

Proposal Concerning Modifications to LIPA's Tariff for Electric Service

Requested Action:

The Long Island Power Authority ("the Authority") staff proposes to revise the Tariff for Electric Service to include language that provides clarity regarding customer consent to be contacted on a wireless telephone number.

Background:

The Federal Communications Commission ("FCC") issued a Declaratory Ruling on August 4, 2016¹ establishing guidelines for utilities' use of wireless telephone numbers to communicate with customers. "In the absence of facts supporting a contrary finding, prior to the termination of a customer's utility service, a customer who provided a wireless telephone number when he or she initially signed up to receive utility service, subsequently supplied the wireless telephone number, or later updated his or her contact information, is deemed to have given prior express consent to be contacted by their utility company for calls that are closely related to the service, and calls to warn about the likelihood that failure to make payment will result in service curtailment."²

Calls closely related to the utility service are defined as including "those that warn about planned or unplanned service outages; provide updates about service outages or service restoration; ask for confirmation of service restoration or information about lack of service; provide notification of meter work, tree trimming, or other field work that directly affects the customer's utility service; notify consumers they may be eligible for subsidized or low-cost services due to certain qualifiers such as, e.g., age, low income or disability; and calls that provide information about potential brown-outs due to heavy energy usage."³

Proposal:

The Authority Staff proposes to update the Tariff for Electric Service to include language notifying customers of their rights consistent with the FCC Declaratory Ruling. Specifically, Staff proposes to indicate to customers that by providing their wireless telephone number, they consent to being contacted at the provided telephone number for matters closely related to utility service (as defined in the FCC Declaratory Ruling and described above). Related to this proposed Tariff change, the Authority's Service Provider also intends to update company forms that request a contact telephone number to include a disclosure notifying customers who provide a wireless telephone number that by doing so they are consenting to be contacted on that number for matters closely related to utility service. Communications with customers is essential to providing safe, efficient and reliable electric service.

Financial Impacts: There are no financial impacts associated with this proposal.

Affected Tariff Leaf: Leaf 25

¹ *In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991 Blackboard, Inc. Petition for Expedited Declaratory Ruling Edison Electric Institute and American Gas Association Petition for Expedited Declaratory Ruling, CG Docket No. 02-278.*

² *Ibid.*, FCC Declaratory Ruling at paragraph 32.

³ *Ibid.*, FCC Declaratory Ruling at paragraph 30.

Summary of Proposed Changes:

To update the Tariff for Electric Service to include language to indicate to customers that by providing their wireless telephone number, they have provided consent to be contacted at the provided telephone number for matters closely related to utility service.

I. General Information (continued):**C. General Terms and Conditions:**1. Legal Authority

This Tariff is adopted under the power vested in the Authority by the Long Island Power Authority Act. See Public Authorities Law, Title 1-A.

2. Implementation and Administration of this Tariff

- a) The duties and responsibilities of the Authority may, at the Authority's discretion, be carried out by the Authority, the Authority's subsidiary, or the Manager.
- b) In administering the provisions of this Tariff, the Authority shall give effect to the rights, protections, and obligations of Customers contained in Article 2 and Sections 117 and 118 of the Public Service Law, and Section 131-s of the Social Services Law.

3. Availability of this Tariff

A copy of this Tariff shall be maintained and made available for public inspection at all business offices of the Authority that are open to the public.

4. Altering, Changing, and Eliminating the Provisions of this Tariff

Any of the provisions of this Tariff may be modified, at any time, upon approval of the Authority's Trustees.

5. Employee Identification

- a) Every employee who is authorized by the Authority to enter Customers' premises to read meters, test meters, collect electric bills, or for any other Authority business, will be issued an Identification Card.
- b) The Identification Card will bear the employee's photograph and the name of the Authority or its Manager.
- c) Customers should not admit anyone claiming to represent the Authority who cannot show the Identification Card.

6. Customer Contact Consent

- a) Customers who provide their wireless telephone number to the Authority when they initially sign up to receive utility service, subsequently supply the wireless telephone number, or later update their contact information, are giving consent to be contacted by the Authority at that number with messages that are closely related to the utility service, which may include but not limited to the following: notification of planned or unplanned service outages; notification of field work that directly affects the customer's utility service; and notification that failure to make payment will result in service curtailment.