
SENATE BILL 5333

State of Washington

56th Legislature

1999 Regular Session

By Senators Brown, Fairley, Fraser, Goings, Winsley, Costa and Kohl-Welles

Read first time 01/20/1999. Referred to Committee on Energy, Technology & Telecommunications.

1 AN ACT Relating to low-income rate discounts by gas, electric, and
2 water companies; and amending RCW 74.38.070 and 80.28.010.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 74.38.070 and 1998 c 300 s 8 are each amended to read
5 as follows:

6 (1) Notwithstanding any other provision of law, any county, city,
7 town, municipal corporation, or quasi municipal corporation, and any
8 gas company, electrical company, or water company providing utility
9 services may provide such services at reduced rates for low income
10 senior citizens or other low-income citizens: PROVIDED, That, for the
11 purposes of this section, "low-income senior citizen" or "other low-
12 income citizen" shall be defined by appropriate ordinance or resolution
13 adopted by the governing body of the county, city, town, municipal
14 corporation, or quasi municipal corporation providing the utility
15 services except as provided in subsection (2) of this section. Any
16 reduction in rates granted in whatever manner to low-income senior
17 citizens or other low-income citizens in one part of a service area
18 shall be uniformly extended to low-income senior citizens or other low-
19 income citizens in all other parts of the service area.

1 (2) For purposes of implementing this section by any public utility
2 district or any gas company, electrical company, or water company, (a)
3 "low-income senior citizen" means a person who is sixty-two years of
4 age or older and whose total income, including that of his or her
5 spouse or cotenant, does not exceed the amount specified in RCW
6 84.36.381(5)(b), as now or hereafter amended and (b) "other low-income
7 citizen" means a person whose household income does not exceed the
8 amount specified in RCW 70.164.020(4).

9 **Sec. 2.** RCW 80.28.010 and 1995 c 399 s 211 are each amended to
10 read as follows:

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

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

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

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

24 (a) Notifies the utility of the inability to pay the bill,
25 including a security deposit. This notice should be provided within
26 five business days of receiving a payment overdue notice unless there
27 are extenuating circumstances. If the customer fails to notify the
28 utility within five business days and service is terminated, the
29 customer can, by paying reconnection charges, if any, and fulfilling
30 the requirements of this section, receive the protections of this
31 chapter;

32 (b) Provides self-certification of household income for the prior
33 twelve months to a grantee of the department of community, trade, and
34 economic development which administers federally funded energy
35 assistance programs. The grantee shall determine that the household
36 income does not exceed the maximum allowed for eligibility under the
37 state's plan for low-income energy assistance under 42 U.S.C. 8624 and
38 shall provide a dollar figure that is seven percent of household

1 income. The grantee may verify information provided in the self-
2 certification;

3 (c) Has applied for home heating assistance from applicable
4 government and private sector organizations and certifies that any
5 assistance received will be applied to the current bill and future
6 utility bills;

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

10 (e) Agrees to a payment plan and agrees to maintain the payment
11 plan. The plan will be designed both to pay the past due bill by the
12 following October 15 and to pay for continued utility service. If the
13 past due bill is not paid by the following October 15, the customer
14 shall not be eligible for protections under this chapter until the past
15 due bill is paid. The plan shall not require monthly payments in
16 excess of seven percent of the customer's monthly income plus one-
17 twelfth of any arrearage accrued from the date application is made and
18 thereafter during November 15 through March 15. A customer may agree
19 to pay a higher percentage during this period, but shall not be in
20 default unless payment during this period is less than seven percent of
21 monthly income plus one-twelfth of any arrearage accrued from the date
22 application is made and thereafter. If assistance payments are
23 received by the customer subsequent to implementation of the plan, the
24 customer shall contact the utility to reformulate the plan; and

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

26 (5) The utility shall:

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

30 (b) Assist the customer in fulfilling the requirements under this
31 section;

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

35 (d) Be permitted to disconnect service if the customer fails to
36 honor the payment program. Utilities may continue to disconnect
37 service for those practices authorized by law other than for nonpayment
38 as provided for in this subsection. Customers who qualify for payment
39 plans under this section who default on their payment plans and are

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

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

9 (6) A payment plan implemented under this section is consistent
10 with RCW 80.28.080.

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

20 (8) Every gas company, electrical company and water company shall
21 construct and maintain such facilities in connection with the
22 manufacture and distribution of its product as will be efficient and
23 safe to its employees and the public.

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

27 (10) In establishing rates or charges for water service, water
28 companies as defined in RCW 80.04.010 may consider the achievement of
29 water conservation goals and the discouragement of wasteful water use
30 practices.

31 (11) In establishing rates or charges for gas, electric, or water
32 service, gas companies, electrical companies, and water companies may
33 consider the income level of residential customers for the purpose of
34 offering low-income rate discounts as provided for in RCW 74.38.070.

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