

PROTECTING UTILITY CUSTOMERS' USAGE INFORMATION FROM PUBLIC DISCLOSURE

We are proposing a narrowly tailored amendment to the Public Records Act, to exempt all public utility customers' usage and billing information, and to add residential email addresses to the residential customer contact information that is already exempt, due to changes in technology and increasing cyber-security threats. The amendment will help protect customers of public utilities, and will not affect the transparency of utility operations.

Currently, the only information about a public utility customer that is exempt is the residential address and telephone number. There is no clear exemption for a utility customer's usage or consumption data, whether that customer is residential, commercial or industrial.

Increasingly, regulations and industry standards are pushing utilities toward widespread use of advanced metering technology. This new technology gathers much more detailed data about a customer's utility usage. Rather than having only an aggregate amount of usage over a monthly or bimonthly billing period, a utility can gather usage data in increments as small as minutes. Customers are concerned that this detailed data can reveal intimate and private information about them, and the lack of an exemption raises security concerns for all types of customers, including large industrial customers.

Under existing law, a commercial or industrial customer can protect its usage information under a trade secret or proprietary status, but must go to court and seek an injunction to do so.

There also is no exemption for a customer's email address, and email addresses are increasingly replacing mailing addresses for utility-customer correspondence as paperless technologies improve.

By contrast, investor-owned utilities are not obligated to disclose consumer information, which the Utilities and Transportation Commission defines as "the customer's name, address, telephone number, and any other personally identifying information, as well as information related to the quantity, technical configuration, type, destination, and amount of use of service or products subscribed to by a customer or a regulated utility." WAC 480-100-153.

There are already existing limitations in RCW 42.56.335 that require law enforcement to provide a utility with a written "reasonable cause" statement in order to obtain utility usage information, which remain unchanged by this proposal.

TITLE: An Act relating to utility customer information, amending RCW 42.56.330 as follows:

The following information relating to public utilities and transportation is exempt from disclosure under this chapter:

...

(2) The residential addresses, ~~and residential telephone numbers, residential electronic mail addresses, and customer-specific utility usage and billing information~~ of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.