465.)

(3) Contents.

- (a) Informal Complaints and Requests for Assistance or Information should contain all facts essential to a disposition of the Informal Complaint or resolution of the Request for Assistance or Information, including dates and specific allegations, questions, or concerns. The complainant or inquirer must also provide any relevant supporting materials.
- (b) The complainant or inquirer should cite relevant statutes or rules, if known. If an Informal Complaint is made based on an implicit allegation that the utility has violated a statute or rule, the statute or rule violation will be identified by the commission and included in the file for the Informal Complaint.

(4) Disposition or Resolution.

- (a) Informal Complaints. The commission will maintain a file that includes, among other relevant information deemed appropriate by the commission, the disposition of each informal complaint. The disposition of each Informal Complaint will include a statement as to whether or not the utility was ultimately found to be in violation of a rule or statute or if the Informal Complaint was resolved through settlement between the parties. If a complainant fails to respond to the commission or the utility's communications regarding the informal complaint for a period of greater than two weeks while the informal complaint is being addressed, the Informal Complaint will be reclassified as a Service Inquiry.
- (b) Requests for Assistance or Information. The commission will maintain a file that includes, among other relevant information deemed appropriate by the commission, the resolution of each Request for Assistance or Information. This file will include a statement of how the Service Inquiry was resolved between the parties. If the inquiring party fails to commission or utility's communication regarding the Service Inquiry for a period of longer than two weeks, the resolution statement will state no additional communication from inquirer.
- (c) Informal Complaints or Requests for Assistance or Information that Delay Disconnection of Service for Non-Payment. When a customer makes an Informal Complaint or Request for

Assistance or Information that would delay disconnection of service for non-payment, the commission must act upon such actions within three business days, with the intent of having all activity, including any additional communication/requests for information from the customer and utility, completed within nine-business days of initial contact by the customer. If the customer fails to respond in a timely manner to any communication from the commission such that the issue will not be resolved within nine-business days, the matter will be considered closed and the utility may proceed with disconnection procedures, according to the applicable industry operations rules.

- (5) Process and Rights. No mandatory or prohibitory order may result from an Informal Complaint or Request for Assistance or Information. Matters instituted by Informal Complaint shall be without prejudice to the right of any party or the commission to file and prosecute a formal complaint.

***Conclusion***

PSE is grateful for the opportunity to submit these comments. The Company looks forward to working with Commission Staff and other interested parties to improve the rules under WAC 480-09. Please contact Phillip Popoff at (425) 462-3229 if you have any questions regarding these comments or if we can be of any additional assistance.

Sincerely,

Steven R. Secrist  
Director, Rates and Regulation

cc: Mark Quehrn