

WAC 480-90-179 Electronic information. With the prior consent (as defined in subsection (2) of this section) of the customer or applicant, a utility may provide the following by electronic means, instead of in paper copy sent to the customer's mailing address:

- Bills;
- Notices of tariff revisions; and
- Bill inserts containing information required to be provided to customers or applicants by statute, rule, or commission order.

The provision of this electronic information to a customer will be considered compliant with any statute, rule, commission order, or tariff provision that refers to the mailing of bills, notices of tariff revisions or bill inserts when a customer has consented to receive the information in electronic form as agreed to by the customer. The electronic form must provide a link to the electronic information, or otherwise advise the customer of the electronic location of such information.

(1) **Format of electronic communications.** All information provided in electronic form must meet the requirements for format, due dates, calculation of due dates, minimum time frames, and any other requirements specified in this chapter. Electronic information will be treated the same as documents that are mailed from a location within the state of Washington for the purposes of calculating due dates and minimum time frames.

(2) **Obtaining and documenting customer consent.** The utility must obtain prior written or electronic consent to provide bills, notices of tariff revisions and bill inserts in electronic form (customer consent). The customer consent must be obtained directly from the customer of record and comply with the following:

(a) The consent section on the document, screen, or web page may also offer the customer separate, individual opportunities to consent to:

- (i) Paperless billing offered by the utility.
- (ii) Automatic payment services offered by the utility, including one-time payment services or other automatic payment services.
- (iii) Equal payment plan.

For electronic consent, the customer consent section must be prominent on the web page and clearly distinguishable from any other consent on the screen or page. No information other than as provided in this section, may be combined in the same customer consent section except utility contact information. The consent section must not have consent boxes or spaces already filled in. The customer must personally check each box or space giving his or her consent to one or more services. Each service requires a separate, affirmative consent.

(b) The utility must retain a record of the customer's consent to receive electronic communications as a part of the customer's account records as evidence of the customer's consent to receive selected documents in electronic form, or to participate in paperless billing service.

(c) Documentation of the customer consent must be made available to the customer and to the commission at no charge, if requested.

(d) At a minimum, the customer consent must include the following:

- (i) The name, service address, and account number that exactly matches the utility record for such account;
- (ii) The customer's opt-in decision to receive electronic information;

(iii) Confirmation that the customer understands the utility will provide, upon request but subject to the limitations in this section, a paper copy of any document sent electronically at no additional charge and that the customer may opt out of receiving information electronically at any time and revert to paper format through the mail at no additional charge;

(iv) Confirmation that the customer understands it is their responsibility to notify the utility of any change to their email or other electronic address; and

(v) Confirmation that the customer understands that in addition to the paperless bills they may receive all notices regarding service, including notices of the utility's request to increase rates and changes in service, in electronic form.

(3) Distribution of electronic notices.

(a) Electronic notices of proposed tariff changes, including increased rates or restriction of access to services, and public hearings will be marked prominently "IMPORTANT NOTICE REGARDING YOUR GAS SERVICE." (Note: For combined service customers the caption must read "ELECTRIC AND GAS SERVICES.")

(b) If the utility elects to send the notices of proposed tariff changes or public hearings separate from the bill, it will also include a copy of the electronic notice with the electronic bill as an attachment or link. The attachment or link will include the electronic address designated by the commission where customers may file public comment(s) regarding the proposed tariff changes or restriction of access to service.

(4) Documents requiring paper delivery. The following documents may not be provided solely by electronic means:

(a) Notices of disconnection; and

(b) Information regarding the winter moratorium on disconnection of low-income heating customers, including written copies, if any, of extended payment plans under the winter low-income payment program.

(5) Limit on changes to information format. A utility is not obligated to provide both paper documents and electronic information to a customer on a continuous basis. A utility may limit a customer who has consented to electronic delivery to three requests for paper documents in a twelve-month period. A utility may require that a customer who requests an electronic bill also receive all bill inserts electronically. If a customer is unable to properly receive, view or understand electronic information provided by the utility, the utility may refuse to provide that information in electronic form.

(6) Specialized electronic format. When a utility provides electronic billing information in a specialized format, such as, but not limited to, the electronic data interchange (EDI), where the utility incurs a cost that is offset by not sending statements using mail, the utility may offer customers the choice of the specialized format or paper bill. In the event of a disputed bill, the customer may request and the utility shall provide customers receiving bills in a specialized format with billing details understandable by a person who will be reviewing the bills.

(7) Undeliverable electronic information.

(a) If any electronic information allowed in this rule is returned to the utility as undeliverable or the utility is made aware by other means that such electronic information did not reach the customer, the utility must take the following steps to ascertain and correct the problem causing the return of the information as undeliverable. It must, within the time specified in (c) of this subsection, either re-

send the electronic information to the customer-provided electronic address or contact the customer by telephone.

(b) If the utility fails to correct the problem within the required time, it must send the customer the information by mail and return the customer to mail notification. It also must include in the mailed information an explanation that the email address or other electronic address is not functioning and indicate that future information will be sent via mail until the customer provides to the utility a functioning email or other functioning electronic address.

(c) The utility must take the steps required in (a) and (b) of this subsection by either:

(i) The business day following receipt of the undeliverable message; or

(ii) If the utility extends the bill due date by five business days, within five business days.

[Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 11-06-032 (Docket U-100523, General Order R-563), § 480-90-179, filed 2/25/11, effective 3/28/11.]