

2 **SB 5904** - H COMM AMD

3 By Committee on Energy & Utilities

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** The legislature finds that the health
8 and welfare of the people of the state of Washington require that all
9 citizens receive essential levels of heat and electric service
10 regardless of economic circumstance and that rising energy costs have
11 had a negative effect on the affordability of housing for low-income
12 citizens and have made it difficult for low-income citizens of the
13 state to afford adequate fuel for residential space heat. The
14 legislature further finds that level payment plans, the protection
15 against winter heating shutoff, and house weatherization programs have
16 all been beneficial to low-income persons."

17 **"Sec. 2.** RCW 35.21.300 and 1990 1st ex.s. c 1 s 1 are each amended
18 to read as follows:

19 (1) The lien for charges for service by a city waterworks, or
20 electric light or power plant may be enforced only by cutting off the
21 service until the delinquent and unpaid charges are paid, except that
22 until June 30, 1991, utility service for residential space heating may
23 be terminated between November 15 and March 15 only as provided in
24 subsections (2) and (~~(3)~~) (4) of this section. In the event of a
25 disputed account and tender by the owner of the premises of the amount
26 he claims to be due before the service is cut off, the right to refuse

1 service to any premises shall not accrue until suit has been entered by
2 the city and judgment entered in the case.

3 (2) (~~Until June 30, 1991:~~

4 ~~(a))~~) Utility service for residential space heating shall not be
5 terminated between November 15 through March 15 if the customer:

6 (~~(i))~~) (a) Notifies the utility of the inability to pay the bill,
7 including a security deposit. This notice should be provided within
8 five business days of receiving a payment overdue notice unless there
9 are extenuating circumstances. If the customer fails to notify the
10 utility within five business days and service is terminated, the
11 customer can, by paying reconnection charges, if any, and fulfilling
12 the requirements of this section, receive the protections of this
13 chapter;

14 (~~(ii))~~) (b) Provides self-certification of household income for
15 the prior twelve months to a grantee of the department of community
16 development which administers federally funded energy assistance
17 programs. The grantee shall determine that the household income does
18 not exceed the maximum allowed for eligibility under the state's plan
19 for low-income energy assistance under 42 U.S.C. 8624 and shall provide
20 a dollar figure that is seven percent of household income. The grantee
21 may verify information in the self-certification;

22 (~~(iii))~~) (c) Has applied for home heating assistance from
23 applicable government and private sector organizations and certifies
24 that any assistance received will be applied to the current bill and
25 future utility bills;

26 (~~(iv))~~) (d) Has applied for low-income weatherization assistance
27 to the utility or other appropriate agency if such assistance is
28 available for the dwelling;

29 (~~(v))~~) (e) Agrees to a payment plan and agrees to maintain the
30 payment plan. The plan will be designed both to pay the past due bill

1 by the following October 15 and to pay for continued utility service.
2 If the past due bill is not paid by the following October 15, the
3 customer shall not be eligible for protections under this chapter until
4 the past due bill is paid. The plan shall not require monthly payments
5 in excess of seven percent of the customer's monthly income plus one-
6 twelfth of any arrearage accrued from the date application is made and
7 thereafter during November 15 through March 15. A customer may agree
8 to pay a higher percentage during this period, but shall not be in
9 default unless payment during this period is less than seven percent of
10 monthly income plus one-twelfth of any arrearage accrued from the date
11 application is made and thereafter. If assistance payments are
12 received by the customer subsequent to implementation of the plan, the
13 customer shall contact the utility to reformulate the plan; and

14 ~~((vi))~~ (f) Agrees to pay the moneys owed even if he or she moves.

15 ~~((b))~~ (3) The utility shall:

16 ~~((i))~~ (a) Include in any notice that an account is delinquent and
17 that service may be subject to termination, a description of the
18 customer's duties in this section;

19 ~~((ii))~~ (b) Assist the customer in fulfilling the requirements
20 under this section;

21 ~~((iii))~~ (c) Be authorized to transfer an account to a new
22 residence when a customer who has established a plan under this section
23 moves from one residence to another within the same utility service
24 area;

25 ~~((iv))~~ (d) Be permitted to disconnect service if the customer
26 fails to honor the payment program. Utilities may continue to
27 disconnect service for those practices authorized by law other than for
28 nonpayment as provided for in this section. Customers who qualify for
29 payment plans under this section who default on their payment plans and
30 are disconnected can be reconnected and maintain the protections

1 afforded under this chapter by paying reconnection charges, if any, and
2 by paying all amounts that would have been due and owing under the
3 terms of the applicable payment plan, absent default, on the date on
4 which service is reconnected; and

5 ~~((v))~~ (e) Advise the customer in writing at the time it
6 disconnects service that it will restore service if the customer
7 contacts the utility and fulfills the other requirements of this
8 section.

9 ~~((3))~~ (4) All municipal utilities shall offer residential
10 customers the option of a budget billing or equal payment plan. The
11 budget billing or equal payment plan shall be offered low-income
12 customers eligible under the state's plan for low-income energy
13 assistance prepared in accordance with 42 U.S.C. 8624(C)(1) without
14 limiting availability to certain months of the year, without regard to
15 the length of time the customer has occupied the premises, and without
16 regard to whether the customer is the tenant or owner of the premises
17 occupied.

18 ~~((4))~~ (5) An agreement between the customer and the utility,
19 whether oral or written, shall not waive the protections afforded under
20 this chapter."

21 **"Sec. 3.** RCW 54.16.285 and 1990 1st ex.s. c 1 s 3 are each amended
22 to read as follows:

23 (1) A district providing utility service for residential space
24 heating shall not terminate such utility service between November 15
25 through March 15 if the customer:

26 (a) Notifies the utility of the inability to pay the bill,
27 including a security deposit. This notice should be provided within
28 five business days of receiving a payment overdue notice unless there
29 are extenuating circumstances. If the customer fails to notify the

1 utility within five business days and service is terminated, the
2 customer can, by paying reconnection charges, if any, and fulfilling
3 the requirements of this section, receive the protections of this
4 chapter;

5 (b) Provides self-certification of household income for the prior
6 twelve months to a grantee of the department of community development
7 which administers federally funded energy assistance programs. The
8 grantee shall determine that the household income does not exceed the
9 maximum allowed for eligibility under the state's plan for low-income
10 energy assistance under 42 U.S.C. 8624 and shall provide a dollar
11 figure that is seven percent of household income. The grantee may
12 verify information provided in the self-certification;

13 (c) Has applied for home heating assistance from applicable
14 government and private sector organizations and certifies that any
15 assistance received will be applied to the current bill and future
16 utility bills;

17 (d) Has applied for low-income weatherization assistance to the
18 utility or other appropriate agency if such assistance is available for
19 the dwelling;

20 (e) Agrees to a payment plan and agrees to maintain the payment
21 plan. The plan will be designed both to pay the past due bill by the
22 following October 15 and to pay for continued utility service. If the
23 past due bill is not paid by the following October 15, the customer
24 shall not be eligible for protections under this chapter until the past
25 due bill is paid. The plan shall not require monthly payments in
26 excess of seven percent of the customer's monthly income plus one-
27 twelfth of any arrearage accrued from the date application is made and
28 thereafter during November 15 through March 15. A customer may agree
29 to pay a higher percentage during this period, but shall not be in
30 default unless payment during this period is less than seven percent of

1 monthly income plus one-twelfth of any arrearage accrued from the date
2 application is made and thereafter. If assistance payments are
3 received by the customer subsequent to implementation of the plan, the
4 customer shall contact the utility to reformulate the plan; and

5 (f) Agrees to pay the moneys owed even if he or she moves.

6 (2) The utility shall:

7 (a) Include in any notice that an account is delinquent and that
8 service may be subject to termination, a description of the customer's
9 duties in this section;

10 (b) Assist the customer in fulfilling the requirements under this
11 section;

12 (c) Be authorized to transfer an account to a new residence when a
13 customer who has established a plan under this section moves from one
14 residence to another within the same utility service area;

15 (d) Be permitted to disconnect service if the customer fails to
16 honor the payment program. Utilities may continue to disconnect
17 service for those practices authorized by law other than for nonpayment
18 as provided for in this section. Customers who qualify for payment
19 plans under this section who default on their payment plans and are
20 disconnected can be reconnected and maintain the protections afforded
21 under this chapter by paying reconnection charges, if any, and by
22 paying all amounts that would have been due and owing under the terms
23 of the applicable payment plan, absent default, on the date on which
24 service is reconnected; and

25 (e) Advise the customer in writing at the time it disconnects
26 service that it will restore service if the customer contacts the
27 utility and fulfills the other requirements of this section.

28 (3) All districts providing utility service for residential space
29 heating shall offer residential customers the option of a budget
30 billing or equal payment plan. The budget billing or equal payment

1 plan shall be offered low-income customers eligible under the state's
2 plan for low-income energy assistance prepared in accordance with 42
3 U.S.C. 8624(C)(1) without limiting availability to certain months of
4 the year, without regard to the length of time the customer has
5 occupied the premises, and without regard to whether the customer is
6 the tenant or owner of the premises occupied.

7 (4) An agreement between the customer and the utility, whether oral
8 or written, shall not waive the protections afforded under this
9 chapter.

10 (~~(5) This section shall expire June 30, 1991.~~)"

11 "**Sec. 4.** RCW 80.28.010 and 1990 1st ex.s. c 1 s 5 are each amended
12 to read as follows:

13 (1) All charges made, demanded or received by any gas company,
14 electrical company or water company for gas, electricity or water, or
15 for any service rendered or to be rendered in connection therewith,
16 shall be just, fair, reasonable and sufficient.

17 (2) Every gas company, electrical company and water company shall
18 furnish and supply such service, instrumentalities and facilities as
19 shall be safe, adequate and efficient, and in all respects just and
20 reasonable.

21 (3) All rules and regulations issued by any gas company, electrical
22 company or water company, affecting or pertaining to the sale or
23 distribution of its product, shall be just and reasonable.

24 (4) (~~Until June 30, 1991:~~
25 ~~(a)~~) Utility service for residential space heating shall not be
26 terminated between November 15 through March 15 if the customer:

27 (~~(i)~~) (a) Notifies the utility of the inability to pay the bill,
28 including a security deposit. This notice should be provided within
29 five business days of receiving a payment overdue notice unless there

1 are extenuating circumstances. If the customer fails to notify the
2 utility within five business days and service is terminated, the
3 customer can, by paying reconnection charges, if any, and fulfilling
4 the requirements of this section, receive the protections of this
5 chapter;

6 ~~((iii))~~ (b) Provides self-certification of household income for
7 the prior twelve months to a grantee of the department of community
8 development which administers federally funded energy assistance
9 programs. The grantee shall determine that the household income does
10 not exceed the maximum allowed for eligibility under the state's plan
11 for low-income energy assistance under 42 U.S.C. 8624 and shall provide
12 a dollar figure that is seven percent of household income. The grantee
13 may verify information provided in the self-certification;

14 ~~((iii))~~ (c) Has applied for home heating assistance from
15 applicable government and private sector organizations and certifies
16 that any assistance received will be applied to the current bill and
17 future utility bills;

18 ~~((iv))~~ (d) Has applied for low-income weatherization assistance
19 to the utility or other appropriate agency if such assistance is
20 available for the dwelling;

21 ~~((v))~~ (e) Agrees to a payment plan and agrees to maintain the
22 payment plan. The plan will be designed both to pay the past due bill
23 by the following October 15 and to pay for continued utility service.
24 If the past due bill is not paid by the following October 15, the
25 customer shall not be eligible for protections under this chapter until
26 the past due bill is paid. The plan shall not require monthly payments
27 in excess of seven percent of the customer's monthly income plus one-
28 twelfth of any arrearage accrued from the date application is made and
29 thereafter during November 15 through March 15. A customer may agree
30 to pay a higher percentage during this period, but shall not be in

1 default unless payment during this period is less than seven percent of
2 monthly income plus one-twelfth of any arrearage accrued from the date
3 application is made and thereafter. If assistance payments are
4 received by the customer subsequent to implementation of the plan, the
5 customer shall contact the utility to reformulate the plan; and

6 ~~((vi))~~ (f) Agrees to pay the moneys owed even if he or she moves.

7 ~~((b))~~ (5) The utility shall:

8 ~~((i))~~ (a) Include in any notice that an account is delinquent and
9 that service may be subject to termination, a description of the
10 customer's duties in this section;

11 ~~((ii))~~ (b) Assist the customer in fulfilling the requirements
12 under this section;

13 ~~((iii))~~ (c) Be authorized to transfer an account to a new
14 residence when a customer who has established a plan under this section
15 moves from one residence to another within the same utility service
16 area;

17 ~~((iv))~~ (d) Be permitted to disconnect service if the customer
18 fails to honor the payment program. Utilities may continue to
19 disconnect service for those practices authorized by law other than for
20 nonpayment as provided for in this subsection. Customers who qualify
21 for payment plans under this section who default on their payment plans
22 and are disconnected can be reconnected and maintain the protections
23 afforded under this chapter by paying reconnection charges, if any, and
24 by paying all amounts that would have been due and owing under the
25 terms of the applicable payment plan, absent default, on the date on
26 which service is reconnected; and

27 ~~((v))~~ (e) Advise the customer in writing at the time it
28 disconnects service that it will restore service if the customer
29 contacts the utility and fulfills the other requirements of this
30 section.

1 (~~(e)~~) (6) A payment plan implemented under this section is
2 consistent with RCW 80.28.080.

3 (~~(5)~~) (7) Every gas company and electrical company shall offer
4 residential customers the option of a budget billing or equal payment
5 plan. The budget billing or equal payment plan shall be offered low-
6 income customers eligible under the state's plan for low-income energy
7 assistance prepared in accordance with 42 U.S.C. 8624(C)(1) without
8 limiting availability to certain months of the year, without regard to
9 the length of time the customer has occupied the premises, and without
10 regard to whether the customer is the tenant or owner of the premises
11 occupied.

12 (~~(6)~~) (8) Every gas company, electrical company and water company
13 shall construct and maintain such facilities in connection with the
14 manufacture and distribution of its product as will be efficient and
15 safe to its employees and the public.

16 (~~(7)~~) (9) An agreement between the customer and the utility,
17 whether oral or written, shall not waive the protections afforded under
18 this chapter."

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20 By Committee on Energy & Utilities

21
22 On page 1, line 1 of the title, after "persons;" strike the
23 remainder of the title and insert "amending RCW 35.21.300, 54.16.285,
24 and 80.28.010; and creating a new section."