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September 7, 2022

Public Utility Commission of Oregon  
Attn: Filing Center, Ezell Watson  
201 High Street SE, Suite 100  
Salem, OR 97301-3612

**Re: AR 653 – Division 21 Rulemaking to Strengthen Customer Protections Concerning Disconnections**

Mr. Nolan Moser,

Avista Utilities, Cascade Natural Gas, Idaho Power Company, NW Natural, PacifiCorp d/b/a Pacific Power, and Portland General Electric Company (collectively, the Joint Utilities) submit the following comments in regarding the Oregon Public Utility Commission’s (OPUC or Commission) rulemaking to strengthen customer protections concerning disconnections in Docket AR 653.

As an initial point of clarification, the Joint Utilities each affirm that adoption of Staff’s proposed language to OAR 860-021-045 to extend the disconnection notification window from 15 days to 20 days **will add 5 days to the notification period**, thus increasing the window between a customer’s bill due date and a potential disconnection date.

At the Special Public Meeting held on September 1, 2022, much of the discussion at the meeting centered around the proposed changes to OAR 860-021-0407 regarding the appropriate temperature threshold for when a severe winter weather moratorium shall be issued. In these comments and in response to request from the Commissioners, the Joint Utilities provide data on the number of days in which potential disconnections could occur under a range of temperature thresholds. Using the data as a basis, the Joint Utilities also provide a recommendation that both increases customer protections during cold weather events and reserves the option-of-last-resort, disconnection for nonpayment, during more temperate conditions.

Commission Staff has proposed to change the temperature threshold from one based on the forecasted “high” temperature on any given day to one instead based on the forecasted “low” temperature. As discussed at both the July 21<sup>st</sup> and September 1<sup>st</sup> rulemaking hearings, along with the Joint Utility comments submitted on July 15<sup>th</sup> and August 22<sup>nd</sup>, the Joint Utilities do not support this proposed change. This issue remains a primary concern with the proposed Division 21 rule revisions, having reached consensus on nearly all other proposed changes.

The Joint Utilities appreciate the analysis completed by Commission Staff regarding the effects of the proposed change to the severe winter weather moratorium, however, presenting the data in an aggregated manner masks the effects in certain parts of the state. For example, in Avista’s Klamath Falls service area, customers face significantly colder winter weather than other regions. Under the proposed change for Avista, in 2021, Klamath Falls would have experienced an increase of 90 additional moratorium days compared to the existing rules (94 days versus 4). Under the current rules, that means a moratorium would have been issued roughly 2% of the time (4 out of 197 eligible disconnect days) compared to 48% of the time (94 out of 197 eligible disconnect days). This is significantly higher than the aggregated data as presented by Commission Staff.

And more, this analysis is not reflective of the actual impact as the number of eligible disconnect days represent those for the full calendar year, when the majority all of the moratorium days occur during the winter season of November through March. If we look at just the winter months, 73 of the 94 days would have occurred from November through March. If there are roughly 90 eligible disconnection days during this time period (less than half due to more holidays), Avista would have issued a moratorium for 78% of the eligible disconnect days in Klamath Falls during the winter months of 2021 under the proposed rules.

While we recognize that there will and should be more days that trigger a severe winter weather moratorium in colder areas of the state, we believe that the proposed change swings too far and does not accommodate the wide range between nighttime low temperatures and daytime high temperatures during many months of the year.

The Joint Utilities recommend that the Commission adopt a more nuanced adjustment to OAR 860-021-0407(1) than that proposed by Staff and the Joint Advocates. First, we suggest restricting a severe winter weather moratorium to the winter months of November through March, as this is the intended period where cold weather protections are warranted, and it is less likely that daytime temperatures will fluctuate as greatly as they do in the shoulder seasons (September-October and April-May). Second, the Joint Utilities recommend increasing the forecasted high temperature threshold that triggers a moratorium. The tables below include the effect of the current rule, Staff’s proposed change, along with varying scenarios of high temperature threshold as high as 45 degrees for both the number of moratorium days issued and the number of disconnection days under each scenario. While we did discuss and analyze a dual-trigger option that depended on a forecasted low threshold and a forecasted high threshold, we concluded that a simple high temperature threshold is much easier to implement and can achieve similar customer protections.

Based on the additional analysis and information presented within, the Joint Utilities are comfortable recommending the Commission adopt a forecasted high temperature threshold of 42 degrees as this significantly increases the number of severe weather moratorium days. While this is not our desired outcome, we feel it balances the interests put forth by the various stakeholders on this topic and provides greater protection for customers compared to what is currently in place.

**Table No. 1 – 2021 Severe Winter Weather Moratorium Days**

Moratorium Days						
Area	Current (High < 32)	Low < 32	High < 35	High < 40	High < 42	High < 45
<b>Avista</b>						
Grants Pass	11	28	16	32	41	55
Klamath Falls	4	94	10	23	28	41
La Grande	5	73	8	29	35	47
Medford	0	23	0	7	9	19
Roseburg	0	2	1	3	4	10
<b>Cascade</b>						
Baker, Malheur	6	94	13	30	36	52
Crook, Jefferson	6	49	9	16	17	27
Deschutes, Klamath	3	55	7	15	23	33
Morrow, Umatilla	8	42	13	18	22	30
<b>Idaho Power</b>						
Baker	11	91	20	47	52	70
Harney	10	99	13	26	36	55
Malheur	8	83	13	21	33	48
<b>NW Natural*</b>						
Albany	0	23	2	5	6	13
Astoria	1	22	3	5	8	14
Coos Bay	0	3	0	1	1	7
Eugene	0	22	1	3	6	9
Lincoln City	0	13	0	3	5	14
Portland	0	10	3	4	8	14
Salem	0	19	1	5	5	10
The Dalles	3	35	6	12	16	29
<b>Pacific Power</b>						
Benton	0	31	1	6	7	11
Crook	4	81	5	10	11	19
Deschutes	5	106	9	21	35	54
Douglas	12	109	22	55	64	78
Gilliam	3	39	5	10	18	22

Moratorium Days						
Area	Current (High < 32)	Low < 32	High < 35	High < 40	High < 42	High < 45
Hood River	16	79	34	57	68	82
Jackson	24	118	37	70	82	97
Jefferson	3	89	7	12	18	22
Josephine	13	79	20	42	57	65
Klamath	46	156	57	82	95	108
Lake	12	100	18	40	50	65
Lane	0	39	1	3	10	17
Linn	13	85	26	55	68	86
Marion	0	31	2	4	9	13
Multnomah	0	13	3	6	10	15
Polk	1	29	5	12	17	35
Sherman	2	65	6	13	19	23
Umatilla	10	84	14	23	30	39
Wallowa	28	113	49	73	81	90
Wasco	6	84	8	21	28	46
<b>PGE</b>						
Hillsboro	1	27	3	7	14	22
Portland	0	10	3	5	8	15
Salem	0	18	1	5	5	12
Troutdale	1	12	3	4	9	14

\*Counts reflect November through March, not the full 12 months

**Table No. 2 – 2021 Disconnection Days – 197 eligible disconnection days less the moratorium days from Table No 1 above (all months of the year, after excluding, Fridays, weekends and holidays and the day before a holiday; most days occur outside of winter months).**

Disconnection Days						
Area	Current (High < 32)	Low < 32	High < 35	High < 40	High < 42	High < 45
<b>Avista</b>						
Grants Pass	186	169	181	165	156	142
Klamath Falls	193	103	187	174	169	156
La Grande	192	124	189	168	162	150
Medford	197	174	197	190	188	178
Roseburg	197	195	196	194	193	187
<b>Cascade</b>						
Baker, Malheur	191	103	184	167	161	145
Crook, Jefferson	191	148	188	181	180	170
Deschutes, Klamath	194	142	190	182	174	164

Disconnection Days						
Area	Current (High < 32)	Low < 32	High < 35	High < 40	High < 42	High < 45
Morrow, Umatilla	189	155	184	179	175	167
<b>Idaho Power</b>						
Baker	186	106	177	150	145	127
Harney	187	98	184	171	161	142
Malheur	189	114	184	176	164	149
<b>NW Natural</b>						
Albany	197	174	195	192	191	184
Astoria	196	175	194	192	189	183
Coos Bay	197	194	197	196	196	190
Eugene	197	175	196	194	191	188
Lincoln City	197	184	197	194	192	183
Portland	197	187	194	193	189	183
Salem	197	178	196	192	192	187
The Dalles	194	162	191	185	181	168
<b>Pacific Power</b>						
Benton	197	166	196	191	190	186
Crook	193	116	192	187	186	178
Deschutes	192	91	188	176	162	143
Douglas	185	88	175	142	133	119
Gilliam	194	158	192	187	179	175
Hood River	181	118	163	140	129	115
Jackson	173	79	160	127	115	100
Jefferson	194	108	190	185	179	175
Josephine	184	118	177	155	140	132
Klamath	151	41	140	115	102	89
Lake	185	97	179	157	147	132
Lane	197	158	196	194	187	180
Linn	184	112	171	142	129	111
Marion	197	166	195	193	188	184
Multnomah	197	184	194	191	187	182
Polk	196	168	192	185	180	162
Sherman	195	132	191	184	178	174
Umatilla	187	113	183	174	167	158
Wallowa	169	84	148	124	116	107
Wasco	191	113	189	176	169	151
<b>PGE</b>						
Hillsboro	196	170	194	190	183	175
Portland	197	187	194	192	189	182

Disconnection Days						
Area	Current (High < 32)	Low < 32	High < 35	High < 40	High < 42	High < 45
Salem	197	179	196	192	192	185
Troutdale	196	185	194	193	188	183

Please direct any questions regarding these comments to Shawn Bonfield at 509-495-2782 or [shawn.bonfield@avistacorp.com](mailto:shawn.bonfield@avistacorp.com) or any of the Joint Utility representatives listed below.

Sincerely,

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*/s/ Connie Aschenbrenner*  
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