

WAC 480-103-140 Electronic information. (1) **Consent required.** A community solar company may provide in electronic form, rather than paper, information a statute, rule, or commission order requires the company to provide to a customer, project participant, or applicant, only with the prior written or electronic consent of the customer, project participant, or applicant. The electronic communication providing the information must provide a link to that information or otherwise sufficiently advise the customer, project participant, or applicant of how to access the information electronically.

(2) **Format of electronic communications.** All information a community solar company provides in electronic form must meet the requirements for format and any other requirements specified in this chapter.

(3) **Obtaining and documenting consent.** The community solar company must obtain the consent required in this section directly from the customer, project participant, or applicant for each service the company provides to the customer, project participant, or applicant. The company also must comply with the following requirements:

(a) *Content.* At a minimum, the consent must include the following:

(i) The name, address, and account number, if applicable, that exactly matches the community solar company record for such person or account;

(ii) The customer, project participant, or applicant's affirmative decision to receive electronic information;

(iii) Confirmation of the customer, program participant, or applicant's understanding that the community solar company will provide, upon request but subject to the limitations in this section, a paper copy of any document the company sends electronically at no additional charge;

(iv) Confirmation of the customer, project participant, or applicant's understanding that the person may opt out of receiving information electronically at any time and revert to receiving paper documents through the mail at no additional charge;

(v) Confirmation of the customer, project participant, or applicant's understanding that it is that person's responsibility to notify the community solar company of any change to the person's email or other electronic address; and

(vi) Confirmation of the customer, program participant, or applicant's understanding that, in addition to the paperless account statements, the person may receive all notices regarding service in electronic form including, but not limited to, notices of the community solar company's intent to increase rates and make changes in service.

(b) *Consent disclosures.* All consent disclosures must be prominent on the community solar company's written or electronic form, web page, or other electronic format and must be clearly distinguishable from any other content in the document, screen, or web page.

(i) Only information specified in this section may be combined with the consent disclosures, including community solar company contact information.

(ii) The consent disclosures must not have consent boxes or spaces prefilled. The customer, project participant, or applicant must personally check each box or space to give the person's consent to receive electronic communication regarding one or more services.

(c) *Options.* The consent disclosures on the document, screen, or web page may provide for a single consent for all communications rela-

ted to a specific service or may offer separate, individual opportunities to consent to the following aspects of a service:

- (i) Paperless billing;
- (ii) Automatic payments including, but not limited to, one-time payments; or
- (iii) Payment plans.

(d) *Records*. The community solar company must retain a record of each customer, project participant, or applicant's consent to receive electronic communications for each service the company provides.

(e) *Availability*. The community solar company must make its records of the customer, program participant, or applicant's consent available to that person and to the commission upon request and at no charge.

(4) **Documents requiring paper delivery**. A community solar company must deliver paper copies of the following documents to project participants no less than fifteen days in advance of the noticed event:

(a) Notices of termination or suspension of any community solar project in which the participant has an interest or of community solar project services the participant receives; and

(b) Notices of the company's involuntary termination of a participant's interest in a community solar project.

(5) **Limit on changes to information format**.

(a) A community solar company is not obligated to provide both paper documents and electronic information to a customer, project participant, or applicant on a continuous basis.

(b) A community solar company may limit a customer, project participant, or applicant who has consented to electronic communications to three requests for paper documents in a twelve-month period.

(c) A community solar company may require that a customer, project participant, or applicant who requests an electronic statement also receive all statement inserts electronically.

(d) If a customer, project participant, or applicant is unable to properly receive, view, or understand electronic information the community solar company provides, the company may refuse to provide that information in electronic form to that person.

(6) **Undeliverable electronic information**.

(a) If the community solar company receives a message or otherwise becomes aware that any electronic information it has sent to a customer, project participant, or applicant is undeliverable or did not reach the intended recipient, the company must take one or both of the following actions by the end of the next business day to ascertain and resolve the issue:

(i) Resend the electronic information to the electronic address the customer, program participant, or applicant provided to the company; or

(ii) Contact the customer, project participant, or applicant by telephone.

(b) If any electronic information remains undeliverable after the community solar company takes one or both of the actions required in (a) of this subsection, the company must send the information by mail to the customer, project participant, or applicant. In the mailing, the company must explain that the company is unable to deliver information to the electronic address in its records and that the company will only send paper copies of future information to the customer, project participant, or applicant until the person provides the company with a functioning electronic address.

[Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 18-20-098 (Docket UE-171033, General Order R-595), § 480-103-140, filed 10/2/18, effective 11/2/18.]