

**U-100523 Paperless Billing Rulemaking  
Comment Summary Matrix  
December 17, 2010**

	Section	Commenter	Comments	Staff Response
<b>Disclosure of private information</b>				
1.	480-90-153(2) 480-100-153(2)	Puget Sound Energy (PSE or Company)	With the addition of the new section (3) to this rule the added sentence at the end of section 2 appears redundant and therefore confusing. PSE suggests deleting the last sentence: "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."	<b>Staff agrees.</b>
	480-100-153(2)	Pacific Power (PacifiCorp or Company)	Subsection (3) and the last sentence included in subsection (2) are duplicative as they essentially contain the same requirement. Company recommends deleting the last sentence in section (2): "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."	<b>Staff agrees.</b>

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	480-90-153(3) 480-100-153(3)	Puget Sound Energy (PSE or Company)	Due to the addition of “disclosure” this rule has been expanded beyond the intent in section (1) which limited disclosures only “for the purposes of marketing services or product offerings”. By including “disclosure” in the rule, the rule could be interpreted to require consent from the consumer for every disclosure. PSE offered clarifying language.	<b>Staff agrees.</b>
		Northwest Natural Gas Company (NWNG or Company)	The Company believes the new language could be misinterpreted. Company proposed edits that clarify that the new provisions are specific to gaining a customer’s consent to “disclose or sell data regarding private consumer information to an affiliate, subsidiary or any other third party.	<b>Staff agrees.</b>
	480-100-153(4)	Pacific Power (PacifiCorp or Company)	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 the amount of data required to be stored for each account. Company recommends the deletion of subsection (4).	<b>Staff disagrees.</b> Staff believes that maintaining a record of the customers consent for the disclosure of private information is appropriate and offers the necessary consumer protection. Staff would agree to eliminate the rule requirement to maintain customer consent to automatic payment and equal payment plan. The NARUC standard for record keeping would be sufficient consumer protection.

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<b>Electronic Information</b>				
	480-90-179 480-100-179	Puget Sound Energy (PSE or Company)	This rule has been revised from the prior draft to include a provision limiting the transmission by electronic means to mean only “by transmission to the customer’s e-mail address”. Consumers should also be allowed more control over the transmission options to provide them with the ability to more effectively participate in third party online and mobile services designed to help manage bills, achieve greater energy efficiency and save on electricity and gas costs. In the future, consumers may want their bills sent to various electronic devices such as their iPhone or iPad or through other electronic means that are yet to be developed. The company suggested the elimination of the language: “by transmission to the customer’s e-mail address.	<b>Staff agrees in part and disagrees in part.</b> Customers should be afforded choice in the electronic means selected. Staff believes that the customer consent would need to specify the type of electronic means the customer has agreed to receive the electronic information (i.e., e-mail; text message; etc.).
<b>Obtaining and documenting customer consent</b>				
	480-90-179(2) 480-100-179(2)	Puget Sound Energy (PSE or Company)	The proposed section may be too broad in that it could potentially require written or electronic permission to undertake activities that do not currently require consent. For example, this section infers that in order for a customer to pay a bill	<b>Staff agrees.</b>

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	480-100-179(2)(a)	Pacific Power (PacifiCorp or Company)	<p>electronically, the utility must first obtain the customer's consent. PSE proposed some clarifying language.</p> <p>This section could require significant changes to PacifiCorp's system at significant costs. PacifiCorp's current practices, described above, sufficiently guard against identify theft and capture sufficient information to document a customer's consent to receiving electronic information.</p>	<p><b>Staff agrees in part and disagrees in part.</b> The rule is not intended to be burdensome. Staff envisions that the company will only need to document the consumer's consent for paperless billing, tariff revision notices and bill inserts (electronic information). It is not intended to capture the documentation for equal payment plan or automated payments. Staff does agree with some of the company's minor language changes which were intended for clarification.</p>
		Pacific Power (PacifiCorp or Company)	<p>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 provisions 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.</p>	<p><b>Staff disagrees.</b> The purpose and intent is to specify the information the customer must confirm/acknowledge and that the company must keep a record of this confirmation. NWNG requested the addition of the automatic payment service and equal payment plan to be included on the same screen as the consent for paperless billing. The additional language is intended to address NWNG's request.</p>

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	480-100-179(2)(b)	Northwest Natural Gas Company (NWNG or Company)	NWNG stated that customers appreciate having the opportunity to consent to multiple services at one time rather than filing out separate forms for each offering. Company proposed language to allow the consent section to include separate and individual opportunities for customers to consent to any utility service offered under the utility’s tariff.	<b>Staff disagrees.</b> Staff has added language to allow automatic payment service and equal payment plan service on the same screen. Staff is willing to remove the web page restriction as long as the consent screen for electronic (i.e., paperless) billing; tariff revision notices; and bill inserts are prominent on the web page and clearly distinguishable from any other content on the screen or page.
	480-90-179(2)(d) 480-100-179(2)(d)	Pacific Power (PacifiCorp or Company)	Company suggested changing the retention requirement to be “in accordance with the utility’s record retention policies”.	<b>Staff disagrees.</b> The consent records should be part of the customer records. It is not the intent of the rule to require permanent retention of information beyond its useful life (i.e., when the account is discontinued; when a change is made to the status; etc.).
	480-90-179(2)(d)(iii) 480-100-179(2)(d)(iii)	Puget Sound Energy (PSE or Company)	The company interprets this section to detail what information that the customer must confirm/acknowledge and not what the utility must retain in its record of confirmation.	<b>Staff agrees.</b>
	480-90-179(2)(d)(iii) 480-100-179(2)(d)(iii)	Puget Sound Energy (PSE or Company)	Section 5 allows a utility to refuse to provide both electronic and paper documents on a continuous basis. PSE	<b>Staff agrees.</b>

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			suggests adding the phrase: “and subject to the limitations provided in this rule”.	
<b>Undeliverable electronic documents</b>				
	480-90-179(7)(a) and (b) 480-100-179(7)(a) and (b)	Puget Sound Energy (PSE or Company)  Northwest Natural Gas Company (NWNG or Company)  Pacific Power (PacifiCorp or Company)	This rule contains a reference only to e-mail. PSE proposes that the phrase “or other electronic address” be added as has been done in other sections.  NWNG proposed a change so that it is specific to electronically delivered bills. Section (7)(a) is also revised to allow a utility to either call or e-mail a customer after an e-mail bill bounces. NWNG also proposed some edits for greater clarity and readability.  PacifiCorp proposed the timeframes be extended to 5 business days (change from the next business day) for additional delivery attempts. Company does not impose a late payment charge on customers if they do not pay by the due date on the	<b>Staff agrees.</b>  <b>Staff agrees in part and disagrees in part.</b> Staff agrees that a utility should be allowed to either call or e-mail a customer after a failed e-mail.  Staff also agrees with some of the company’s clarification language.  Staff disagrees that section (7) be limited to electronic bills only. For example, notices for a rate increase are also important and the utility should take immediate action to get the information to its customer.  <b>Staff disagrees.</b> No other parties recommended a change to the next business day. Additional language would need to be added regarding late payment charge, etc. Staff believes that this issue is specific to

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			<p>bill. The late payment charge is imposed if the payment is not received by the time the next statement is invoiced.</p> <p>The option of either mailing customers the returned information or providing them with instructions on how to access the information electronically.</p> <p>The Company suggests providing the utilities the option of removing customers from the paperless billing if the second delivery attempt is returned undeliverable.</p>	<p>PacifiCorp and should be addressed in a rule waiver.</p> <p><b>Staff disagrees.</b> If the mechanism to notify the customer that his or her bill is available for viewing is not working (i.e., e-mail), the company must revert back to mailed bills.</p> <p><b>Staff disagrees.</b> The rule already allows the company to contact the consumer by telephone to provide an explanation and to get a working electronic address. Simply to retry an electronic address that has failed does not provide the customer with sufficient information to alert the customer that the electronic address is not working.</p>