

SENATE BILL REPORT

SSB 6007

As Passed Senate, February 12, 2014

Title: An act relating to clarifying the exemption in the public records act for customer information held by public utilities.

Brief Description: Clarifying the exemption in the public records act for customer information held by public utilities.

Sponsors: Senate Committee on Governmental Operations (originally sponsored by Senators Rivers, Hatfield, Braun, Tom and Benton).

Brief History:

Committee Activity: Governmental Operations: 1/28/14, 1/30/14 [DPS].
Passed Senate: 2/12/14, 48-0.

SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

Majority Report: That Substitute Senate Bill No. 6007 be substituted therefor, and the substitute bill do pass.

Signed by Senators Roach, Chair; Benton, Vice Chair; Hasegawa, Ranking Member; Conway, Dandel, McCoy and Rivers.

Staff: Samuel Brown (786-7470)

Background: Public Records Act (PRA). The PRA, enacted in 1972 as part of Initiative 276, requires that all state and local government agencies make all public records available for public inspection and copying unless certain statutory exemptions apply. Under the PRA, a public record includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency, regardless of physical form or characteristics. The provisions requiring public records disclosure must be interpreted liberally while the exemptions are interpreted narrowly to effectuate the general policy favoring disclosure. Over 500 specific references in the PRA or other statutes remove certain information from application of the PRA, provide exceptions to the public disclosure and copying of certain information, or designate certain information as confidential.

Public Utilities. Public utilities supply a utility service, such as broadband telecommunications, sewer, water, energy, or solid waste or refuse, to the public. The voters

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in an area of the state may vote to create a Public Utility District (PUD) to provide utility services. PUDs are governed by a board of either three or five nonpartisan commissioners who are elected to six-year terms. Currently there are 28 PUDs in Washington: 23 provide electricity, 19 provide water or wastewater services, and 13 provide local access to broadband telecommunications services.

Certain information relating to public utilities is exempt from disclosure under the PRA, including customers' residential addresses and residential telephone numbers contained in the records or lists held by the public utility of which they are customers. However, residential addresses and residential telephone numbers may be released to the Division of Child Support or the agency or firm providing child support enforcement for another state.

Summary of Substitute Bill: The following information contained in the records or lists held by a public utility – either a PUD or a municipally owned utility – is exempt from public disclosure:

- customer addresses;
- customer telephone numbers;
- customer electronic contact information; and
- customer-specific utility usage and billing information in increments less than a billing cycle.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: This bill will safeguard certain personal information for consumers as technology increases. The primary reason for this bill is the advanced or smart meter, which gathers very detailed data and reads the meters in small increments. Forty-five million smart meters have been installed nationwide. Our customers are concerned that this reveals detailed information about their daily lives, making them vulnerable to burglaries and other crimes. There is no clear precedent that there is a privacy interest in one's energy consumption information.

The electronic contact information exemption will protect customers from cybersecurity threats and hacking. Scams have been perpetrated on customers by people posing as the utility. Email addresses are part of customer logins, so someone could access a customer's information that way. Investor-owned utilities can treat this information as private. The Sunshine Committee voted to endorse this proposal. We support the clarifying amendment in the House.

OTHER: Big users of power locate in PUDs because commissioners can set their rates to attract industry. It is important to see commercial use to ensure that PUDs are operating as they should. We would like to be able to receive information from each billing cycle so that it does not need to be specially created.

Persons Testifying: PRO: Senator Rivers, prime sponsor; Karen Miller, Benton PUD; Anne Spangler, Snohomish PUD.

OTHER: Rowland Thompson, Allied Daily Newspapers of WA.