PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ENERGY DIVISION **RESOLUTION E-3711**
AUGUST 21, 2003

R E S O L U T I O N

Resolution E-3711. Southern California Edison (Edison) requests approval of a form by which customers may receive and pay their energy bills electronically. San Diego Gas & Electric (SDG&E) requests authority to add the definition of electronic billing to its rules. Southwest Gas Corporation (SWG) requests authority to revise its tariffs in order to allow for electronic billing and to set forth acceptable bill payment methods. Under each of the utilities' requests, customers who elect the electronic billing and payment process would no longer receive a hard copy of their bills. The three advice letters are approved, subject to certain modifications and conditions.

By Edison Advice Letter 1446-E, filed on March 30, 2000.
By Southwest Gas Advice Letter 622, filed on October 31, 2000.
By SDG&E Advice Letter 1229-E-A/1200-G-A filed on August 10, 2000.

SUMMARY

This resolution approves, subject to certain modifications and conditions, proposals under which Edison, SDG&E, and SWG would allow customers to choose electronic billing and payments, and eliminate the mailed, hard copy of bills.

Specifically, Edison's Advice Letter (AL) 1446-E requests approval of a bill form that would enable customers to receive and pay their energy bills electronically. Edison's tariffs already provide for electronic billing and payments, but now Edison is establishing a specific form to allow customers to make this election. Approval of the electronic billing and payment form would also authorize Edison to eliminate the hard copy of the bill for such customers. Edison would present the customer's bills and all bill inserts on the Edison web site. Customers may make payments directly on the Edison web site, or make payments through alternative payment methods.

SWG's AL 622 requests similar authority to establish an Internet billing and payment service for its customers, and to eliminate the hard copy of the bill. SWG would revise its Rule 9 to provide for this billing and payment option, as well as other payment options.

Likewise, SDG&E's AL 1229-E-A / 1200-G-A would revise SDG&E's Rule 9 to add a definition of electronic billing, to provide for delivery of billing information electronically and to cease mailing of a hard-copy / paper bill to customers enrolled in electronic billing. SDG&E was inadvertently notified on August 11, 2000 that its AL became effective. SDG&E has not yet implemented electronic billing and awaits approval of this resolution.

The three utilities' billing and payment options are approved subject to the following modifications and conditions:

- Customer bills may be viewed only on utility web sites or on a provider's web site that has the same level of security, secure from non-confidential access, where electronic billing presentment and payment is conducted. Customers may make electronic payments either directly on the utility web site, or may choose to use alternative electronic payment methods, such as through a "bill aggregator".[1]

- To preserve a customer's privacy, utilities shall place in their tariff rules a statement to the effect that they shall not release confidential information, including financial information, to a third party without the customer's consent. The customer's consent must be recorded either on hard copy or electronically.

1. A bill aggregator is a company that consolidates a party's various bill amounts (for example, from the energy utility, water utility, garbage company, telecommunications company, etc.) in a single web site to allow "one-stop-shop" viewing of the amounts. A bill aggregator typically also provides a means by which a party could also make electronic payment of the bills. Companies that facilitate the payment of bills are called "bill payment service providers". Thus, bill aggregators are typically also bill payment service providers.

- Responsibility for receiving fair and expeditious resolution of customer complaints about utility bills and payments shall continue to be that of the utility no matter the method of bill presentation and payment used by the customer.

- The utilities' tariff rules should clearly state that, when a customer chooses to use an alternative payment method, such as through a bill aggregator or financial institution, the customer may be charged a fee by that third party.

- All bill insert information that would normally be provided with mailed, hard copy bills should be clearly available for viewing on utility web site bill presentations.

- Edison, SDG&E and SWG should clearly specify in their Rule 9 all acceptable payment methods.

Utility.com, a utility-bill consolidator, filed protests against Edison's AL 1446-E. These protests are denied as more fully discussed below.

BACKGROUND

Edison

Edison filed AL 1446-E, dated March 30, 2000, to establish Form 14-574, Energy Statement, Format Internet Billing and Payment (*Format IBP*). *Format IBP* would allow Bundled Service customers and direct access customers with Utility Distribution Company Consolidated[2] or Dual Bill[3] Presentation, receiving service on general service rate schedules, to review and pay their bills electronically through the Internet. With its proposal in AL 1446-E, customers who elect electronic billing and payment would no longer receive a hard copy of their Edison bill.

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2. Under Consolidated Billing, the customer's electric service provider (ESP) sends its bill to Edison. Edison sends a consolidated bill, including both Edison's and the ESP charges to the customer.

3. Under Dual Bill Presentation Edison and an ESP separately send their bills directly to the customer.

Edison currently offers an electronic billing and payment option to residential and small business customers. Edison commenced offering *IBP* to employees in March 2000 and to customers in June 2000. Edison points out that Rule 9.A.6. allows a Qualified Customer to request bill presentation and payment electronically through the Internet. Edison's Rule 9 defines *IBP*. Rule 1 defines a Qualified Customer as having met the criteria and supplied the facilities for electric service under Edison's Tariff Rules, and / or having special skills and equipment necessary to participate with Edison in business services. Edison requested approval of both Electronic Transfer and Qualified Customer definitions with its AL 1118-E. Edison AL 1118-E became effective October 16, 1995.

Customers who choose electronic payments may make payments directly on the Edison web site or may choose to make alternative payment arrangements such as through a bill aggregator. AL 1446-E explains that Edison will initially offer *IBP* in partnership with *CheckFree*, a bill service provider and aggregator. Edison has a contract with *CheckFree* for electronic billing services.

In an initial phase, on a pilot basis, customers must agree to pay their bills electronically to receive bills on Format – *IBP*. In a later phase, customers choosing to use the *IBP* will have the option of only receiving the bill, only paying the bill, or receiving and paying the bill electronically. Also in the later phase, more schedules will be available along with the option of taking *IBP* through additional billing aggregators directly through Edison's Internet site.

Edison states that *IBP* uses advanced security and encryption technologies. The customer has a personal identification number to ensure that all transactions and databases are kept safe from unauthorized access.

Edison states that all sections of Format – *IBP* will closely mirror its current bill format. The customer can click to various sections of the bill including contact phone number, bill inserts, current charges, billing details, energy usage section, and message section.

Edison states that AL 1446-E will not increase any rate or charge and that the savings on postage for paper bills offset the cost of electronic billing.

Southwest Gas

SWG filed AL 622 on October 31, 2000 to request authorization to provide an electronic billing and payment option to its customers. Electronic billing would allow customers to receive, view, and pay the bill electronically. SWG proposed to add the following text to its Tariff Rule 9 to specify the means by which payment of bills may be made:

> "Payments are required to be made in cash, by check, money order, certified check, electronic transfer, credit card acceptable to the Utility, or any other means mutually agreeable to the Utility and the customer. Payment by credit card, which may be made either in person or over the telephone, is an option that is available only to residential customers."

SWG specifies in its proposed Rule 9 the terms under which electronic billing and payment may be arranged. After SWG activates the customer to begin the electronic billing cycle, the customer will receive a message with the first billing that this will be the last paper bill. Subsequent bills will be sent in electronic format.

SWG offers electronic billing to customers in Arizona and Nevada. SWG has not previously offered an Internet billing and payment option in California.

SWG proposes to use a bill payment service provider, *CheckFree,* to allow customers to view and pay their bills electronically. SWG proposes to expand the same system, established and used successfully for over 2 years in Nevada and Arizona, into California. Customers must pay their bills directly on the CheckFree web site. SWG will not charge customers any fee for using the electronic billing and payment method.

To notify customers that electronic billing is available, SWG will use its web site, bill stuffers, press releases and recordings while customers are on hold. Customers using electronic billing will receive all the bill stuffers currently received by mail, on SWG's web site.

SDG&E

In AL 1229-E-A / 1200-G-A, SDG&E requests authority to discontinue mailing hard copy bills to those customers that elect to receive their bills online and to add the definition of Electronic Billing to Electric and Gas Rule 9. Under SDG&E's proposal, customers could pay their bills either directly through SDG&E's website or through a bill aggregator.

SDG&E has not yet implemented a web-based billing and payment option.

In response to an Energy Division data request, SDG&E indicated it would work with Derivion as a bill aggregator.

Pacific Gas and Electric Company (PG&E)

PG&E filed AL 2221-G / 1982-E, dated March 21, 2000, to revise electric and gas Rule 9, Rendering and Payment of Bills, to add language specifying payment options available to PG&E customers. PG&E proposed to add the following payment options to its Tariff Rule 9: cash, check, electronic funds transfer, ATM card or credit card by phone service. PG&E withdrew Advice Letter 2221-G / 1982-E on June 10, 2003 and filed AL 2469-G / 2394-E on June 26, 2003, which we will consider separately.

NOTICE

Notices of SDG&E AL 1229-E-A / 1200-G-A, Edison AL 1446-E, and SWG AL 622 were made by publication in the Commission's Daily Calendar. SDG&E, Edison, and SWG stated that a copy of their respective advice letter was mailed and distributed in accordance with Section III-G of General Order 96-A.

PROTESTS

No protests to either SWG's AL 622 or SDG&E's AL 1229-E-A / 1200-E-A were filed. Utility.com protested Edison's AL 1446-E.

Utility.com's Protest

Utility.com, an ESP and a utility-bill aggregator, filed a protest of Edison's Advice Letter 1446-E on April 20, 2000. Utility.com offers three reasons for its protest: 1) Edison limited participation in this program to only one bill aggregator, CheckFree, 2) Edison did not clearly state that their *IBP* service will be offered to all customers, whether Direct Access or Bundled, and 3) Edison did not guarantee continuity of electronic billing service when a customer switches from Bundled service to Direct Access, ESP to ESP, or Direct Access to Bundled service.

With regard to the first protest issue, Utility.com requests that the Commission not allow Edison to arrange for electronic bill payments, as requested by customers, with only one billing aggregator, CheckFree.[4] Utility.com maintains that customers should be able to choose their own bill aggregator as long as that bill aggregator meets a minimum set of public and non-discriminatory requirements established by Edison. Restrictions should not be placed on the number of companies that may participate at the outset of the program, according to Utility.com. Utility.com points to companies that offer similar services such as *PayMyBills.com*, *PayTrust*, *StatusFactory.com*, and *TransPoint.com* that should not be excluded from offering *IBP* at the start of the program.

Utility.com's second objection to AL 1446-E is that Edison does not clearly guarantee all Direct Access and Bundled customers equal access to the *IBP* program. Edison states "*Format – IBP* allows Bundled Service Customers and Direct Access Customers with Dual or Utility Distribution Company (UDC) Consolidated Bill Presentation, receiving service on Schedules D-CARE, D-APS, D-CARE-APS, GS-1, GS-1-CARE, GS-2, GS-2-APS, and GS-2-CARE, to receive and pay their bills electronically." Utility.com asserts this statement should be clarified. Utility.com states that Edison is unclear about exactly which customers

[4] Customers may make Edison utility bill payments, and only utility bill payments, directly on the Edison web site. Customers might also choose to make electronic payments using a "bill payment service provider", or a bill aggregator. In order to facilitate these options, Edison is working with a company called CheckFree, which can act as either a bill aggregator or as a bill payment service provider.

are eligible to receive *IBP* service. Utility.com also requests that Edison clarify whether Direct Access and Bundled Customers taking service under Tariff Schedule D are eligible to receive service.

Finally, Utility.com requests that the Commission order Edison to ensure that there is continuity of IBP service when a customer switches from Bundled service to Direct Access, from bill aggregator to bill aggregator, or from Direct Access back to Bundled service.

Edison's Reply

On April 27, 2000, Edison filed a reply to Utility.com's protest.

With regard to Utility.com's protest that Edison limited participation in this program to only one bill aggregator, Edison stated in its response that it did not place restrictions on the number of bill aggregators and was looking at other billing agents with which to do business.

Edison also said that a universal electronic infrastructure that allows a bill aggregator to route a bill to any customer requested destination does not yet exist. To provide this type of service in today's electronic environment Edison would have to establish a contract, electronic connectivity, and security protocols with each and every bill aggregator that a customer might request and this is not now feasible. Edison said it will investigate other bill aggregators for inclusion at a later date.

Edison argued that *CheckFree* gives the customer a wider variety of choices with its hundreds of websites nationwide. Edison also says that customers should not have to wait until all potential bill aggregators are at the point of development at which *CheckFree* currently stands before they can benefit from the additional choice that *CheckFree* offers.

Edison objects to Utility.com's suggestion that Edison should be required to enter into contractual relationships with any bill aggregator that meets a minimum set of requirements. Edison says that such a requirement would interfere with Edison's right to choose with whom it will do business. Further, Edison says it will be impossible to develop a complete set of requirements in advance that

would anticipate every potential circumstance that might cause Edison to decline to do business with a third party.

Edison asserts that Utility.com incorrectly states that *PayMyBills.com, PayTrust, and StatusFactory.com* are excluded from the *IBP* process, since Edison has customers using these services today, and *IBP* will not prevent these customers from participating in the future. Edison points out that such bill aggregators operate by receiving the hard copy bill from Edison, then converting it to an electronic document, which the customer can access through the Internet.[5]

With regard to Utility.com's second protest point, Edison responded that *IBP* is available to all Bundled Customers and all Direct Access Customers who have UDC Consolidated or Dual Bill Presentation. Customers on all rate schedules, including Schedule D are now eligible for *IBP* service.

With regard to Utility.com's third protest point, Edison states that Edison cannot offer *Format - IBP* services to direct access customers who choose a bill aggregator's Consolidated Billing. For such customers the bill aggregator would send the bill to the customer. Edison can only offer *IBP* where Edison presents its bill to the customer, such as bundled or direct access customers. Under such a circumstance, Edison cannot guarantee continuity of electronic billing service.

DISCUSSION

Electronic billing and payment of utility bills will provide many utility customers with a convenient way to view and pay their utility bills. It will also reduce the cost and resources associated with a hard copy of the bill. We will approve the utilities' advice letter requests, subject to certain modifications and conditions.

Billing and Payment

We are concerned about the possibility that customer information would be provided to third-party, non-utility firms, and the possibility that non-utility

[5] A hard copy of the customer's bill is sent such bill aggregators when a customer changes the billing mailing address to the billing aggregator's mailing address.

charges would be included in customers' bills. Edison and SDG&E would present customers' bills on their own web site. SWG's customers will view their bill on the *CheckFree* web site. We will allow electronic billing under the condition that customer bills may be viewed only on utility web sites or on a provider's web site that has the same level of security, secure from non-confidential access, where electronic billing presentment and payment is conducted. Customers may make electronic payments either directly on the utility web site, or may choose to use alternative electronic payment methods, such as through a "bill aggregator". Only payments of utility bills should be conducted on the utility web site, i.e. when a customer chooses to make payments electronically on a utility web site. Only utilities, customers and their authorized agents should have access to customer billing data. Utilities should not involve their websites with payment of customer bills other than the energy utility bills. Energy utility bills in this context means any information that is now shown on hard copy utility bills from energy companies.

All bill insert information that would normally be provided with mailed, hard copy bills should be clearly available for viewing on utility web site bill presentations.

Specification of payment methods

SWG also had not previously specified other acceptable payment methods in its tariff. One of the acceptable methods it now proposes in addition to electronic billing and payment is payment by credit card. SWG offers the option of payment by credit card.

Edison, SDG&E and SWG should clearly list all acceptable payment methods in their tariff rules.

Charges for Alternative Payment Methods

In addition, the utilities do not specify that credit card companies, ATM companies, and electronic billing services may charge fees. The utilities should state in their tariff rules that other payment providers may charge a fee for payment methods other than those offered by the utility. We understand that customers using third parties to pay their bills (in addition to utility bills) will pay a fee to that company. We believe that customers should be clearly informed

that when utility payments are made through firms other than the utility, customers may incur a fee from the alternative company.

Privacy

Failure to keep personal financial information confidential can result in identity theft, which in turn may result in severe damage to the credit record of the victim, and may require victims to spend significant time establishing that they are not responsible for debts incurred in their name. Intrusive telemarketing practices may also occur in customers' homes. To help customers avoid such invasions of privacy, confidential information, including financial information, should not be released to a third party without the subscriber's explicit consent either in writing, or by use of an electronic means to record the consent.

As noted above, Edison and SDG&E customers will view their bill only on utility web sites. Edison and SDG&E customers may pay their bills either directly on the utility web site or may use a bill aggregator. Edison and SDG&E will provide to such bill aggregators information that is limited to no more than the bill amount, the bill due date and the uniform resource locator link[6] (URL). SWG's customers will go to *CheckFree's* web site to view and pay their utility bill. SWG has assured the Energy Division in a letter dated August 13, 2003 that "Southwest has taken affirmative steps to prevent the unauthorized release or use of customer information for customers that choose the electronic billing option. *CheckFree* may not modify any portion of the customer's bill for any reason or utilize any of the provided information for marketing purposes."

We are satisfied that utility customers' privacy will be adequately protected. As a condition for electronic billing, we will require that utilities shall place in their tariff rules a statement to the effect that they shall not release confidential information, including financial information, to a third party without the customer's consent. Customer consent may be provided either in writing or electronically and the utilities should maintain a record of each such consent.

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[6] A uniform resource locator link is the Internet address where the customer can review his bill and inserts.

Complaint Procedure

The utilities have existing procedures to respond to customer complaints and we will rely on these procedures to address any complaints arising from electronic billing. Responsibility for handling complaints about utility bills still resides with the utility.

Edison noted in comments to the original draft of this resolution that they have received very few complaints about electronic billing procedures.

The utilities should provide cooperation and assistance as necessary to effect customer protection in the event a bill aggregator makes erroneous or unauthorized charges to a customer's bill.

Effective date of SDG&E's AL 1229-E-A / 1200-G-A

SDG&E requested approval to add the definition of Electronic Billing to its Electric and Gas Rules No. 9 and to discontinue sending hard copy bills to those customers electing to receive their bills on line. SDG&E was inadvertently informed that their AL was approved. SDG&E withheld implementation of electronic billing pending approval of its AL. AL 1229-E-A / 1200-G-A should become effective with the effective date of this resolution.

Utility.com Protest - Choice of Billing Aggregators

Utility.com alleged that Edison limited participation in this program to only one bill aggregator, *CheckFree*, and customers should be able to choose their own bill aggregator.

Edison replied that Edison is looking for other bill aggregators; a universal electronic infrastructure does not yet exist; customers should not have to wait until all potential billing agents can compete with *Checkfree*; other billing agents can participate in electronic billing; and Format IBP is available to all bundled and direct access customers.

In response to an Energy Division inquiry, Edison provided the following information:

- Edison will be able to do business with other bill aggregators in addition to *CheckFree*. Additional bill aggregators will be evaluated based on Edison and customer needs.

- Edison now offers *IBP* to bundled customers, direct access customers (with either utility distribution company Consolidated or Dual billing), and Tariff Schedule D (Domestic) customers. Since April 2002 Edison has offered IBP through its own website, *SCE.com*.

Edison stated that it has not placed restrictions on the number of bill aggregators and is currently looking at other billing agents with which to do business. Edison also said it is taking steps to accommodate other billing agents who offer electronic billing services and will in time, have other bill aggregators with whom it can do business.

Also, we would like to avoid the circumstance in which the customer could choose a bill aggregator and require the utility to accommodate that bill aggregator and bypass utility requirements. We deny this protest.

Utility.com Protest - Customer Eligibility

Utility.com's second objection to AL 1446-E is that it does not clearly guarantee all Direct Access and Bundled customers equal access to the *IBP* program. As Edison stated in its reply, all customers using Consolidated or Dual Bill Presentation are eligible for *Format IBP*.

Currently, any customer, bundled or direct access, can enroll in *Format IBP*.

We will deny Utility.com's protest on this issue.

Utility.com Protest – Continuity of Service When Switching Providers

Finally, Utility.com requests that the Commission order Edison to ensure that there is continuity of service when a customer switches from Bundled service to Direct Access, from bill aggregator to bill aggregator, or from Direct Access back to Bundled service.

Edison states that it cannot offer *Format - IBP* services to direct access customers who choose a bill aggregator's Consolidated Billing. For such customers the bill aggregator would send the bill to the customer. Edison can only offer *IBP* where Edison presents its bill to the customer, such as bundled or direct access customers. Under such a circumstance, Edison cannot guarantee continuity of service.

In addition, in response to an Energy Division inquiry, Edison explained that it would continue to transmit the necessary information to sustain *IBP* service through customer transfers from Bundled service to Direct Access, from bill aggregator to bill aggregator, or from Direct Access back to Bundled service. Edison cannot guarantee continuity of its electronic billing service under all the circumstances suggested by Utility.com.

We deny this protest.

COMMENTS

Public Utilities Code section 311(g)(1) provides that this resolution must be served on all parties and subject to at least 30 days public review and comment prior to a vote of the Commission. Section 311(g)(2) provides that this 30-day period may be reduced or waived upon the stipulation of all parties in the proceeding.

The 30-day comment period for the draft of this resolution was neither waived nor reduced. Accordingly, this draft resolution was mailed to parties for comments, and will be placed on the Commission's agenda no earlier than 30 days from today.

In accordance with PU Code 311(g) a first draft of this resolution was mailed on March 3, 2003 to Southern California Gas Company, Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas and Electric Company, Southwest Gas Corporation, Pacificorp, Avista Corporation, West Coast Gas Company, Mountain Utilities, Alpine Natural Gas, Pacificorp, and NRG Energy Center San Francisco LLC.

SDG&E, SoCalGas, PG&E and Edison filed comments on March 17, 2003. SDG&E and SoCalGas filed reply comments, on March 24, 2003**.** That first draft recommended imposing extensive consumer protection rules on the utilities

related to electronic billing. Those rules mirrored the rules required by telecommunications utilities.

Comments on the March 3, 2003 draft resolution were generally opposed to the imposition of extensive consumer protection rules related to electronic billing. Edison, SDG&E, SoCalGas and PG&E all proposed an OII before imposing new rules for electronic billing. The respondents also generally argued that the rules were not appropriate for energy utilities for a variety of reasons. SWG was the only utility accepting the proposed rules. We will not respond directly to each comment since we have revised our approach to electronic billing.

Second Draft

The Energy Division held a workshop on electronic billing on June 12, 2003. Edison, SDG&E, SoCalGas and PG&E attended the workshop. SWG participated through a phone link. Staff from the Legal Division and the Office of Ratepayer Advocates also attended.

Through the workshop the Commission gained a clearer and more complete understanding of the utilities' proposals. Our concerns related to potential cramming, privacy issues, and complaints have largely been alleviated. We originally thought that third party providers would have access to customers' bills and would be in position to cram. It was also unclear how customer complaints would be addressed under such an arrangement. We now understand that under the proposals authorized, utilities will either have complete control over their websites and any customer bill records placed on those websites or, in SWG's case, requires *CheckFree* to have in place strict security requirements to ensure that customer information is protected. Responsibility for handling customer complaints still resides with the utility. Consequently, we will delete the proposed rules from our order and approve the utilities' proposal for electronic billing, subject to certain provisions.

The Energy Division circulated a revised version of Draft Resolution (DR) E-3711 on July 22, 2003 and received comments from Edison, Sempra (SDG&E and SoCalGas) and SWG.

<u>Edison</u>

Edison supported the approval of the revised DR as written.

SDG&E

SDG&E requests that we delete the requirement prohibiting release of confidential information without the customer's explicit written consent. Sempra points out that it is the customer who is voluntarily providing confidential information to Sempra by enrolling in the electronic billing program and the customer who signs up for electronic viewing and payment may not want to be limited to providing consent in writing.

We will retain the "in writing" requirement. But we will allow the utilities to keep in lieu of a written record some form of record, such as an electronic record of the customer authorization to release confidential information.

Sempra also requested that we delete the requirement for a notarized form for the authority to release confidential information. Sempra explained that consent may be given by telephone, facsimile or electronically. Furthermore, Sempra continues, it is the customer that is voluntarily providing confidential information to SDG&E or SoCalGas by enrolling in the electronic billing program. We will delete the requirement for the notarized form, and rely on the written or electronic record of each customer authorization to release confidential information.

Sempra requested that we remove the requirement limiting the information utilities would provide to bill aggregators or bill payment service provider to the amount of a customer's utility bill. Sempra said this limitation would preclude providing other necessary and useful information. Sempra contended that in addition to the amount due, the utilities at a minimum should be able to send the bill due date and a URL link to the utilities web site to ease the customer's access to the bill detail if desired. We have no objection to Sempra's recommendation that the bill due date and a URL link to the utilities web site may also be provided.

Sempra took issue with our restriction of access to customer billing data by customers and utilities. Sempra said this restriction would foreclose the use of any agents and stated that such an arrangement is not workable. Sempra cited examples of Direct Access customers and Core Aggregation Transportation

customers who delegate payment of bills to others. Sempra requested that we expand access to customer billing data to include authorized agents. We have made this change to the DR.

With respect to our proposed limitation on providing only energy utility related amounts on the web site, Sempra suggests that any information it presents on hard copy utility bills should also be allowed on its web site. Sempra noted that SoCalGas has two contracts with third party vendors for which it bills for energy related services on their utility bills. SoCalGas has experienced no problems and based partly on this experience Sempra sees no reason to preclude these customers from participation in electronic billing. Again we have no objection to Sempra's recommendation.

SWG

SWG explained that its electronic billing program does not mirror those of other California Energy utilities; it uses a version of *CheckFree* that is different from the version used by Edison. SWG said it has used this *CheckFree* program in Arizona and California for over 2 years and has received no comments or concerns from customers relating to security or customer privacy.

SWG said that *CheckFree* offers the latest encryption technology including sign-in ID and password protection and guarantees customer privacy for all of its clients.

SWG requested that we delete our requirements to restrict electronic billing to the utility web site and to limit the information provided to a bill aggregator to the amount of a customer's utility bill. SWG points to the security and protection offered by *CheckFree* that renders a limitation to a utility's web site unnecessary.

SWG also said that creating and maintaining a web site with the same level of security currently provided by *CheckFree* would be duplicative. *CheckFree* can provide electronic billing less expensively than can SWG.

SWG suggested the following ordering paragraph:

5. The utility itself shall own and operate its web site, or contract with a vendor with no less than the same level of security, where electronic billing

presentment and payment is conducted. All bill insert information that would normally be provided with mailed, hard copy bills should clearly be available for viewing on the utility's web site.

SWG proposed to delete ordering paragraph 6 limiting the provision of data that utilities will send to non-utility bill providers to the amount of a customer's bill.

Since SWG has a workable, secure system in place and would be burdened with additional expense to revise it we have revised our resolution to allow SWG to use its system currently used in Nevada and Arizona. We modified the draft resolution accordingly.

No reply comments were received.

FINDINGS

1. With AL 1446-E, Edison requests authority to initiate *Format IBP* for transmitting bills electronically, allowing electronic payment of bills, and eliminating the hard copy of the bill for customers who choose electronic billing.

2. With AL 622, SWG requests authority to provide an electronic billing and payment option, to terminate the hard copy of the bill for customers who choose electronic billing and payment, and to revise its tariffs to specify acceptable payment methods.

3. SDG&E's Advice Letter 1229-E-A / 1200-G-A requests authority to provide an electronic billing and payment option, and discontinue mailing the paper bill for those customers that choose electronic billing.

4. Utilities should show in their tariffs all acceptable means of bill payment.

5. Utilities should notify customers that fees may be charged by third party bill aggregators or credit / debit card companies for services rendered.

6. Utilities should ensure that customers' privacy is protected. To preserve a customer's privacy, utilities should place in their tariff rules a statement to

the effect that they shall not release confidential information, including inancial information, to a third party without the customer's consent. The customer's consent should be recorded either on hard copy or electronically.

7. Customer bills may be viewed only on utility web sites or on a provider's web site that has the same level of security, secure from non-confidential access, where electronic billing presentment and payment is conducted. Customers may make electronic payments either directly on the utility web site, or may choose to use alternative electronic payment methods, such as through a "bill aggregator". All bill insert information that would normally be provided with mailed, hard copy bills should be clearly available for viewing on utility web sites.

8. Even if a utility allows bill payment using a bill aggregator or by credit / debit cards, responsibility for handling complaints about utility bills still resides with the utility.

9. Utility.com's protest should be denied.

THEREFORE IT IS ORDERED THAT:

1. Edison AL 1446-E, SWG AL 622 and SDG&E AL 1229-E-A / 1200-G-A are approved subject to modifications ordered below.

2. Edison, SDG&E and SWG shall specify in their tariff that additional fees may be assessed for alternative bill payment services, such as bill aggregators and credit card companies.

3. Edison, SDG&E and SWG shall list clearly in their tariff rules all accepted methods of payment.

4. To preserve customer's privacy utilities shall place in their tariff rules a statement to the effect that they shall not release confidential information, including financial information, to a third party without the customer's consent. The utilities shall keep a record of all such consents given either in hard copy or electronically.

5. The utility itself shall own and operate its web site, or contract with a vendor that can provide an equivalent level of security, where electronic billing and payment is conducted. All bill insert information that would normally be provided with mailed, hard copy bills should clearly be available for viewing on the utility's web site.

6. Even if a utility allows bill payment using a bill aggregator or by credit / debit cards, responsibility for handling complaints about utility bills still resides with the utility.

7. Edison, SDG&E and SWG shall submit an advice letter within 15 days accompanied by revisions to their tariff rules conforming to this resolution.

8. Utility.com's protest is denied.

This order is effective today.

I certify that the foregoing resolution was duly introduced, passed and adopted at a conference of the Public Utilities Commission of the State of California held on August 21, 2003; the following Commissioners voting favorably thereon:

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WILLIAM AHERN
Executive Director

MICHAEL R. PEEVEY
President
CARL W. WOOD
LORETTA M. LYNCH
GEOFFREY F. BROWN
SUSAN P. KENNEDY
Commissioners