

Service Date: June 30, 2023



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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June 30, 2023

**NOTICE REQUIRING WATER COMPANIES TO
FILE TARIFF REVISIONS
(For consideration at the July 27, 2023, open meeting)**

RE: RCW 80.28.010, Disconnection during extreme heat events for Regulated Water Companies

TO ALL REGULATED WATER COMPANIES:

During the 2023 session, the legislature passed [Engrossed Substitute House Bill 1329](#), which amended Revised Code of Washington (RCW) 80.28.010 to prohibit the disconnection of water services for any reason during an extreme heat event as determined by the National Weather Service. Specifically, the statute prohibits water companies from disconnecting any residential user for nonpayment, including tenants of metered apartment buildings and residents of mobile homes, on any day for which the National Weather Service has issued or announced that it intends to issue a heat-related-alert for the area in which the residential user's address is located.

Investor-owned water companies regulated by the Washington Utilities and Transportation Commission (Commission) must comply with the new law, which becomes effective July 23, 2023. The statute supersedes any current Commission rule or tariff provision. Failure to comply with the new statutory requirement will result in penalties.

Because current tariffs on file with the Commission do not comply with the new law, the Commission hereby notifies all regulated water companies that they must update their tariffs by July 23, 2023, or as soon thereafter as is practical, to include language incorporating the terms and requirements of the statute. To accommodate these tariff revisions, the Commission, on its own motion, will waive the 30-day notice requirement to the Commission and any customer notice requirements to implement this change.¹ Any other changes submitted with this required

¹ WAC 480-07-110 provides that the Commission, on its own initiative, may grant an exemption from, or modify the application of, any of its rules if the exemption is consistent with the public interest, the

revision are subject to existing notice rules and will be rejected by the Commission for non-compliance with those rules.

The Commission will undertake a rulemaking to incorporate the terms of the statute, including reporting requirements. All regulated water companies will be notified of that proceeding.

Suggested tariff language is provided below:

In accordance with Engrossed Substitute House Bill 1329 (ESHB 1329) [COMPANY NAME] will not disconnect any residential customer (including residents of metered apartment buildings and mobile homes) for nonpayment when the National Weather Service has issued, or has announced it intends to issue a heat-related alert such as an excessive heat warning, a heat advisory, an excessive heat watch, or similar alert for the area in which the residential user's address is located.

In the event a customer has been disconnected for non-payment prior to any heat-related warning issued by the National Weather Service, the customer may request reconnection of water service during the period in which the weather-related alert is active or is scheduled to be active. Water companies must include specific language on all customer disconnection notices about how to request water service reconnection if a heat-related alert occurs while service is disconnected.

Suggested language for disconnection notices is provided below:

In the event the National Weather Service (NWS) issues or intends to issue a heat-related alert in your area, and your water service has been disconnected due to non-payment, you can request reconnection by contacting us at [Phone Number]. Upon receipt of such a request, [COMPANY] will promptly make a reasonable attempt to restore your water service. Your water service will remain active for the duration of the heat-related alert.

Upon receipt of any such request, regulated water companies will promptly make a reasonable attempt to reconnect service to the resident's dwelling. The utility may require a resident to enter a payment plan prior to reconnection of residential service that meets each of the following requirements:

- (a) A repayment plan required under this section will be designed to pay the past due balance by the following May 15th or as soon as possible after May 15th, to maintain monthly payments that are no greater than six percent of the customer's monthly income, and to pay for continued utility service.
- (b) The repayment plan must not require monthly payments more than six percent of the customer's monthly income. Nothing prohibits the customer from paying more than six percent if the customer chooses to do so.
- (c) A customer will not be considered in default of the repayment plan unless

purposes underlying regulation, and applicable statutes. Here, the exemption is required to ensure water companies timely comply with the applicable statute.

payment during this period is less than six percent of the customer's monthly income.

(d) If assistance payments are received by the customer after implementation of the repayment plan, the customer must contact the company to recalculate the repayment plan.

The Commission will schedule tariff revisions filed by July 14, 2023, to be heard at its regularly scheduled open meeting on July 27, 2023. Filings made after July 14, 2023, will be considered at a later open meeting.

If you have any questions, please contact Laycee Willis at laycee.willis@utc.wa.gov or (360) 664-1300.

AMANDA MAXWELL
Executive Director and Secretary