

April 25, 2022

Oregon Public Utility Commission (PUC)

Via e-mail only to: PUC.FILINGCENTER@puc.oregon.gov

Copy PUC Staff and counsel Michael Dougherty (Lead), Ezell Watkins, Michele Scala, Mark Brown, Johanna Riemenschneider

RE: UM 2114 SBUA Comments Following 4/6/22 Workshop Re Division 21 Rules

SBUA appreciates the time and attention of all participants in this rulemaking. The process initiated within the UM 2114 COVID-19 docket and includes to a certain extent the HB 2675 (2021). Having participated actively in the UM 2114 proceedings including April 6, 2022 workshop SBUA follows with these comments to Staff's revisions:

1) Regarding the consideration of late fees, SBUA offers the input from this source reviewing the topic on a national scale, and including observation of SBUA's expert in this docket, Danny Kermode CPA ("Kermode"). In this brief observation Kermode notes that the technology has impacted utility matters to reduce costs and that late fees should reduce or perhaps be eliminated accordingly. See:  
<https://abcnews.go.com/US/wireStory/food-power-energy-bill-late-fees-force-tough-83443171>

2) SBUA recommends removing ambiguity in the draft rules by including small commercial customers where indicated by the headings. There are several places in the rules where the heading is inclusive of small commercial customers yet the rule or rule revisions refer only to residential. This creates potential for ambiguous interpretation that a rulemaking could clarify by making rule headings consistent with the content. See examples: OAR 860-021-0126 Late-Payment Charge, OAR 860-021-0326 Disconnection of Gas or Electric Service to Tenants, OAR 860-021-0330 Reconnection Fee for Utility Service. SBUA suggests that in many if not most or all of these rules, Staff should include small commercial customers where they are examples where small commercial customers are similar to residential and should be treated similarly. For example, small commercial should be included where utility costs would be eliminated or at least reduced as explained in comment 1 above due to technology advances.

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3) SBUA is concerned about how Staff portrays data regarding small commercial arrearages and renews its request for a workshop on small commercial customers.<sup>1</sup>

Rather than swallowing the small commercial arrearage data in a general average as Staff does in its charts on pages 18 and 34<sup>2</sup>, SBUA recommends focusing on these persistent arrearages to review how to deal with them fairly and reasonably, and in so doing also to potentially gain very helpful insight on implementing HB 2475 (2021). SBUA proposes that a workshop to discuss this data would be worthwhile given the focus on low income residential customers in UM 2114 and the substantial Commission work implementing HB 2475 which identifies specific focus on “environmental justice communities”. See Section 5, HB 2475 (2021).

In addition to the observations submitted by expert Danny Kermode CPA previously in this docket,<sup>3</sup> SBUA offers an observation regarding 90+ day arrearages at this time, with one year of zip code data from UM 2114 reporting. Compiling from these publicly available sources, SBUA observes specific zip codes of persistent arrearages and also SBUA observes potential for correlation between areas of high level of EPA environmental justice factors and higher arrearage amounts. Specifically, after one year of data collection zip codes where these businesses are 90+ days in arrearsThe following charts depict the following:

SBUA includes with these comments two charts including data submitted by the utilities. Chart 1 shows the zip codes with the top three arrearages of small commercial customers and the number of those customers for each utility. Chart 2 shows the zip codes with the top arrearage amounts and the number of those customers in the City of Portland and a few specific areas including Beaverton and the central Coast. In both charts those zip codes depicted are correlated with locations as found in U.S. Environmental Protection Agency Environmental Justice mapping providing the environmental justice factors present in each location. NOTE: Each chart includes links to all sources of data for transparency and ready review.

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<sup>1</sup> See other requests for such workshop: Comments of Oregon Restaurant and Lodging (ORLA): <https://edocs.puc.state.or.us/efdocs/HAC/um2114hac131512.pdf> (and also ORLA Comments filed on 5/13/21); Comments by Marko Cook, Phoenix, Oregon filed 7/28/22, <https://edocs.puc.state.or.us/efdocs/HAC/um2114hac11447.pdf>; Comments by Ron White, BESThq LLC, filed 5/12/21, <https://edocs.puc.state.or.us/efdocs/HAC/um2114hac163115.pdf>; Comments filed by Benefit Corporations for Good, filed 6/3/21 <https://edocs.puc.state.or.us/efdocs/HAC/um2114hac163426.pdf>; Comments by James Parker, Community Chamber Coalition of Oregon, filed 5/13/21 <https://edocs.puc.state.or.us/efdocs/HAC/um2114hac121514.pdf>

<sup>2</sup> AR 653/UM 2114: Staff's Revised Division 21 rules based on Joint Utilities, Joint Advocates, SBUA, DOJ, and Staff reviews, filed 3/23/22, pp 18 & 34 <https://edocs.puc.state.or.us/efdocs/HAH/um2114hah174223.pdf> (Last accessed 4/25/22).

<sup>3</sup> Comments of Danny Kermode CPA filed in UM 2114 COVID-19 Impacts on utility customers, Exhibit 1 to SBUA Comments filed 11/5/21. <https://edocs.puc.state.or.us/efdocs/HAC/um2114hac134039.pdf>

4) SBUA comments that Staff's remarks regarding the availability of assistance to small business customers lacks important meaningful information such as the number of businesses seeking relief compared to the number of businesses successfully accessing relief, not to mention that such efforts are generally beyond the scope of usual small business operations.<sup>4</sup>

Respectfully submitted,



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<sup>4</sup> See Staff Comments, *supra* Note 1, pp 18 & 34.

Chart 1: Zip codes w/top 91+ days arrearage amounts and numbers /small commercial customers & EPA EJ score

OPUC Impacts of COVID-19 Pandemic on Utilities & Small Commercial Customer Arrearages: 91+ Days Status by Zip Code					
PGE (Small Commercial Customers)			IDAHO POWER (Small Commercial Customers)		
Zip Code	Arrearages (91+ EJ Indicators)		Zip Code	Arrearages (91+ D EJ Indicators)	
97068 (Oregon City)	\$62,346 (12) (LOW)	0 out of 12	97914 (Ontario)	\$3,108 (18) (HIGH)	12 out of 12
97217 (Portland)	\$38,676 (26) (MEDIUM)	4 out of 12	97834 (Halfway)	\$1,974 (6) (MEDIUM)	9 out of 12
97123 (Hillsboro)	\$38,470 (39) (HIGH)	12 out of 12	97913 (Nyssa)	\$1,474 (5) (HIGH)	12 out of 12
OPUC RE 188 PGE COVID-19 Monthly Report Feb'22: <a href="https://edocs.puc.state.or.us/efdocs/HAQ/re188haq114018.pdf">https://edocs.puc.state.or.us/efdocs/HAQ/re188haq114018.pdf</a>			OPUC RE 187 Idaho Power Covid Monthly Report Feb'22: <a href="https://edocs.puc.state.or.us/efdocs/HAQ/re187haq145048.pdf">https://edocs.puc.state.or.us/efdocs/HAQ/re187haq145048.pdf</a>		
PACIFIC POWER (Small Commercial Customers)			AVISTA (Small Commercial Customers)		
Zip Code	Arrearages (91+ EJ Indicators)		Zip Code	Arrearages (91+ D EJ Indicators)	
97803 (Klamath Falls)	\$140,385 (64) (HIGH)	11 out of 12	97850 (La Grande)	\$13,713 (8) (HIGH)	10 out of 12
97501 (Medford)	\$89,337 (52) (HIGH)	12 out of 12	97504 (Medford)	\$11,299 (15) (HIGH)	11 out of 12
97526 (Grants Pass)	\$69,638 (47) (HIGH)	12 out of 12	97526 (Grants Pass)	\$10,894 (20) (HIGH)	12 out of 12
OPUC RE 189 Pacific Power COVID-19 Monthly Report Feb'22: <a href="https://edocs.puc.state.or.us/efdocs/HAQ/re189haq153112.pdf">https://edocs.puc.state.or.us/efdocs/HAQ/re189haq153112.pdf</a>			OPUC RG 92 Avista COVID-19 Monthly Report Feb'22: <a href="https://edocs.puc.state.or.us/efdocs/HAQ/rg92haq12247.pdf">https://edocs.puc.state.or.us/efdocs/HAQ/rg92haq12247.pdf</a>		
NW NATURAL (Small Commercial Customers)			CASCADE NATURAL (Small Commercial Customers)		
Zip Code	Arrearages (91+ EJ Indicators)		Zip Code	Arrearages (91+ D EJ Indicators)	
97140 (Sherwood)	\$4,391 (4) (LOW)	0 out of 12	97702 (Bend)	10753 (2) (LOW)	1 out of 12
97212 (Portland)	\$3,793 (4) (MEDIUM)	3 out of 12	97731 (Chemult)	3134 (2) (MEDIUM)	12 out of 12
97206 (Portland)	\$3,212 (8) (MEDIUM)	4 out of 12	97754 (Prineville)	2456 (2) (MEDIUM)	11 out of 12
OPUC RG 94 NW Natural COVID-19 Monthly Report Feb'22: <a href="https://edocs.puc.state.or.us/efdocs/HAQ/rg94haq10412.pdf">https://edocs.puc.state.or.us/efdocs/HAQ/rg94haq10412.pdf</a>			RG 93 CASCADE (CNGC) COVID-19 Monthly Report Feb'22 <a href="https://edocs.puc.state.or.us/efdocs/HAQ/rg93haq135213.pdf">https://edocs.puc.state.or.us/efdocs/HAQ/rg93haq135213.pdf</a> (Data sheet on file with PUC Staff)		
<b>Environmental Justice (EJ ) Indicator Sources:</b>					
Oregon Health Authority Social Vulnerability Map: <a href="https://www.oregon.gov/oha/PH/HEALTHYENVIRONMENTS/CLIMATECHANGE/Documents/Social-Vulnerability-Assessment.pdf">https://www.oregon.gov/oha/PH/HEALTHYENVIRONMENTS/CLIMATECHANGE/Documents/Social-Vulnerability-Assessment.pdf</a>					
U.S. Environmental Protection Agency EJ Screen Tool: <a href="https://www.epa.gov/ejscreen/what-ejscreen">https://www.epa.gov/ejscreen/what-ejscreen</a>					
Compilation by: SBUA Guillermo Castillo					

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Chart 2: Zip codes w/ top 91+ days arrearages in City of Portland; central coast; Beaverton; Hillsboro & EPA EJ score

OPUC Impacts of COVID-19 Pandemic on Utilities & Small Commercial Customers: 91+ Days Arrearages Status by Zip Code						
PGE (Small Commercial Customers)		Zip Code (Small Commercial Customers)	PGE (91+ Days of Arrearages)	PAC (91+ Days of Arrearages)	NW Natural (91+ Days of Arrearages)	EJ Indicators
97217 (Portland)	\$38,676 (26) (MEDIUM)	97365 (Newport)	N/A	N/A	\$56.98 (1) (HIGH)	12 out of 12
97233 (Portland)	\$26,504 (42) (HIGH)	97367 (Lincoln City)	N/A	\$31,692 (18) (HIGH)	\$145.15 (4) (HIGH)	12 out of 12
97236 (Portland)	\$20,728 (21) (HIGH)	97005 (Beaverton)	\$4,899 (17) (MEDIUM)	N/A	\$313.96 (5) (HIGH)	12 out of 12
97205 (Portland)	\$17,994 (2) (MEDIUM)	97123 (Hillsboro)	\$38,470 (39) (HIGH)	N/A	\$700.92 (11) (HIGH)	12 out of 12
OPUC RE 188 PGE COVID-19 Monthly Report Feb'22: <a href="https://edocs.puc.state.or.us/efdocs/HAQ/re188haq114018.pdf">https://edocs.puc.state.or.us/efdocs/HAQ/re188haq114018.pdf</a>			OPUC RE 187 PGE COVID-19 Monthly Report Feb'22: <a href="https://edocs.puc.state.or.us/efdocs/HAQ/re187haq145048.pdf">https://edocs.puc.state.or.us/efdocs/HAQ/re187haq145048.pdf</a>			
OPUC RE 189 Pacific Power COVID-19 Monthly Report Feb'22: <a href="https://edocs.puc.state.or.us/efdocs/HAQ/re189haq153112.pdf">https://edocs.puc.state.or.us/efdocs/HAQ/re189haq153112.pdf</a>			OPUC RE 188 Pacific Power COVID-19 Monthly Report Feb'22: <a href="https://edocs.puc.state.or.us/efdocs/HAQ/re188haq114018.pdf">https://edocs.puc.state.or.us/efdocs/HAQ/re188haq114018.pdf</a>			
OPUC RE 189 Pacific Power COVID-19 Monthly Report Feb'22: <a href="https://edocs.puc.state.or.us/efdocs/HAQ/re189haq153112.pdf">https://edocs.puc.state.or.us/efdocs/HAQ/re189haq153112.pdf</a>			OPUC RG 94 NW Natural COVID-19 Monthly Report Feb'22: <a href="https://edocs.puc.state.or.us/efdocs/HAQ/rg94haq10412.pdf">https://edocs.puc.state.or.us/efdocs/HAQ/rg94haq10412.pdf</a>			
PACIFIC POWER (Small Commercial Customers)		NW NATURAL (Small Commercial Customers)				
Zip Code	Arrearages (91+ EJ Indicators)	Zip Code	Arrearages (91+ EJ Indicators)			
97220 (Portland)	\$54,417 (39) (HIGH)	97212 (Portland)	\$3,793.22 (4) (MEDIUM)		3 out of 12	
97211 (Portland)	\$50,832 (45) (LOW)	97206 (Portland)	\$3,212.62 (8) (LOW)		4 out of 12	
97227 (Portland)	\$29,968 (12) (MEDIUM)	97227 (Portland)	\$1,982.64 (4) (MEDIUM)		4 out of 12	
97217 (Portland)	\$25,888 (12) (MEDIUM)	97266 (Portland)	\$1,754.90 (13) (HIGH)		12 out of 12	
OPUC RE 189 PAC COVID-19 Monthly Report Feb'22: <a href="https://edocs.puc.state.or.us/efdocs/HAQ/re189haq153112.pdf">https://edocs.puc.state.or.us/efdocs/HAQ/re189haq153112.pdf</a>			OPUC RG 94 NW Natural COVID-19 Monthly Report Feb'22: <a href="https://edocs.puc.state.or.us/efdocs/HAQ/rg94haq10412.pdf">https://edocs.puc.state.or.us/efdocs/HAQ/rg94haq10412.pdf</a>			
<b>Environmental Justice (EJ ) Indicator Sources:</b>						
Oregon Health Authority Social Vulnerability Map: <a href="https://www.oregon.gov/oha/PH/HEALTHYENVIRONMENTS/CLIMATECHANGE/Documents/Social-Vulnerability-Assessment.pdf">https://www.oregon.gov/oha/PH/HEALTHYENVIRONMENTS/CLIMATECHANGE/Documents/Social-Vulnerability-Assessment.pdf</a>						
U.S. Environmental Protection Agency EJ Screen Tool: <a href="https://www.epa.gov/ejscreen/what-ejscreen">https://www.epa.gov/ejscreen/what-ejscreen</a>						
Compilation by: Guillermo Castillo						

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