

**PUBLIC UTILITY COMMISSION OF OREGON  
AHD REPORT  
PUBLIC MEETING DATE: September 20, 2022**

**REGULAR** \_\_\_ **CONSENT** \_\_\_ **RULEMAKING**  X  **EFFECTIVE DATE**  N/A

**DATE:** September 19, 2022

**TO:** Public Utility Commission

**FROM:** John Mellgren

**THROUGH:** Nolan Moser **SIGNED**

**SUBJECT:** OREGON PUBLIC UTILITY COMMISSION ADMINISTRATIVE HEARINGS DIVISION: (Docket No. AR 653) Adopt Rules for Chapter 860, Division 21 to strengthen energy customer low-income protections.

**AHD RECOMMENDATION:**

Adopt the proposed permanent rules as attached in Attachment 1.

**DISCUSSION:**

Issue

Whether the Public Utility Commission of Oregon (Commission) should adopt the amended and proposed rules for Chapter 860, Division 21 to strengthen energy customer low-income protections.

Applicable Law or Rule

Pursuant to ORS 756.060, the Commission “may adopt and amend reasonable and proper rules and regulations relative to all statutes administered by the commission...”

Under ORS 756.090, a utility must keep and maintain records as required by the Commission. The Commission may require a utility to furnish information to carry into effect the provisions of ORS Chapters 756, 757, 758, and 759, per ORS 756.105.

## Analysis

### *Background*

On March 8, 2020, Governor Brown declared a statewide state of emergency due to the public health threat posed by the novel infectious coronavirus, COVID-19. Subsequently, several extensions of that order were issued. On March 17, 2022, Governor Brown issued Executive Order (EO) 22-03, which rescinded EO 20-03, EO 21-36, and EO 21-29. On September 24, 2020, the Commission authorized Staff and the affected investor-owned energy utilities and stakeholders to execute a stipulation that was developed during the Commission's Investigation into the Effects of the COVID-19 Pandemic on Utility Customers.<sup>1</sup>

During the timeframe between September 24, 2020, and October 23, 2020, parties to UM 2114 refined the Energy Term Sheet and Stipulated Agreement on terms and conditions to assist customers and utilities during the current COVID-19 pandemic and the aftermath of the pandemic. Parties include, though are not limited to: energy utilities, Clackamas County Social Services, Community Action Partnership of Oregon (CAPO), Community Action Agency of Washington County, Community Energy Project (CEP), Multnomah County Office of Sustainability (MCOS), NW Energy Coalition (NVEC), Oregon Citizens' Utility Board (CUB), and Verde. This stipulation expires on October 1, 2022, and hence the rules subject of this proceeding must be adopted by that date to retain and expand the protections outlined in the stipulation.

On June 10, 2022, the Commission issued Order No. 22-214, approving Staff's recommendation to open this rulemaking to address and update Division 21 rules, addressing the issues associated with the above-mentioned stipulation, and to address other issues as suggested by stakeholders.

In this rulemaking, the Commission held a workshop and rulemaking hearing on July 21, 2022, requested several rounds of comments, and held a second rulemaking hearing on September 1, 2022. The written comment period in this rulemaking closed on September 7, 2022.

### *Proposed Rules*

Below, we address each of Staff's proposed rules, stakeholder comments, and offer a recommended resolution reflected in the attached rules.

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<sup>1</sup> *In the Matter of Public Utility Commission of Oregon Investigation into the Effects of the COVID-19 Pandemic on Utility Customers*; Docket No. UM 2114, Order No. 20-324 (Oct 2, 2020).

### **OAR 860-021-0008: Definitions**

This rule defines terms used in Division 21. Staff proposes revisions to the existing definitions and adds a new definition. Staff's proposed revisions include removing references to "his/her," changing Consumer Services "Division" to "Section," and other small administrative changes. These revisions are not controversial.

Staff proposes adding a definition for the term "Low-income residential customer." In docket UM 2114, Joint Advocates submitted comments asking for an expanded definition. In response, Staff included revisions in OAR 860-021-0180 responsive to the comments. On August 22, 2022, the Joint Utilities submitted comments on Staff's proposed definition for "Low-income residential customer" and suggested the phrase "or applicant" be removed because "[c]ustomers and applicants are specifically different terms, and an applicant should not be considered a customer." The Joint Utilities' comments note "[e]xcept for charging a deposit or reconnect fee to an applicant, all of Division 21's low-income protections are for customers."

#### *AHD Recommendation:*

Adopt Staff's proposed revisions. We do not recommend accepting the Joint Utilities proposed removal of "or applicant" as this could create ambiguity with respect to eligibility terms discussed elsewhere in rules.

### **OAR 860-021-0010: Information for Utility Customers and Applicants**

This rule outlines requirements for certain types of information to be transmitted from utilities to customers. Staff proposes multiple revisions to the existing rule to (1) better reflect modern technologies to distribute information to customers; (2) remove references to "his/her;" (3) change Consumer Services "Division" to "Section," and other small administrative changes. These revisions are not controversial.

#### *AHD Recommendation:*

Adopt Staff's proposed revisions.

### **OAR 860-021-0011: Multilingual Notices**

This rule outlines requirements for certain utilities to include multilingual notices in disconnect notices. Staff proposes minor revisions to the existing rule to (1) change "consumer" to "customer;" and (2) better account for different methods for utilities to transmit information to customers. These revisions are not controversial.

#### *AHD Recommendation:*

Adopt Staff's proposed revisions.

### **OAR 860-021-0015: Dispute Resolution**

This rule outlines requirements for dispute resolution between a customer or applicant and a utility. Staff proposes minor revisions to the existing rule to (1) correctly label the Commission's Consumer Services Section; (2) update contact information; and (3) update methods by which hearings are conducted. These revisions are not controversial.

#### *AHD Recommendation:*

Adopt Staff's proposed revisions.

### **OAR 860-021-0021: Interruption of Utility Service**

This rule outlines requirements related to the interruption of utility service. Staff proposes revisions to the existing rule, including (1) adding "employees" to the list of groups whose safety utilities should consider when dealing with an interruption of service; and (2) adding "electronically" to the list of acceptable ways to provide notice to a customer of a scheduled interruption of utility service. These revisions are not controversial.

Staff proposes adding language to the existing rule that would require utilities to provide notice to the Commission when an interruption of service lasts longer than 21 days. Such notice would be required to include: (1) the reasons for the continued interruption; (2) the efforts to that date that the utility has taken to restore service; and (3) what additional events or measures are required to restore service.

On July 15, 2022, Joint Advocates submitted comments expressing "concern about customers experiencing disconnection for more than 21 days" and wondering "how the Commission plans on utilizing the information that it will gather during this notification process." Joint Advocates recognize that a natural disaster may present challenges to restoring service, but propose the following addition to the existing rule:

(4) If interruption of energy service lasts for more than 7 days, the utility shall provide alternative means of electricity service or compensation to the customer. This rule only applies to service interruption incidents that affect less than 100 people.

#### *AHD Recommendation:*

We agree with Joint Advocates that 21 days is a long time to be without utility service. However, we do not agree that Joint Advocates' proposed addition to the existing rule is warranted at this time. Given the fact-specific nature of interruptions in utility service, we believe Staff's proposed addition is a necessary first step to ensure the Commission

is aware of any customers experiencing a lengthy service interruption. The Commission has existing tools to address issues with unwarranted and lengthy utility service interruptions when it becomes aware of such events.

Staff's proposed language does not specify when notice to the Commission will occur when a customer is experiencing an interruption of service that lasts longer than 21 days. Accordingly, we recommend the Commission require such notice to be provided promptly.

Adopt Staff's proposed addition to existing rule requiring notification to the Commission of service interruptions lasting longer than 21 days with an amendment to require that notice be given to the Commission "promptly."

### **OAR 860-021-0045: Installation of Electric Service**

Staff proposes minor revisions to the existing rule, including removing references to "his/her." These revisions are not controversial.

*AHD Recommendation:*

Adopt Staff's proposed revisions.

### **OAR 860-021-0126: Late-Payment Charge**

This rule outlines when and under what conditions an energy or large telecommunications utility may apply a late-payment charge to a customer account. Staff proposed adding a provision prohibiting an energy utility from imposing late payment charges on the accounts of low-income residential customers.<sup>2</sup> This addition is not controversial.

*AHD Recommendation:*

Adopt Staff's proposed addition.

### **OAR 860-021-0135: Adjustment of Utility Bills**

Staff proposes a minor revision to the existing rule that changes the term "consumer" to "customer." This revision is not controversial.

*AHD Recommendation:*

Adopt Staff's proposed revision.

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<sup>2</sup> The term "low-income residential customer" is defined in the proposed addition to OAR 860-021-0008, discussed above.

## **OAR 860-021-0180: Verification of Eligibility for Low-Income Residential Customer**

Staff proposes this new rule to establish the requirements for a residential customer to qualify as an eligible low-income residential customer. Staff proposes the following categories of individuals qualify as eligible low-income residential customers: (1) a recipient of energy assistance through the Low-Income Home Energy Assistance Program (LI HEAP), the Oregon Energy Assistance Program (OEAP), or an energy assistance program offered by an energy utility; and (2) a customer enrolled in any of the utility's income-qualified energy assistance programs, including any program offered by a utility to residential customers based on differential energy burdens based on factors that affect affordability per ORS 757.230(1). Staff proposes that energy utilities may allow a customer to self-certify as an eligible low-income residential customer based on income that is at or below 60 percent of the Oregon state median income or participation in other low-income assistance programs offered in Oregon. Staff proposes allowing an energy utility to require low-income residential customers to verify or recertify eligibility as a low-income residential customer on an annual basis.

On August 22, 2022, the Joint Utilities submitted comments proposing edits to Staff's proposed rule language. First, the Joint Utilities propose adding a requirement that to be considered an eligible low-income residential customer based on receiving LI HEAP or OEAP assistance, that they have received such assistance "within at least the past 12 months." The Joint Utilities explain this is "to recognize that Energy Assistance isn't an ongoing status and that some time interval needs to be assumed." Second, the Joint Utilities propose that a residential customer qualify as an eligible low-income residential customer if the customer "qualifies to enroll in any program offered by a utility to residential customers based on differential energy burdens based on factors that affect affordability pursuant to ORS 757.230(1)." Third, the Joint Utilities propose a minor technical edit to remove an extra "or" in the Staff-proposed rule.

On July 15, 2022, Joint Advocates submitted comments proposing "customers with medical certificates and some of the Functional and Access Needs/At-Risk Populations" be included in the proposed rule and afforded Division 21 protections "in recognition that households are vulnerable to disconnection for more reasons than just income." Joint Advocates' comments explain "[u]tilities have the knowledge and a process for identifying their customers with medical certificates." Joint Advocates disagree with Staff's reasoning for not addressing these populations in the Division 21 rules, explaining that just "because it is difficult to identify" these populations do not mean they do not need protections. In response to similar comments during the informal phase of these proceedings, Staff explained it "continue[d] to believe that the current focus should be low-income protections" and that "utilities do not have the ability to identify customers that may fall into *Functional and Access Needs/At Risk Populations*."

*AHD Recommendation:*

We recommend adoption of the Joint Utilities' proposed edits to remove an extra "or" from the proposed rule and to allow a residential customer to qualify as an eligible low-income residential customer if the customer "qualifies to enroll in any program offered by a utility to residential customers based on differential energy burdens based on factors that affect affordability pursuant to ORS 757.230(1)."

We do not recommend adoption of Joint Advocates' proposed expansion of the categories of individuals afforded Division 21 protections at this time. Although it is true that individuals with functional and access needs have unique circumstances that may warrant additional protections, there are no specific proposals nor concrete examples from other jurisdictions implementing such protections. Joint Advocates may work with organizations specifically working with these communities to develop easily implementable proposals for Commission consideration in the future.

Except for the Joint Utilities' proposed edits adopted above, we recommend adoption of Staff's proposed revisions.

**OAR 860-021-0200: Establishing Credit for Residential Utility Service**

This rule outlines the requirements for an applicant or customer to demonstrate satisfactory credit for new or continuing residential utility service, and circumstances in which an individual may need to pay a deposit for such service. Staff proposes revisions to the existing rule to (1) clarify the requirements for demonstrating satisfactory credit; (2) remove the ability of a utility to collect a deposit for low-income residential customers when the requirements of subsection (2)(b) would otherwise allow the collection of such a deposit; and (3) clarify methods of establishing credit in lieu of paying a deposit.

On July 15, 2022, Joint Advocates submitted comments on Staff's proposed rule revisions asking the Commission to disallow utilities from collecting deposits from any residential customers. Joint Advocates note the proposed revisions continue "to demand other means of establishing credit," including "proving prior service \* \* \* or providing a written surety agreement[,]" and that such policies "might easily defeat the purpose of getting low-income populations connected." To address this issue, Joint Advocates propose adding the following language to the final rule: "Low-income residential customers are exempt from the requirement to demonstrate satisfactory credit for new or continuing service."

On August 22, 2022, the Joint Utilities submitted comments on Staff's proposed rule revisions to OAR 860-021-0215 suggesting the addition of a sentence in OAR 860-021-0200 to clarify that low-income residential customers not be required to pay a deposit for utility service.

*AHD Recommendation:*

Adopt Staff's proposed additions and revisions, except for an amendment to Section (2).

Although Joint Advocates comments are well taken, we do not recommend the Commission adopt their recommendations at this time. While we generally agree with Joint Advocates' comments on the language clarifying that low-income residential customers not be required to pay a deposit for utility service, we disagree with Joint Advocates' proposed solution.

Staff's proposed addition to Section (2) only applies to one of the subsections, when the intent was for it to apply to the entire Section. We recommend amending Staff's proposed addition so that it applies to all of Section (2).

**OAR 860-021-0205: Deposit Payment Arrangements for Residential Energy Utility Service**

This rule establishes the requirements under which an energy utility may require a deposit for service. Staff proposes revisions to the existing rule to (1) modify the timing requirements for when deposit installment payments are due; and (2) clarify that low-income residential customers will not be required to pay a deposit for utility service.

On July 15, 2022, Joint Advocates submitted comments on Staff's proposed rule revisions asking the Commission to disallow utilities from collecting deposits from any residential customers.

On August 22, 2022, the Joint Utilities submitted comments on Staff's proposed rule revisions expressing "support [for] the proposed change" but recommending that the final sentence of Section (1) be moved to OAR 860-021-0200.<sup>3</sup>

*AHD Recommendation:*

We do not recommend adopting the changes proposed by Joint Advocates at this time.

We agree with the Joint Utilities' proposal to include the identified sentence prohibiting an energy utility from collecting a deposit from a low-income residential customer in OAR 860-021-0200, however we believe there is value in retaining the sentence in this rule. The addition of that sentence in OAR 860-021-0200 is discussed above.

We recommend the Commission adopt Staff's proposed revisions.

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<sup>3</sup> The final sentence of Section (1) in Staff's proposed revision reads: "An energy utility shall not require a low-income residential customer to pay a deposit."



### **OAR 860-021-0215: Refund of Deposits for Residential and Nonresidential Utility Service**

This rule establishes the circumstances under which a utility must return a customer deposit. Staff proposes an addition to the rule to direct utilities to either apply already-collected or soon-to-be collected low-income residential customer deposits to the customer's account or mail a refund check to the customer's last-known address.

On July 15, 2022, Joint Advocates submitted comments on Staff's proposed rule revisions asking the Commission to disallow utilities from collecting deposits from any residential customers.

On August 22, 2022, the Joint Utilities submitted comments on Staff's proposed rule revisions asking for further revisions allowing utilities to refund customers with electronic payments and to correct a reference to the correct rule.

#### *AHD Recommendation:*

We do not recommend adopting the changes proposed by Joint Advocates at this time.

We agree with the Joint Utilities' suggested revisions to allow utilities to refund customers with an electronic payment and to add a correct reference to OAR 860-021-0205. We recommend adopting Staff's proposed addition with the Joint Utilities' suggested revisions.

### **OAR 860-021-0305: Grounds for Disconnecting Utility Service**

This rule establishes the reasons for which a utility may disconnect service to a customer. Staff proposes revisions and additions to the rule to (1) clarify that the number of days means calendar days; (2) allow utilities to disconnect service when a customer fails to disclose reasonably accurate customer load information which results in damage to utility equipment; and (3) require energy utilities to make best efforts to perform service disconnections between the hours of 8:00 a.m. and 2:00 p.m. to facilitate responsive, same-day reconnection of service.

On July 15, 2022, Joint Advocates submitted comments expressing strong support for the proposed language requiring energy utilities to make best efforts to perform service disconnections between the hours of 8:00 a.m. and 2:00 p.m.

On July 15, 2022, the Joint Utilities submitted comments asking that "electric utilities who can perform remote reconnections...be excluded from the requirement to perform service disconnections for non-payment between the hours of 8:00 a.m. and 2:00 p.m."

On August 22, 2022, the Joint Utilities submitted comments requesting a minor typographic edit to Section (3) of the rule: “(3) When the customer fails to pay Oregon tariffed or price-listed charges due for services rendered.”

*AHD Recommendation:*

We do not recommend adopting the Joint Utilities’ July 15, 2022 request that electric utilities who can perform remote reconnections be excluded from Staff’s proposed revisions requiring utilities to make best efforts to perform service disconnections between the hours of 8:00 a.m. and 2:00 p.m. All electric utility customers would benefit from the service disconnection window proposed by Staff.

We recommend adopting Staff’s proposed additions and revisions with the Joint Utilities’ August 22, 2022 requested technical revision to Section (3) of the rule.

**OAR 860-021-0320: Disconnection of Service on Weekends and Holidays**

This rule prohibits utilities from disconnecting utility service for nonpayment on a weekend or state- or utility-recognized holiday, or the Friday before such a holiday. Staff proposes a minor revision to the rule to reflect that the Commission’s Consumer Services Section is not a Division. This revision is not controversial.

*AHD Recommendation:*

Adopt Staff’s proposed revision.

**OAR 860-021-0326: Disconnection of Gas or Electric Service to Tenants**

This rule establishes the notice requirements that an energy utility must follow before disconnecting service to a tenant or suspected tenant of a residence. Staff proposes revisions to clarify the requirements for contacting a tenant when there is a possible disconnection and to reflect that the Commission’s Consumer Services Section is not a Division. These revisions are not controversial.

*AHD Recommendation:*

Adopt Staff’s proposed revision.

**OAR 860-021-0328: Reconnection of Residential Energy Utility Service**

This rule establishes the requirements for a customer to reconnect service after a disconnection. Staff proposes revisions to (1) require energy utilities to provide a means by which an applicant or customer can contact the utility to apply for verification as a low-income residential customer; (2) add a reference to utility-recognized holidays; and (3) add a reference to OAR 860-021-0330. These revisions are not controversial.

On August 22, 2022, the Joint Utilities submitted comments suggesting an edit to fix a typographic error in Section 3(b).

*AHD Recommendation:*

Adopt Staff's proposed revisions and the Joint Utilities' suggested revision.

**OAR 860-021-0330: Reconnection Fee for Utility Service**

This rule establishes the circumstances under which a utility may charge a fee for the reconnection of services. Staff proposes additions to the existing rule to waive certain reconnection fees for low-income residential customers. The proposed additions would waive the fees associated with the first two reconnections in a calendar year for low-income residential customers of an electric utility with the ability to perform remote reconnections. The proposed additions would waive the fees associated with the first reconnection in a calendar year for low-income residential customers of an electric utility that does not have the ability to perform remote reconnections and for natural gas utilities.

On July 15, 2022, Joint Advocates submitted comments explaining that "After Hours Reconnects should also be eligible for low-income fee waivers, especially when they can be completed remotely." Joint Advocates proposed that "after-hours reconnections should be included in the fee waiver" if the Commission does not adopt the disconnection time window proposed for OAR 860-021-0305. Finally, Joint Advocates propose increasing the cap on reconnection fee waivers for low-income residential customers.

*AHD Recommendation:*

Adopt Staff's proposed additions.

We recognize Joint Advocates' desire for a greater cap on reconnection fee waivers for low-income residential customers but believe Staff's proposal represents an improvement over the current situation and provides a reasonable middle-ground between protecting low-income residential customers and the increased cost on utilities for performing multiple reconnections.

**OAR 860-021-0335: Refusal of Utility Service**

This rule establishes the circumstances under which a utility may refuse to provide service to a customer or applicant. Staff proposes revisions to the existing rule to (1) add a reference to OAR 860-021-0330 (reconnection fee for utility service); (2) state that an energy utility may not require a deposit to be paid by a low-income residential customer; (3) change the amount of time a customer has to pay the remainder of any

overdue balance from 30 days to two subsequent billing cycles; and (4) make other minor clarifying edits to the existing rule.

On August 22, 2022, the Joint Utilities submitted comments asking for an edit to remove the second use of the phrase “an Oregon” in Section (1) of the existing rule. The Joint Utilities state the inclusion of this phrase “appears to be a typographical error and could be removed to align with similar verbiage in section (2) of this rule.”

*AHD Recommendation:*

We do not recommend implementing the Joint Utilities’ requested change as it may result in substantive impacts. We recommend adopting Staff’s proposed additions.

**OAR 860-021-0405: Notice of Pending Disconnection of Residential Electric or Gas Utility Service**

This rule establishes the requirements a utility must follow when crafting and serving a notice of a pending disconnection. Staff proposes revisions to the existing rule to (1) allow electronic service of disconnection notices; (2) change the 15-day notice of disconnection period to a 20-day notice of disconnection period; (3) for energy utilities with remote disconnection capabilities, change the requirements for attempted personal contact with the customer to once, at least two days prior to the expected date of disconnection, and if that attempt is via telephone and an answering machine or service is available, leave a message informing the customer of the proposed disconnection; and (4) require that if an energy utility has a policy to not allow collections at the door, its representative attempt to notify the customer of methods to pay any outstanding balance or a reasonable partial payment to prevent disconnection and delay disconnection by a minimum of 24 hours for the customer to make adequate payments.

Staff’s proposed revisions to the existing rule garnered significant public comment and discussion. Given the significance and impact of some of these changes, we address each in turn.

*i. Electronic service of disconnection notices*

The proposal to allow disconnection notices to be served via electronic means or first-class mail is not controversial.

*AHD Recommendation:*

Adopt Staff’s proposed revisions related to electronic service of disconnection notices.

*ii. Notice communication timeframe*

One goal for this rulemaking stemming from focus groups conducted by Brown Hope during the informal process was to give residential customers additional time and breathing room to make sufficient payments to prevent utility service disconnection. One reason additional time would be helpful for some customers is that it might get individuals to their next paycheck before having their utility service disconnected. Staff proposed to extend the allowable timeframe from service of a disconnection notice to disconnection from 15 days to 20 days.

On July 15, 2022, Joint Advocates submitted comments “strongly support[ing]” the proposed change.

On July 15, 2022, the Joint Utilities submitted comments noting they “continue to be concerned about customer confusion in changing the requirement of a 15-day notice to a 20-day notice.” The Joint Utilities explain the utilities already provide a grace period between when a bill is due until when a disconnection notice is sent, and that some utilities would “need to shorten that grace period in order to accommodate this change.” This would result in customers receiving past due notices earlier and some customers receiving new disconnection notices before the utility is able to disconnect for the initial disconnection notice.

On August 22, 2022, Joint Advocates submitted additional comments providing background on the need for this change, including that Brown Hope’s report after the completion of focus groups “specifically recommended extending the time between notice and disconnection to 45 days.”<sup>4</sup> In response to statements from the Joint Utilities that imposing a 20-day notice requirement might not result in additional time before a disconnection because the utilities might reduce the grace period, Joint Advocates proposed compromise language that would amend OAR 860-021-0125 to extend the due date for bills to not less than 30 days. Joint Advocates explain that this change, in addition to the 20-day notice requirement, would give customers 50-days from bill to disconnection.

On August 22, 2022, the Joint Utilities submitted additional comments “appreciate[ing] the importance of responding to customer feedback provided in focus groups” and providing data on estimated timelines and costs for implementation of 20-day disconnection notices.

On September 7, 2022, the Joint Utilities submitted additional comments “affirm[ing] that adoption of Staff’s proposed language...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.” We read this to mean that the Joint Utilities will be able to implement Staff’s proposed change to the notice period, and that they intend to do so by affording customers an extra 5 days before having their utility service disconnected.

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<sup>4</sup> Brown Hope’s report was filed in docket no. UM 2114 on December 13, 2021.

On September 7, 2022, Staff submitted comments expressing continued support for the proposed change from 15-day to 20-day notice letters. Staff's comments also explained "that utilities could request a waiver to this portion of the rule until systems are modified to allow for the change" and that granting such waiver requests would "allow more time for utilities to modify systems, if needed, to avoid any confusion for customers and still allow the rule making to take effect..."

*AHD Recommendation:*

Adopt Staff's proposed revision to extend the allowable timeframe from service of a disconnection notice to disconnection from 15 days to 20 days.

*iii. Changes to customer contact requirements before disconnections*

Staff proposes to change the requirements for attempted personal contact with the customer to once, at least two days prior to the expected date of disconnection for energy utilities with remote disconnection capabilities.

On July 15, 2022, Joint Advocates noted this reduces the number of calls required before remotely disconnecting a customer and could result in surprise disconnections. Joint Advocates suggested that energy utilities be required to place a second call immediately before the remote disconnection, and for customers with a cell phone number, that energy utilities also be required to send a text message immediately before the remote disconnection.

*AHD Recommendation:*

Adopt Staff's proposed revisions.

*iv. Cash collections at-the-door*

Staff proposes to allow energy utilities to decide whether they wish to allow their employees to collect payment, including cash, at the door of a residential customer to avoid a utility disconnection. If an energy utility has a policy to not allow collections at the door, Staff's proposed additions would require the utility's representative to attempt to notify the customer of methods to pay the outstanding balance or a reasonable partial payment to prevent disconnection and delay disconnection by a minimum of 24 hours for the customer to make adequate payments. The reason for Staff's proposal is that three utilities already have Commission-approved waivers that allow them to not collect payment at the door, energy utilities have expanded the means for customers to pay their bills, and the Commission's Consumer Services Section was unable to locate any complaints from customers about not being able to pay their bill at the door.

On July 15, 2022, Joint Advocates submitted comments expressing opposition to eliminating “the process that allows utilities to seek waivers to refuse to accept ‘cash at the door’ when about to perform a disconnection.” Joint Advocates disagreed with Staff’s safety concerns for utility staff and urge the Commission to prioritize avoiding disconnections by continuing to require payment at the door. Ultimately, Joint Advocates support the compromise to require delaying disconnection by 24 hours as a “minimum step.” Joint Advocates also proposed a compromise to place “a cap on the amount of money to be tendered at the door to prevent service disconnection.”

On July 15, 2022, the Joint Utilities submitted comments seeking clarification on the intent behind the proposal “to provide 24 hours for a customer to make adequate payment.”

On August 22, 2022, Joint Advocates submitted comments reiterating their position that the “Commission should require utilities to receive cash at the door or retain the 24-hour language in Staff’s proposal.” Joint Advocates explained that “due to racial and economic injustice, disconnections disproportionately impact those with low-incomes, customers from Black, Indigenous, and other People of Color (BIPOC) communities, and other marginalized households.” Although Joint Advocates would prefer the existing rule be amended “to require utilities to accept a customer’s payment at their home when offered[,]” they ultimately support Staff’s 24-hour delay proposal.

On August 22, 2022, PGE submitted comments explaining it received approval from the Commission “to cease field collections from Customers for overdue billed amounts prior to disconnecting service.” PGE explained it sought this waiver “to ensure employee safety by not allowing employees to carry cash in the field.” PGE noted it offers several ways for customers to pay their bill, including fee-free cash options. PGE also explained that if it “is required to delay disconnections regardless of whether a Customer specifically requests additional time to make a payment, this will cause a significant increase in the number of truck rolls which will result in increased costs of business and a potential impact to customer rates.” PGE concluded with a request that the proposed 24-hour delay before disconnections “not be accepted.”

On September 7, 2022, Joint Advocates submitted comments reiterating their position that the Commission should “require utilities to accept customer payment ‘at the door’.” Joint Advocates note \$462,511 was collected in the field over a six-month period in 2021-22, and of that total, \$4,063 was collected from 21 low-income residential customers. Joint Advocates explain “[t]hose 21 customers are exactly who HB 2475 aims to protect.” Joint Advocates ask the Commission to consider expanding Staff’s proposed delay in disconnection to 72 hours to give customers “time to find a way to a payment location...as well as time to take care of child care, or other necessary solutions to address additional barriers that accessing traditional options present.”

On September 7, 2022, PGE submitted comments noting it “continues to support Staff’s recommendation which allows the utility to determine its own policy on accepting

payments at the door” and asked for a modification to Staff’s proposed language to “better align expected impacts with the stated goal of providing customers sufficient time to make an in-person payment to avoid disconnection for non-payment[.]” PGE asks the Commission to add the phrase “If the customer indicates they can make a payment” to the language requiring a 24-hour delay before a disconnection.

On September 7, 2022, Staff submitted comments reaffirming its support for the proposed amendments related to acceptance of payment in the field. Staff explained the proposed amendments would “allow utilities the flexibility to continue to receive cash payments to avoid disconnecting service and balance the needs of unbanked, past due customers.” Staff notes that the proposed amendments would give utilities a choice of whether to accept payments in the field or provide customers with an additional 24 hours to make a payment on their account. Staff believes the 24-hour delay proposal “strikes a balance between the safety of the utility’s field personnel and the ability for unbanked customers to make a last-minute payment to avoid service disconnection.”

*AHD Recommendation:*

We believe Staff’s proposal reasonably balances the safety of utility employees working in the field with the needs of unbanked and other customers for whom a 24-hour delay in disconnection provides essential time to avoid a disconnection. We therefore recommend declining to adopt the proposals from Joint Advocates and PGE.

Adopt Staff’s proposed additions.

*v. The Joint Utilities editorial amendment request*

On August 22, 2022, the Joint Utilities submitted comments that included a minor editorial amendment request for OAR 860-021-0405. In the proposed additions to Section (11), the Joint Utilities “[r]ecommend the addition of commas around ‘as determined by the utility’ for readability and the removal of the redundant ‘for the customer.’”

*AHD Recommendation:*

We agree with the Joint Utilities’ proposed amendments to Staff’s proposed additions to Section (11) and recommend adopting them.

**OAR 860-021-0406: Wildfire Displacement Protection**

This rule establishes protections for customers displaced by a wildfire evacuation order. Staff proposes a new rule to protect residential and commercial customers under certain wildfire evacuation notices from disconnection for nonpayment.



On August 22, 2022, the Joint Utilities submitted comments requesting minor editorial amendments to Section (4) of Staff's proposed additions. The Joint Utilities ask that the word "protections" be added after the phrase "wildfire displacement" and that a hyphen be added in the phrase "community based."

*AHD Recommendation:*

We recommend adopting Staff's proposed additions with the inclusion of the Joint Utilities' proposed amendments.

**OAR 860-021-0407: Severe Weather Moratorium on Disconnection of Residential and Small Commercial Electric or Gas Utility Service for Nonpayment**

This rule establishes protections for customers during severe weather conditions. Staff proposes revisions to the existing rule to (1) add small commercial customers to the rule; (2) add language requiring a disconnection moratorium for residential customers when a winter storm warning is issued; (3) require a disconnection moratorium for residential customers anytime a temperature of less than 32 degrees is forecasted to occur in an area; (4) require a disconnection moratorium for residential and small commercial customers when the Air Quality Index is at or above 100; (5) require a utility to make best efforts to reconnect service for a customer who has been disconnected for nonpayment within the previous 72 hours of a severe weather or air quality condition; and (6) other minor technical changes to the existing rule.

On July 15, 2022, Joint Advocates submitted comments urging the Commission to be more protective of human health in setting limits for severe weather moratoria. Joint Advocates explained that using a high of 32 as the threshold has failed to protect customers when overnight low temperatures were in the 20s, yet the daytime high was still above 32 degrees. Joint Advocates noted the Staff proposed revisions were an improvement on the existing rule and support the removal of the "forecasted high" language and the addition of the "winter storm warning" language. Joint Advocates suggested that utilities be "required to engage in outreach to disconnected customers during severe weather events." Joint Advocates requested the addition of a moratorium on disconnections "when a weather or air quality event is forecasted within the next 48 or 72 hours."

On July 15, 2022, the Joint Utilities submitted comments expressing concerns that Staff's proposed revisions would preclude "disconnections in much of the Fall, Winter, and even Spring." The Joint Utilities explained that "[i]t is not uncommon for many cities in Oregon to have a 15-20 degree difference between the high and low projections and typically the low temperatures occur in the middle of the night when a utility would not be completing disconnections." The Joint Utilities also asked that the winter storm warning language from Staff's proposed revisions be removed "as a storm warning can often be brief or a nonevent." The Joint Utilities explain the language requiring "reconnecting customers who were disconnected in the previous 72 hours of the severe

weather moratorium, there could be customers who are disconnected and reconnected multiple times in a week.” Finally, the Joint Utilities suggested a compromise that would raise the disconnection moratorium temperature threshold to a high temperature below 35 degrees to “provide further customer protections in severe weather situations while not being impacted by a wide temperature swing throughout the day.”

On August 22, 2022, Joint Advocates submitted comments urging the Commission to adopt Staff’s proposed revisions “or adopt a threshold based on the number of hours at or below the freezing point.” Joint Advocates note that Staff’s proposal “is a good compromise—it does not go as far as we would like to see, but at least brings us in line with many other states.” Joint Advocates also conducted an analysis and produced a table showing its calculations for how many days a severe cold weather moratorium would be in effect for four locations in Oregon under the different policy proposals. Joint Advocates urged the Commission to reject the Joint Utilities’ proposal as “not sufficiently protective of human health.” Joint Advocates urged the Commission to retain Staff’s proposed winter storm warning language and to add language requiring a disconnection moratorium “when severe weather is expected within the next 72 hours.”

On August 22, 2022, the Joint Utilities submitted comments expressing continued concern about Staff’s proposed revisions and providing responses to Staff’s information request on the topic. The Joint Utilities noted “the temperature in Oregon can sometimes fluctuate 15-20 degrees, and occasionally even up to 30 degrees, in a single day, especially in the late Fall or early Spring.” The Joint Utilities assert “maintaining a ‘high’ temperature threshold is the best option compared to the alternative of a ‘low’ temperature threshold, or both a ‘high’ and ‘low’ temperature threshold within a single day.” The Joint Utilities reiterated their suggestion to increase the temperature threshold to a high temperature below 35 degrees. The Joint Utilities also provided tables and data in response to Staff’s information request to show the actual effects of the proposals on the different utilities.

On September 7, 2022, Joint Advocates submitted comments reiterating their support for Staff’s proposed revisions “or a threshold based on the number of hours at or below the freezing point.” Joint Advocates urged the Commission to adopt Staff’s proposed revisions “because it is the most protective approach to severe weather moratoria, as well as common, simple, and reasonable.” In the event the Commission rejects Staff’s proposed revisions, Joint Advocates urged the Commission to “adopt a moratorium on days when the temperature is forecasted to be at 32 degrees or below for four or more hours over the next 24 hours.” Joint Advocates suggest this alternative proposal would address concerns with imposing a disconnection moratorium on days when the temperature only briefly dips below 32 degrees. Joint Advocates also noted that while they “explored a variation of Staff’s proposal that would have that rule in place seasonally” they ultimately did not believe that approach would be sufficiently protective of human health. Joint Advocates conducted an analysis and produced data similar to that included in their August 22, 2022 comments to show the effects of the various proposals on the number of severe cold weather moratorium days.

On September 7, 2022, the Joint Utilities submitted comments noting they “do not support [Staff’s] proposed change.” The Joint Utilities also noted Staff’s presentation of data regarding winter weather moratorium days masked the localized impacts felt in certain parts of the state by combining the data across geographies. The Joint Utilities prepared additional analysis and produced additional data showing the number of winter weather moratorium days based on different thresholds. The Joint Utilities offer a compromise proposal that: (1) restricts the severe winter weather moratorium to November through March; and (2) increasing the forecasted high temperature threshold that triggers a severe winter weather moratorium to 42 degrees.

On September 7, 2022, Staff submitted comments expressing their continued support for their proposed revisions. Staff’s comments used data from the Joint Utilities to conduct an additional analysis and produce data for the Commission’s consideration. Staff’s analysis concluded “the current threshold of a high of 32 degrees offer minimal protections for customers from freezing weather” and that “balancing the health and welfare of customers outweighs the impact on a little used method for collecting debt.” Staff’s comments also offered “an alternative edit for the Commission’s consideration.” This proposal would impose a severe winter weather disconnection moratorium from December to February when the temperature is forecast to be less than 32 degrees. Finally, Staff notes that the existing rules allow utilities to seek approval of an alternative cold weather program, such as the program in place for Idaho Power’s Oregon customers, which would allow a utility to not be subject to the cold weather moratorium rules for areas subject to such an alternative program.

*AHD Recommendation:*

The purpose behind the proposed changes to the severe cold weather moratorium rules was to protect customers from losing utility service, and therefore the ability to heat their homes, when confronted with severe cold temperatures. Given that goal, the regulations should protect people from losing utility service whenever severe cold weather occurs, even if it occurs more frequently in certain parts of Oregon.

At the September 1, 2022 rulemaking hearing Commissioners challenged stakeholders to consider alternatives to Staff’s proposal that addressed the specific concerns of their constituencies. As outlined above, the Joint Advocates, Joint Utilities, and Staff have developed alternative proposals for Commission consideration. In Attachment 1, we propose to adopt Staff’s original proposal given the purpose of the severe coal weather moratorium rule; however, we note that Commissioners have not had the opportunity to discuss together the various alternatives offered by stakeholders in their final written comments. Accordingly, our recommendation on this issue is presented for discussion purposes, and the alternatives presented by stakeholders are may supplant this recommendation after Commission deliberation.

**OAR 860-021-0408: Disconnect Reporting Rule**

This rule establishes a requirement for energy utilities to file a quarterly report with the Commission regarding disconnections. Staff proposed adding small commercial customers to the existing rule. Staff's proposal is not controversial.

On September 7, 2022, Small Business Utility Advocates submitted comments expressing appreciation for the addition of "small commercial" to several existing rules that otherwise only protected residential customers.

*AHD Recommendation:*

Adopt Staff's proposed additions to the existing rule.

**OAR 860-021-0410: Emergency Medical Certificate for Residential Electric and Gas Service**

This rule establishes the requirements for a customer to certify a medical condition for which disconnection would significantly endanger the physical health of the customer or another member of the household, as well as the circumstances under which a utility may disconnect a customer that has provided such certification. Staff proposed (1) adding language to allow a residential customer to self-certify or obtain an oral certification from a medical professional that disconnection would significantly endanger the physical health of the customer or a member of the customer's household; and (2) require that any self-certification or oral certification from a medical professional be confirmed in writing within 30 days by a qualified medical professional. Staff's proposal is not controversial.

On August 22, 2022, the Joint Utilities submitted comments suggesting minor edits to Staff's proposed language, including to make the phrase "residential customer" possessive in Staff's proposed addition to Section (2) and align the timeframe for a disconnection notice with the proposed changes to OAR 860-021-0405(5).

*AHD Recommendation:*

Adopt Staff's proposed language with the addition of the Joint Utilities' proposed edits.

**OAR 860-021-0414: Equal-Payment Plans for Residential and Small Commercial Electric and Gas Service**

This rule establishes the requirements under which electric and gas utilities must provide equal payment plans to residential and small commercial customers. Staff proposed adding small commercial customers to the existing rule. Staff's proposal is not controversial.

On September 7, 2022, Small Business Utility Advocates submitted comments expressing appreciation for the addition of “small commercial” to several existing rules that otherwise only protected residential customers.

*AHD Recommendation:*

Adopt Staff’s proposed additions to the existing rule.

**OAR 860-021-0415: Time-Payment Agreements for Residential Electric and Gas Service (Nonmedical Certificate Customers)**

This rule establishes the requirements for time-payment agreements and the circumstances under which a customer may obtain an alternate payment arrangement and under which a utility may disconnect a customer with a payment arrangement. Staff proposes revisions and additions to the existing rule to: (1) allow energy utilities and residential customers to negotiate time-payment agreements of longer duration than the standard plan allowed by the existing rule; (2) allow residential customers whose financial condition changes during the term of a time-payment agreement to renegotiate payment agreements at least one time under the same terms allowed by the rule; and (3) align the timeframe for a disconnection notice with the proposed changes to OAR 860-021-0405(5).

On July 15, 2022, Joint Advocates submitted comments urging the Commission to allow customers to “choose a payment plan of up to 24 months” and questioning Staff’s and the Joint Utilities’ conclusions that increased payment terms lead to increased defaults. We appreciate Joint Advocates’ comments, however in the absence of data supporting their contentions, we are inclined to agree with Staff’s proposal.

On August 22, 2022, the Joint Utilities submitted comments suggesting edits to improve the readability of Staff’s proposed language for Section (5). The Joint Utilities’ proposed edits are well-taken; however, we choose to make different edits to improve the readability of Section (5).

*AHD Recommendation:*

Adopt Staff’s proposed revisions and additions to the existing rule, however Section (5) is amended to read: “A customer whose financial condition changes during the term of a time-payment agreement and who defaults on such an agreement may renegotiate their time-payment agreement at least one time under the same terms specified above.”

**OAR 860-021-0420: Field Visit Charge**

This rule establishes the circumstances under which an energy utility may charge a fee for visits to a residential service address. Staff proposes an addition to the existing rule

to require an energy utility to waive the first field visit charge to low-income residential customers. This addition is not controversial.

On August 22, 2022, the Joint Utilities submitted comments requesting minor edits to Staff's proposed language. These edits included fixing a typographic error that changes the word "filed" to "field" and adding the phrase "within a 12-month window" to Staff's proposed addition. The Joint Utilities' proposed edits are well taken.

*AHD Recommendation:*

Adopt Staff's proposed language with the addition of the Joint Utilities' proposed edits.

**OAR 860-021-0505: Disconnection Procedures for All Commercial Electric and Gas Utility Customers and All Customers of Large Telecommunications Utilities**

This rule establishes the procedures a utility must follow before disconnecting service to any customers. Staff proposes adding "electronically" to the list of acceptable ways to serve a disconnection notice for consistency with other rules in Division 21.

On August 22, 2022, the Joint Utilities submitted comments suggesting the addition of the phrase "electronic transmittal" to Section (5) for consistency with similar language used in other rules in Division 21.

*AHD Recommendation:*

Adopt Staff's proposed language with the addition of the Joint Utilities' proposed edits.

**Fiscal and Economic Impact**

On July 15, 2022, the Joint Utilities submitted comments expressing their concern that "a few of the proposed Division 21 rule changes will require Customer Information System (CIS) configuration modifications (some of which may take months to incorporate), as well as process changes, to implement the rules as proposed. As such, the Joint Utilities are concerned about their respective ability to comply with the modified Division 21 rules when a final determination will be made less than a month prior to the effective date of said rule modifications." The Joint Utilities provided some additional information regarding time and cost estimates for implementation of the proposed rule changes in their comments filed August 22, 2022. Some utilities anticipate incurring minimal costs associated with information technology changes to implement the proposed rules, others indicate those costs have yet to be determined. The Joint Utilities also indicate varying amounts of additional time is needed to fully implement the proposed changes. The time periods provided as estimates are generally beyond the proposed effective date of October 1, 2022.

Many of the customer protections adopted by the Commission to address the effects of the COVID-19 pandemic in docket UM 2114 will no longer be in effect after October 1, 2022. The Commission believes it is important to adopt the proposed rules with the October 1, 2022 effective date because they incorporate and build on the protections adopted in Order No. 20-401 on a permanent basis without allowing for a time gap in which those protections are not available for customers. If there are specific new provisions that a utility cannot immediately implement, the Commission acknowledges, as Staff noted in its comments, that the utility may request a waiver of those provisions to allow sufficient time for any necessary system modifications.

### **Collection of demographic information**

The Commission received written and oral comments regarding the addition of a provision to allow utilities to collect demographic data. Staff declined to include language regarding the collection of demographic information because “this is an issue that requires more investigation including cooperation and collaboration with Oregon Housing and Community Services (OHCS).”

On July 15, 2022, August 22, 2022, and September 7, 2022, Joint Advocates submitted comments supporting the inclusion of language regarding the ability of utilities to collect demographic data. Joint Advocates specifically supported language discussed during the informal process:

(4) An energy utility may request that an applicant provide demographic information when applying for service, including race, ethnicity, age, and gender. A utility that collects such data must store the data in a manner that does not permit the identification of the applicant or customer with the collected demographic data. An energy utility shall not sell this data to affiliates or third-party entities.

Alternatively, Joint Advocates suggested including the following language in OAR 860-021-0010:

(9) An energy utility may provide a utility customer and applicant with the opportunity to provide demographic information when applying for service, including race, ethnicity, age, and gender. A utility that collects such data must store the data in a manner that does not permit the identification of the applicant or customer with the collected demographic data. An energy utility shall not sell this data to affiliates or third-party entities.

We agree with Joint Advocates that until utilities begin collecting demographic data, the Commission will be hamstrung in its efforts to implement protections for disadvantaged communities. Knowing how different policies and procedures impact different communities is vitally important for complying with the mandates of HB 2475 to consider differential energy burdens on low-income customers and other economic, social equity

or environmental justice factors. Accordingly, the attached draft rules contain a specific proposal, modeled on Staff's original proposed language that permit a utility to collect this data.

**PROPOSED COMMISSION MOTION:**

Adopt permanent rule changes as set forth in Attachment 1.



Division 21

AMEND: 860-021-0008

RULE TITLE: Definitions for Regulation of Utility Service

RULE SUMMARY: This rule defines terms used in Division 21

RULE TEXT:

(1) “Applicant” means a person who:

- (a) Applies for service with an energy or large telecommunications utility;
- (b) Reapplies for service at a new or existing location after service has been discontinued; or
- (c) Has not satisfied the requirements of OAR 860-021-0205 or 860-021-0335(2) within the required time period, if either rule is applicable.

(2) “Co-customer” means a person who meets the definition of “customer” and is jointly responsible with another person for utility service payments on an account with the energy or large telecommunications utility. If only one co-customer discontinues service in ~~his/her~~their name, the remaining co-customer shall only retain customer status if ~~they/he~~they reapplyies for service in ~~their/his/her~~their own name within 20 days of such discontinuance, provided the energy or large telecommunications utility contacts the remaining co-customer or sends the remaining co-customer a written-request for an application within one business day of the discontinuance.

(3) “Customer” means a person who has applied for, been accepted, and is currently receiving service. Notwithstanding section (1) of this rule, a customer who voluntarily disconnects service and later requests service with the same utility at a new or existing location within 20 days after disconnection retains customer status.

(4) “Energy utility” has the meaning given to a public utility in ORS 757.005, except water and wastewater. An energy utility can be an “electric company,” “gas utility,” or “steam heat utility.”

(5) “Large telecommunications utility” means any telecommunications utility, as defined in ORS 759.005, that is not partially exempt from regulation under ORS 759.040.

(6) “Local exchange service” has the meaning given to “local exchange telecommunications service” in ORS 759.005(1)(c).

**(7) “Low-income residential customer” means a customer or applicant whose eligibility has been verified under OAR 860-021-0180.**

(~~7~~**8**) “OTAP” has the meaning given to “Oregon Telephone Assistance Program” in OAR ~~C~~chapter 860, ~~D~~ivision 033.

(~~8~~**9**) “Registered dispute” means an unresolved issue between a customer or applicant and an energy or large telecommunications utility that is under investigation by the Commission’s Consumer Services ~~D~~ivision Section but is not the subject of a formal complaint.

(~~9~~**10**) “Regulated charges” means charges for services delivered in Oregon and subject to the jurisdiction and approval of the Commission.

(~~10~~**11**) “Utility” means all large telecommunications and energy utilities, as defined in sections (4) and (5) of this rule, except when a more limited scope is explicitly stated.

STATUTORY/OTHER AUTHORITY: ORS 183, 756, 757 & 759

STATUTES/OTHER IMPLEMENTED: ORS 756.010, 757.005 & 759.005, 757.230

AMEND: 860-021-0010

RULE TITLE: Information for Utility Customers and Applicants

RULE SUMMARY: This rule establishes the requirements regarding information that utilities must provide to customers and applicants.

RULE TEXT:

- (1) Each energy utility and large telecommunications utility shall, upon request, furnish each customer and applicant with such information as is reasonable to permit ~~him/her~~ **the customer** to secure efficient service and select appliances properly adapted to their service needs. Gas utilities shall, upon request, inspect and adjust customer-owned appliances and facilities for safe and efficient operation.
- (2) Each energy utility or large telecommunications utility providing metered service shall, upon request, inform its customers and applicants how to read meters, either in writing or by explanation at the utility's offices, **where applicable**.
- (3) Each energy utility or large telecommunications utility shall keep on file and open for public inspection at its offices, **where applicable**, complete rate schedules, contract forms, rules and regulations of the utility, and a copy of the Commission's rules and regulations.
- (4) Each energy utility or large telecommunications utility shall supply, upon request, a copy of the tariffs applicable to the type or types of service furnished to the customer by the utility.
- (5) Upon application for new service, or upon later request, the energy or large telecommunications utility shall assist the customer or applicant in selecting the most advantageous rate to meet individual service requirements. The customer or applicant shall be responsible for making the final selection of a rate schedule.
- (6) When service is initiated and not less than once each year thereafter, every energy or large telecommunications utility shall give its residential customers a written summary of their rights and responsibilities, as they relate to the utility providing service. If service is initiated without a personal visit between the energy or large telecommunications utility and the customer, the utility shall ~~provide~~ **mail** the summary to the customer no later than when the first bill statement is ~~sent~~ **mailed**. Large telecommunications utilities satisfy the annual notification requirement by prominent publication of the information in a telephone directory ~~distributed to their customers annually~~. The summary shall include the text of a summary reviewed and approved by the Commission's Consumer Services ~~Division~~ **Section** and describe:
  - (a) The customer's option to designate a third party to receive bills and notices and the availability of notices in languages other than English;
  - (b) Applicable financial assistance programs, such as the Energy Assistance Fund for gas utilities and electric companies and Link-Up America for telecommunications utilities;

- (c) The availability of medical certificates;
- (d) Special payment options such as equal-payment plans. Late-payment charges, if any, shall be explained, along with the availability of any preferred billing date option;
- (e) Procedures for conflict resolution, including how to register a dispute with the energy or large telecommunications utility and with the Commission and the toll-free number of the Commission's Consumer Services ~~Division~~Section;
- (f) Listings of ~~consumer~~customer organizations that participate in Commission proceedings, including addresses and telephone numbers, may be requested from the Commission's Consumer Services ~~Division~~Section; and
- (g) The Commission's telephone solicitation rules (telecommunications utilities only) as ~~defined~~set forth in OAR 860-021-0610(1)(a).
- (7) When service is initiated, the energy or large telecommunications utility shall inquire whether the customer would like to receive notices in a language other than English and will inform the customer of the type of notices and translations currently available. If the language chosen is not available, the energy or large telecommunications utility will tell the customer the translated version does not yet exist but the customer's interest will be recorded for the Commission. Each energy or large telecommunications utility shall report to the Commission the number of requests for notices and summaries in non-English languages. The reports shall specify the number of requests for each language.
- (8) Each energy or large telecommunications utility shall post notices approved by the Commission in a conspicuous place in each utility office, **where applicable**, where credit matters are transacted, setting forth the rights and responsibilities of customers under these rules. The notices shall be printed in large boldface type and shall be written in language that is easy to understand.
- (9) An energy utility may request that an applicant provide demographic information when applying for service, including race, ethnicity, age and gender. A utility that collects such data must store the data in a manner that does not permit the identification of the applicant or customer with the collected demographic data. An energy utility shall not sell this data to affiliates or third-party entities.**

AMEND: 860-021-0011

RULE TITLE: Multilingual Notices

RULE SUMMARY: This rule provides the requirements for utilities to provide notices related to disconnection of service in multiple languages.

RULE TEXT:

(1) All energy utilities' and large telecommunications utilities' disconnect notices shall contain the following information translated into Spanish, Vietnamese, Cambodian, Laotian, and Russian:

IMPORTANT NOTICE: Your (electric, gas, or telephone) services will be shut off due to an unpaid balance on your account. You must act immediately to avoid shutoff. Important information about how you can avoid shutoff is printed in English in the enclosed notice. If you cannot understand English, please find someone to translate the notice. If translation assistance is unavailable, please contact (name) at (phone number) who will try to help you. Information on customer's rights and responsibilities printed in this language is also available by calling that number. **YOU MUST ACT NOW TO AVOID SHUTOFF.**

(2) The Commission will translate a ~~consumer's~~**customer's** rights and responsibilities summary into the designated non-English languages and provide copies to utilities. The customer information published by an energy or large telecommunications utility pursuant to OAR 860-021-0010 shall prominently display the following information printed in the designated non-English languages, in boldface, at the beginning of the summary:

A version of a ~~consumer~~**customer** rights and responsibilities summary printed in this language is available by calling (name of utility) at (phone number).

(3) The energy or large telecommunications utility shall record all requests and promptly ~~send mail~~ the requested version of the summary to the ~~consumer~~**customer**.

STATUTORY/OTHER AUTHORITY: ORS 183, 756, 757 & 759

STATUTES/OTHER IMPLEMENTED: ORS 756.040 & Ch. 290 & OL 1987

AMEND: 860-021-0015

RULE TITLE: Dispute Resolution

RULE SUMMARY: This rule governs the procedures for dispute resolution between customers or applications and utilities.

RULE TEXT:

(1) When a dispute occurs between a customer or applicant and a utility about any charge or service, the utility must:

- (a) Thoroughly investigate the matter;
- (b) Promptly report the results of its investigation to the complainant;
- (c) Inform the complainant of the right to have a utility supervisor review any dispute;
- (d) Prepare a written record of the dispute including the name and address of the complainant involved, the date the complaint was received, the issues in dispute, and the disposition of the matter; and
- (e) Retain records of the dispute for at least 36 months after the investigation is closed.

(2) If the utility and complainant cannot resolve the dispute, the utility must inform the complainant of the right to contact the **Commission's** Consumer Services Section and request assistance in resolving the dispute. The utility must provide the following contact information for the **Commission's** Consumer Services Section:

- (a) Telephone: 503-378-6600; 1-800-522-2404; TTY 711;
- (b) Mailing address: Public Utility Commission of Oregon, Consumer Services Section, PO Box 1088, Salem, Oregon 97308;
- (c) Physical address: Public Utility Commission of Oregon, 201 High Street SE, Suite 100, Salem, Oregon 97301;
- (d) Electronic mail address: ~~puc.consumer@state.or.us~~ **puc.consumer@puc.oregon.gov**; and
- (e) Website: ~~http://www.puc.state.or.us/consumer/customer%20complaint%20process.pdf~~ .  
**https://apps.puc.state.or.us/consumer/complaint.asp**.

(3) The Consumer Services Section will investigate any dispute upon request to determine whether it can be resolved as an informal complaint.

(4) If the Consumer Services Section cannot resolve the dispute, the complainant may file a formal written complaint with the Commission under ORS 756.500. The formal complaint must be submitted on an approved form available from the Consumer Services Section.

(a) The complaint must be filed electronically with the Filing Center at PUC.FilingCenter@puc.oregon.gov ~~state.or.us~~.

(b) If complainant does not have access to electronic mail,

(A) The complaint may be mailed, faxed, or delivered to the Filing Center at the address set out in OAR 860-001-0140; and

(B) The complaint must include a request for waiver of electronic service and filing requirements. This request is included on the form available from the Commission's Consumer Services ~~Division~~Section.

(c) The Commission will serve the complaint on the utility. The Commission may electronically serve the utility with the complaint if the electronic mail address is verified prior to service of the complaint and the delivery receipt is maintained in the official file.

(d) The utility must answer the complaint within 15 days of service of the complaint by the Commission.

(e) The Commission will determine a procedural schedule after the utility's answer is filed. The utility must serve a copy of its answer on the complainant.

(A) If the utility files a motion to dismiss, the complainant may file a response within 15 days of the motion. If the complainant responds, the complainant must file the response with the Filing Center and send a copy to the utility. The Commission may make a decision on the formal complaint based on the information in the complaint, the utility's response and motion to dismiss, and the complainant's response to the utility's motion; or

(B) The Commission may set a procedural schedule for the complaint proceedings, including but not limited to, scheduling dates for receiving additional information from the parties, telephone conferences, or a hearing. A hearing may be held on less than 10 days' notice when good cause is shown.

(5) Upon filing a formal complaint, the complainant may request a hearing to determine whether the complainant is entitled to continued or restored service pending the resolution of the complaint. Unless extraordinary circumstances exist, the Commission will conduct the hearing electronically ~~by telephone~~ within 3 business days. Notice of the hearing will be provided to the complainant and the utility at least 12 hours before the date and time of the hearing. Pending resolution of the dispute, the complainant's obligation to pay undisputed amounts continues.

(6) A complainant who has a registered dispute or formal complaint pending with the Commission is entitled to continued or restored service ~~provided~~when:

(a) Service was not terminated for tampering with utility property, stealing, diverting, or using unauthorized service, or failure to establish credit;

(b) A bona fide dispute exists in which the facts asserted entitle the complainant to service;

(c) ~~When~~ Termination is based on nonpayment, and the customer agrees to pay undisputed charges; and

(d) The complainant diligently pursues conflict resolution under the Commission's rules.

(7) If the conditions in section (6) of this rule are not satisfied, the utility has no obligation to provide continued service. A utility discontinuing service because of a failure to meet the conditions of subsections (6)(c) or (6)(d) of this rule must give the customer five-day notice served in the same manner as provided by OAR 860-021-0405 or 860-021-0505, whichever applies, except the notice need only describe the defect in performance, the date and time when utility service will terminate, and the toll-free number of the Commission's Consumer Services ~~Division~~Section.

STATUTORY/OTHER AUTHORITY: ORS 183, 756, 757 & 759

STATUTES/OTHER IMPLEMENTED: ORS 756.040, 756.500 & 756.512



REPEAL: 860-021-0021

RULE TITLE: Interruption of Utility Service

RULE SUMMARY: This rule governs procedures for utilities concerning interruptions of service.

RULE TEXT:

(1) Each energy or large telecommunications utility shall keep a record of any interruption of service affecting its whole system, or a major section thereof, including a statement of the time, duration, and cause of interruption.

(2) Each energy or large telecommunications utility shall make all reasonable efforts to prevent interruptions of service. When such interruptions occur, the energy or large telecommunications utility shall endeavor to reestablish service with the shortest possible delay consistent with the safety of its customers, employees, and the general public.

**(3) In cases when the interruption of service lasts longer than 21 days, the utility shall promptly notify the Commission; and provide the reasons for the continued interruption, the efforts to that date that the utility had taken to restore service, and what additional events or measures are required to restore service.**

~~(34)~~ Each energy or large telecommunications utility shall make reasonable efforts to notify every customer affected in advance of any scheduled work that will interrupt service, but such notice shall not be required in case of interruption due to emergency repairs or for repairs or maintenance work performed by a telecommunications utility that results in an interruption of less than five minutes. All scheduled interruptions shall be made at a time causing minimum inconvenience to customers. In determining reasonable notice, the energy or large telecommunications utility shall consider the length of the planned interruption, the type and number of customers affected, the potential impact of the interruption on customers, and other surrounding circumstances. Notice may be given in writing, either via US mail, electronically, or a door hanger on the affected premises, or by contact with the customer or an adult at the residence by personal visit or by telephone.

~~(45)~~ In addition to the requirements above, electric utilities shall comply with OAR 860-023-0080~~1~~ through 860-023-0160~~1~~, which set additional requirements for electric service reliability and reporting.

STATUTORY/OTHER AUTHORITY: ORS 183, 756, 757 & 759

STATUTES/OTHER IMPLEMENTED: ORS 756.040

AMEND: 860-021-0045

RULE TITLE: Installation of Electric Service

RULE SUMMARY: This rule establishes the requirements for the installation of electric service by utility companies.

RULE TEXT:

(1) For the connection of its distribution system to the customer's premises, an electric company shall, with the exceptions provided under its extension rules, furnish service connections to the customer's service entrance.

(2) The electric company shall furnish, own, operate, maintain, and replace the service connections with the exceptions as may be listed in these rules or its tariff for line extensions.

(3) The service entrance on a customer's premises shall be so located as to make the meter and service easily accessible from the electric company's distribution lines and convenient for the installation, operation, and maintenance of the company's meters and equipment.

(4) The electric company will not be required to install or maintain more than one service connection directly from its distribution lines to the premises of any customer. Each customer may be required to install and maintain, at ~~his/her~~**their** own expense, all wiring and equipment needed to be installed on ~~their~~**his/her** premises to enable the company to furnish and meter, at a single point on the customer's premises, all service to be used by the customer. If conditions make it advisable for the company to use a single connection from its distribution line to furnish service to two or more customers on the same or different premises, the service connection shall be of adequate capacity for the purpose, and the service furnished to each customer shall be metered and billed separately.

STATUTORY/OTHER AUTHORITY: ORS 183, 756 & 757

STATUTES/OTHER IMPLEMENTED: ORS 756.040

AMEND: 860-021-0126

RULE TITLE: Late Payment Charge

RULE SUMMARY: This rule governs the circumstances under which utilities may charge fees for late payments.

RULE TEXT:

(1) Except as provided in section (2) of this rule, an energy or large telecommunications utility may apply a late-payment charge to customer accounts not paid in full each month, provided the utility has filed the late-payment charge in its rate schedule.

(2) An energy utility shall not impose late-payment charges on residential customers unless:

(a) The energy utility offers residential customers a preferred billing date option under which the customer can select or change a bill date. Utilities shall not be required to change a customer's bill date more than once in any 12-month period;

(b) The energy utility's rate schedule provides that the late charge is not applied on residential balances less than \$200; or

(c) The charge is applied only to amounts carried forward for two consecutive months.

**(3) An energy utility shall not impose late-payment charges on the accounts of low-income residential customers.**

~~(3)~~ (4) The charge will be based on a monthly late-payment rate applied to overdue account balances at the time of preparing the subsequent month's bill for residential accounts or by the bill due date for all other accounts. The late-payment charge may not be applied to time-payment or equal-payment accounts that are current. The Commission will determine the late-payment rate based on a survey of prevailing market rates for late-payment charges of commercial enterprises and will advise all utilities of the changes in the rate they may use to determine late-payment charges on overdue customer accounts as needed. The current late-payment rate and the conditions for its application to customer accounts shall be specified on the energy or large telecommunications utility bill.

STATUTORY/OTHER AUTHORITY: ORS 183 & 756

STATUTES/OTHER IMPLEMENTED: ORS 756.040, 757.230

AMEND: 860-021-135

RULE TITLE: Adjustment of Utility Bills

RULE SUMMARY: This rule directs utilities to take corrective action when it has incorrectly billed customers and establishes the requirements that utilities must follow regarding that corrective action.

RULE TEXT:

(1) Except as provided in section (7) of this rule, when a large telecommunications utility has incorrectly billed a customer, the large telecommunications utility must take corrective action as follows:

(a) If the date of the error can be determined, the large telecommunications utility must issue a bill credit or refund for the over charge or a corrected bill for the under charge back to such date. If the date of the error cannot be determined, the large telecommunications utility must refund the over charge or rebill the under charge for no more than six months' usage.

(b) In no event may a large telecommunications utility issue a corrected bill or refund for more than three years of incorrectly billed charges.

(2) Except as provided in sections (6) and (7) of this rule, if an energy utility determines that a current or former customer of the energy utility was under-billed or over-billed for a service provided by the energy utility under rate schedules or tariffs in effect when the service was provided:

(a) The energy utility may issue a bill to collect amounts previously under-billed during the 12-month period ending on the date on which the customer or former customer was last under-billed. The energy utility may not bill for services provided more than two years before the date the energy utility discovered the under-billing.

(b) The energy utility must issue a refund or bill credit for amounts previously over-billed during the 12-month period ending on the date on which the customer or former customer was last over-billed. The energy utility is not required to issue a refund or bill credit for amounts over-billed more than three years before the date the energy utility discovered the over-billing.

(3) Notwithstanding subsections (1)(a) and (2)(a) of this rule, if the under-billing was the result of fraud, tampering, diversion, theft, misinformation, false identification, or other unlawful conduct on the part of the customer or former customer of the energy or large telecommunications utility, the utility may collect full payment for any amount owed without limitation.

(4) When a utility issues a bill to collect under-billed amounts, a current or former customer of an energy utility, or current customer of a telecommunications utility, may enter into a time-payment agreement as provided in OAR 860-021-0415. If the utility customer is already on a time-payment plan, the utility must offer to renegotiate the payment plan to include the under-

billing error. If the customer and utility cannot agree upon payment terms, the Commission will establish terms and conditions to govern the customers' obligation. This section does not apply if the corrected billing is the result of the conditions listed in section (3) of this rule.

(5) When an energy or large telecommunications utility requires payment for amounts previously under-billed, the utility must provide a written notice that explains:

(a) The circumstance and time period of the under-billing;

(b) The corrected bill amount and the amount of the necessary adjustment;

(c) The Commission's ~~consumer~~customer complaint process; and

(d) The right of current or former customers of an energy utility or current customers of a telecommunications utility to enter into a time-payment agreement with the utility.

(6) A billing adjustment is not required if an electric or gas meter registers less than a two percent error under conditions of normal operation.

(7) The energy or large telecommunications utility may waive rebilling or issuing a refund check when costs make such action uneconomical.

STATUTORY/OTHER AUTHORITY: ORS 183, 756, 757 & 759

STATUTES/OTHER IMPLEMENTED: ORS 756.040 & 757.250

AMEND: 860-021-0180

RULE TITLE: Verification of Eligibility for Low-Income Residential Customers

RULE SUMMARY: This rule establishes the requirements for a residential customer to qualify as an eligible low-income residential customer.

RULE TEXT:

**(1) A residential customer shall qualify as an eligible low-income residential customer for purposes of these Division 21 rules through the following methods:**

**(a) The customer is a recipient of energy assistance within the past 12 months through the Low-Income Home Energy Assistance Program (LI HEAP) or the Oregon Energy Assistance Program (OEAP) or an energy assistance program offered by an energy utility; or**

**(b) The customer is enrolled in any of the utility's income-qualified energy assistance programs or qualifies to enroll in any program offered by a utility to residential customers based on differential energy burdens based on factors that affect affordability pursuant to ORS 757.230(1).**

**(2) An energy utility may allow a customer to self-certify as an eligible low-income residential customer based on income that is at or below 60 percent of the Oregon state median income or participation in other low-income assistance programs offered in Oregon.**

**(3) An energy utility may require a low-income residential customer to verify or recertify eligibility as per section (1) of this rule on an annual basis if the customer is to remain an eligible low-income residential customer.**

STATUTORY/OTHER AUTHORITY: ORS 183, 756, 757 & 759

STATUTES/OTHER IMPLEMENTED: ORS 757.230

AMEND: 860-021-0200

RULE TITLE: Establishing Credit for Residential Utility Service

RULE SUMMARY: This rule governs the requirements for customers to demonstrate satisfactory credit to establish new or continue service with a utility.

RULE TEXT:

(1) An applicant or customer may demonstrate satisfactory credit for new or continuing service by showing any of the following, provided that a deposit is not required under section (2) of this rule:

(a) Received 12 months of continuous utility service of the same type applied for (energy or telecommunications) during the preceding 24 months and the utility can verify **a prior service account in the customer or applicant's name**, either by **the applicant's account history with the utility or by** contacting ~~the a~~ former utility or through an authorized letter provided by **the applicant or customer from the** former utility on utility letterhead **that** ~~to~~ includes **the following**:

- A. **Name(s) of the responsible person(s) on the account;**
- B. **Date of service;**
- C. **A statement that the customer was not disconnected for nonpayment during the final 12 months of service; and**
- D. **A statement that the applicant or customer voluntarily terminated service and timely paid for all services rendered.**

~~dates of service and presented by the applicant, customer or former utility, that the applicant or customer voluntarily terminated service and timely paid for all services rendered.~~

(b) Meets Commission approved minimum credit requirements based on a third party credit report score or the energy or large telecommunications utility's own credit scoring formula; or

(c) Proof of ability to pay by providing either:

(A) Proof of employment during the entire 12 months previous to the application of service for person(s) responsible for payment on the account and a work telephone number to enable the energy or large telecommunications utility to verify employment; or

(B) A statement or other documentation from the income provider or an authorized representative, that the energy or large telecommunications utility can verify, indicating that the applicant or customer receives a regular source of income.

(2) An applicant or customer **who is not a low-income residential customer** may be required to pay a deposit at the time of application for new or continued service when:

(a) The applicant or customer is unable to establish credit as defined in section (1) of this rule;

(b) The applicant or customer received the same type of utility service from it or any Oregon energy or telecommunications utility, as defined in ORS 757.005 or 759.005, within the preceding 24 months and owed an account balance that was not paid in full when service was terminated. Subsection (2)(b) of this rule does not apply to a customer who registered a dispute with the Commission within 60 days after service was terminated and who paid all undisputed or adjudicated amounts or is a low-income residential customer; or

(c) The applicant or customer was previously terminated for theft of service by any Oregon utility as defined in ORS 757.005 or 759.005, was found to have tampered with the meter or other utility facilities, or was otherwise found to have diverted utility service.

(3) In lieu of paying a deposit, an applicant or customer may:

(a) Provide the energy or large telecommunications utility a written surety agreement from a responsible party to secure payment in an amount equal to two months' average usage, **which may be transferred to the responsible party's account as established in OAR 860-021-0334.** For purposes of section (3) of this rule, a responsible party is a customer ~~of~~<sup>with</sup> the same utility **that has maintained credit in good standing for the preceding 12 months without receiving a past due notice or incurring involuntary disconnection.** ~~who meets one of the qualifying conditions outlined in section (1) of this rule~~ The surety agreement obligation will automatically terminate should the responsible party no longer meet the conditions set forth herein. In the event a responsible party is subsequently found not to qualify, the applicant or customer will be required to either pay a deposit or obtain a written surety agreement from another responsible party. The surety obligation ceases when the customer establishes good credit; or

(b) For energy utilities, elect to use demand limiter or "pay as you go" metering, if equipment is available.

(4) For energy utilities, a deposit required under this rule shall not exceed one-sixth the amount of reasonable estimated billing for 12 months at rates then in effect. This estimate shall be based upon actual use at the premises during the prior 12 months, if known, or will be estimated based upon the type and size of the equipment at the premises. Each deposit shall be rounded to the nearest whole dollar.

(5) For large telecommunication utilities, a deposit required under these rules shall be based upon two months' average or estimated bills for usage of the applicable telecommunications utility's tariff and price-listed services. Each deposit shall be rounded to the nearest whole dollar. For telecommunications service, applicants eligible for Oregon Telephone Assistance Program (OTAP) funding and who voluntarily elect to receive toll-blocked service, no deposit may be charged. The large telecommunications utility shall make toll blocking available at no charge to all applicants identified in OAR 860-033-0030.



(6) A new or additional deposit, calculated as provided by sections (4) and (5) of this rule with the most recent information available, may be required from a customer as a condition of continued service when:

(a) The energy or large telecommunications utility discovers that the customer gave false information to establish an account and/or credit status;

(b) The energy or large telecommunications utility discovers that the customer has stolen utility service, has tampered with the meter or other utility facilities, or was otherwise found to have diverted utility service;

(c) For energy utilities, a customer moves and the anticipated bill at the new residence will be at least 20 percent greater than the basis of the existing deposit; or

(d) For large telecommunications utilities, if service records for the customer indicates unbilled intraLATA toll activity under the utilities' tariff and price list is greater than the basis of the prior deposit.

(7) Paying a deposit does not excuse a customer from complying with the energy or large telecommunications utility's tariffs or other regulations on file with the Commission, such as the obligation to promptly pay bills.

(8) An energy or large telecommunications utility may file a tariff that contains less stringent deposit requirements than those specified in this rule.

STATUTORY/OTHER AUTHORITY: ORS 183, 756, 757, 759 & Ch. 290 & OL 1987

STATUTES/OTHER IMPLEMENTED: ORS 756.040 ORS 757.230 & Ch. 290 & OL 1987

AMEND: 860-021-0205

RULE TITLE: Deposit Payment Arrangements for Residential Energy Utility Service

RULE SUMMARY: This rule establishes the requirements under which an energy utility may require a deposit for service.

RULE TEXT:

(1) **Except as provided in OAR 860-021-0335(1) and (2), w**When an energy utility requires a deposit, the customer or applicant may pay the deposit in full or in three installments. The first installment is due immediately; the remaining installments are due **with the subsequent two monthly bills 30 days and 60 days** after the first installment payment. Except for the last payment, installments shall be the greater of \$30 or one-third of the deposit. **An energy utility shall not require a low-income residential customer to pay a deposit.**

(2) When an installment payment or a deposit is made with a payment for energy utility service, the amount paid shall first be applied toward payment of the amount due for deposit.

(3) When the energy utility requires the customer or applicant to pay an additional deposit, the customer shall pay one-third of the total deposit, or at least \$30, whichever is greater, within five days. The remainder of the deposit is due under the terms of section (1) of this rule. If the customer has an existing deposit installment agreement, the remaining installment payments will be adjusted to include the additional deposit; however, two installment payments cannot be required within the same **billing** ~~30-day~~ period.

(4) When a customer or applicant enters into an installment agreement for payment of a deposit under section (1) of this rule, the energy utility shall provide written notice explaining its deposit requirements. The notice shall specify ~~that e-date~~ each installment payment shall be due **with each of the subsequent two monthly bills for utility service** and shall include a statement printed in bold-face type informing the customer or applicant that utility service will be disconnected if the energy utility does not receive the payment when due. The notice shall also set forth the name and telephone number of the appropriate unit within the Department of Human Services or other agencies which may be able to help the customer obtain financial aid.

(5) If a customer fails to abide by the terms of a deposit installment agreement, the energy utility may disconnect service after a five-day notice. The notice shall contain the information set forth in OAR 860-021-0405(2)(a), (b), (c), (e), (f), and (g) and shall be served as required by 860-021-0405(5).

(6) When good cause exists, the Commission or the energy utility may provide more liberal arrangements for payment of deposits than those set forth in this rule. The energy utility shall keep a written record of the reasons for such action.

(7) If disconnection for nonpayment of a deposit occurs, the customer disconnected shall pay the full amount of the deposit, any applicable reconnection fee, late-payment fee, and one-half the past due amount before service is restored. The customer shall pay the balance of the past-due

amount within 30 days of the date service is restored. A customer may continue with an existing time-payment agreement by paying all past-due installments, the full deposit, and other applicable fees.

STATUTORY/OTHER AUTHORITY: ORS 183, 756, 757 & Ch. 290 & OL 1987  
STATUTES/OTHER IMPLEMENTED: ORS 756.040, ORS 757.230 & Ch. 290 & OL 1987

AMEND: 860-021-0215

RULE TITLE: Refund of Deposits for Residential and Nonresidential Utility Service

RULE SUMMARY: This rule establishes the circumstances under which a utility must return a customer deposit.

RULE TEXT:

(1) An energy or large telecommunications utility shall promptly refund a customer's deposit with accrued interest when service is terminated provided a refund due shall first be applied to any unpaid balance on the customer's account.

(2) **Except as provided in OAR 860-021-0215(6), a**An energy or large telecommunications utility may continue holding a deposit until credit is satisfactorily established or reestablished. For purposes of this rule, credit shall be considered to be established or reestablished if one year after a deposit is made:

(a) The account is current;

(b) Not more than two five-day disconnection notices were issued to the customer during the previous 12 months; and

(c) The customer was not disconnected for nonpayment during the previous 12 months.

(3) After satisfactory credit has been established or reestablished, the deposit plus any accrued interest shall be promptly refunded or credited to the customer's account. A customer shall be entitled to a refund upon request.

(4) When the customer moves to a new address within the energy or large telecommunications utility's service area, the deposit and accrued interest will be transferred to the new account.

(5) Deposits plus accrued interest may be refunded or credited, in whole or in part, to the customer's account at any time earlier than prescribed in this rule, provided the energy or large telecommunications utility's procedures are nondiscriminatory.

**(6) An energy utility that collects or has collected a deposit from a low-income residential customer must apply or return the deposit as outlined in this section. For a low-income residential customer, the energy utility will return the deposit within two billing cycles.**

**(a) The deposit will first be applied to any outstanding balance on a low-income residential customer's account. If there are any remaining funds, the funds will be applied to the customer's account or returned by electronic payment or check mailed to the last-known address;**

**(b) If a low-income residential customer account is current, the deposit will be applied to a customer's account or returned by electronic payment or check mailed to the last-known address; and**

**(c) For a low-income residential customer that pays the deposit in installments as set forth in OAR 860-021-0205, the energy utility will return the deposit within two billing cycles, after the last installment payment is made.**

(67) Unless otherwise specified by the customer, an energy or large telecommunications utility shall mail deposit refunds to the customer's last known address. The energy or large telecommunications utility shall promptly honor a valid claim for payment of refund if the request is received within one year of the date service is terminated. Funds held beyond one year will be disposed of in accordance with ORS 98.316.

STATUTORY/OTHER AUTHORITY: ORS 183, 756, 757, 759 & Ch. 290 & OL 1987

STATUTES/OTHER IMPLEMENTED: ORS 756.040, ORS 757.230 & Ch. 290 & OL 1987

AMEND: 860-021-0305

RULE TITLE: Grounds for Disconnecting Utility Service

RULE SUMMARY: This rule establishes the reasons for which a utility may disconnect service to a customer.

RULE TEXT:

Utility service may be disconnected by an energy utility or large telecommunications utility:

- (1) When the applicant or customer fails to pay a deposit or make payments in accordance with the terms of a deposit payment arrangement.
- (2) When the applicant or customer provides false identification to establish service, continue service, or verify identity.
- (3) When the customer fails to pay Oregon tariffed or price-listed charges due for services rendered.
- (4) When the customer fails to abide by the terms of a time-payment agreement.
- (5) When the customer requests the utility to disconnect service or close an account or when a co-customer fails to reapply for service within 20 calendar days after a joint account is closed by the other co-customer, so long as the utility has provided a notice of pending disconnection.
- (6) When the customer does not cooperate in providing access to the meter.
- (7) When facilities provided are unsafe or do not comply with state and municipal codes governing service or the utility's rules and regulations.
- (8) When there is evidence of meter-tampering, diverting service, or other theft of service.
- (9) When dangerous or emergency conditions exist at the service premises under OAR 860-021-0315.
- (10) When a customer fails to disclose reasonably accurate customer load information which results in damage to utility equipment.**
- (10~~1~~) When the Commission approves the disconnection of service.

**(12) An energy utility must make best efforts to perform service disconnections for non-payment between the hours of 8:00 am and 2:00 pm to facilitate responsive, same-day reconnection of service.**

STATUTORY/OTHER AUTHORITY: ORS 183, 756, 757, 759 & Ch. 290 & OL 1987

STATUTES/OTHER IMPLEMENTED: ORS 756.040, 757.035, 757.225 & 757.760

AMEND: 860-021-0320

RULE TITLE: Disconnection of Service on Weekends and Holidays

RULE SUMMARY: This rule prohibits utilities from disconnecting utility service for nonpayment on a weekend or state- or -utility recognized holiday, or the Friday before such a holiday.

RULE TEXT:

Utility service shall not be disconnected for nonpayment on a weekend or a state- or utility-recognized holiday. Utility service shall not be disconnected for nonpayment on a Friday or the day before a state- or utility-recognized holiday unless mutually agreed upon by the customer, utility, and the Commission's Consumer Services ~~Division~~**Section**.

STATUTORY/OTHER AUTHORITY: ORS 183, 756, 757 & 759

STATUTES/OTHER IMPLEMENTED: ORS 756.040 & 757.760



AMEND: 860-021-0326

RULE TITLE: Disconnection of Gas or Electric Service to Tenants

RULE SUMMARY: This rule establishes the notice requirements that under an energy utility must follow before disconnecting service to a tenant or suspected tenant of a residence.

RULE TEXT:

(1) When an energy utility's records show that a residential billing address is different from the service address, **and the utility has reason to believe that the service address is not occupied by the customer or co-customer**, the utility must provide a ~~duplicate of the five-day disconnect notice~~ **to the occupants of the premises in the manner described in** ~~required under OAR 860-021-0405(6)~~ **for gas and electric service to the occupants of the premises in the manner described in 860-021-0405(6) unless the utility has reason to believe that the service address is occupied by the customer.** **The five-day disconnect notice must be addressed to "tenant" or "occupant" and must include a statement regarding the impending disconnection of utility service, the earliest date for disconnection and an explanation of the Commission's complaint process and toll-free number.** ~~This requirement is satisfied by serving a notice addressed to "Tenants" in the same manner provided for in 860-021-0405.~~ The notice to occupants need not include the dollar amount owing **or the reason for disconnection**.

(2) When an energy utility's records show that a residence is a master-metered multi-family dwelling (including rooming houses), the utility must notify the Commission's Consumer Services ~~Division~~ **Section** at least five business days before disconnecting the service. The utility will use reasonable efforts to notify occupants of the impending disconnection and alternatives available to them.

STATUTORY/OTHER AUTHORITY: ORS 183, 756, 757 & Ch. 290 & OL 1987

STATUTES/OTHER IMPLEMENTED: ORS 756.040, 757.760 & Ch. 290 & OL 1987

AMEND: 860-021-0328

RULE TITLE: Reconnection of Residential Energy Utility Service

RULE SUMMARY: This rule establishes the requirements for a customer to reconnect service after a disconnection.

RULE TEXT:

(1) This rule applies to a service reconnection requested within 20 calendar days of the date of disconnection, after an applicant or customer has satisfied the requirements for service under all applicable rules and regulations, and requested reconnection.

(2) Each energy utility must provide a means by which an applicant or customer may contact the utility on a Business Day so that the applicant or customer may pay applicable charges, **apply for verification as a low-income residential customer under OAR 860-021-0180**, submit any necessary credit information, and request reconnection of service. A Business Day is defined as Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding state- **or utility**-recognized holidays.

(3) For energy utility service that has been disconnected in accordance with OAR 860-021-0305(1), (2), (4), (5), (10), **(11)** or involuntarily disconnected for failure to pay Oregon tariff charges:

(a) An energy utility must reconnect service as soon as reasonably possible, within the normal course of business, after an applicant or customer has satisfied the requirements for and requested reconnection. At a minimum, service must be restored as follows:

(A) For a request for reconnection received during the Business Day, Monday through Thursday, service must be restored by 5:00 p.m. the following day, except when the following day is a state **or utility** recognized holiday.

(B) For a request for reconnection received on a Friday Business Day before 3:00 p.m., service must be restored by 5:00 p.m. the following day.

(C) For a request for reconnection received on a Friday Business Day between 3:00 p.m. and 5:00 p.m., service must be restored by the end of the next Business Day.

(b) For a request for reconnection received anytime other than a Business Day:~~E,~~ except as provided under section (6) of this rule, the request for reconnection must be treated as if it were received at 8:00 a.m. on the next Business Day and service must be restored in accordance with Subsection (3)(a)(A) of this rule.

(4) For energy utility service that has been involuntarily disconnected in accordance with OAR 860-021-0305(6) or (7), or due to meter tampering, diverting service, or theft of service, an energy utility must reconnect service as soon as reasonably possible, within the normal course of business, but no later than 5:00 p.m. of the next Business Day after the customer has satisfied the requirements for and requested reconnection.

(5) For energy utility service that has been involuntarily disconnected in accordance with OAR 860-021-0315, service will be reconnected in accordance with section (4) of this rule. If the necessity for emergency termination was through no fault of the customer, the energy utility will reconnect in accordance with section (3) of this rule, at no charge to the customer.

(6) An applicant or customer may request reconnection that falls outside of the requirements of sections (3), (4), and (5) of this rule and, for purposes of this rule, such a request will be defined as an After Hours Reconnect. The tariff of each energy utility must specify the hours other than a Business Day when the energy utility will offer an After Hours Reconnect, the terms of the service, and the applicable charges.

(a) At a minimum, an energy utility must:

(A) Provide a means by which an applicant or customer may contact the utility Monday through Friday from 8:00 a.m. to 6:00 p.m., excluding state- or utility-recognized holidays, so that the applicant or customer may pay applicable charges, submit any necessary credit information and request an After Hours Reconnect.

(B) Allow, for a customer request made in accordance with subsection (6)(a)(A) of this rule, an After Hours Reconnect on the same day as the request, or allow an After Hours Reconnect to be scheduled for any subsequent Monday through Friday, except for state- or utility-recognized holidays.

(b) The utility must notify a customer verbally or in writing of the customer's right to an After Hours Reconnect. The notification must include information that the charges associated with a same day or a scheduled After Hours Reconnect exceed the utility's standard reconnection charge.

(7) **Except as provided in OAR 860-021-0330, Utility** fees for service reconnection must be charged as follows:

(a) An applicant or customer must pay the utility's standard reconnection fee for a reconnection made under subsection (3)(a) or (3)(b) of this rule.

(b) An applicant or customer must pay an After Hours Reconnect fee for any reconnection made under subsection (6)(a) of this rule. For an After Hours Reconnect that is completed the same day as the request, the reconnection fee may be higher than for an After Hours Reconnect scheduled for a subsequent day.

(8) Reconnection of service following an interruption of service must comply with the requirements of OAR 860-021-0021.

(9) With Commission concurrence, the reconnection requirements under this rule may be temporarily waived for any cause not reasonably within the control of the utility including, but not limited to, the following:

- (a) A documented Force Majeure event;
- (b) An action or default by an applicant, customer, or other person outside of the utility's control, including a cancellation of the request made by the applicant or customer;
- (c) Major events, such as storms or system outages;
- (d) Safety-related issues that preclude the utility from reconnecting service;
- (e) The applicant's or customer's facilities cannot be accessed due to circumstances beyond the utility's control;
- (f) The utility's equipment or facilities prevent the reconnection from occurring; or
- (g) When the Commission approves a waiver.

STATUTORY/OTHER AUTHORITY: ORS 183 & 756

STATUTES/OTHER IMPLEMENTED: ORS 756.040 & ORS 757.230

AMEND: 860-021-0330

RULE TITLE: Reconnection Fee for Utility Service

RULE SUMMARY: This rule establishes the circumstances under which a utility may charge a fee for the reconnection of service.

RULE TEXT:

When a utility service is disconnected pursuant to OAR 860-021-0305, the energy or large telecommunications utility may charge the reconnection fee in its tariff, **except as provided below:**

**(1) For electric utilities that have the ability to perform remote reconnection, the electric utility may not assess a reconnection fee for low-income residential customers for the first two reconnections in a calendar year.**

**(2) For electric utilities that do not have the ability to perform remote reconnection, the electric utility may not assess a reconnection fee for low-income residential customers for the first reconnection in a calendar year.**

**(3) For natural gas utilities, the natural gas utility may not assess a reconnection fee for a low-income residential customers for the first reconnection in a calendar year.**

**(4) Sections (1) (2), and (3) above do not apply to After Hours Reconnect as described in OAR 860-021-0328(7)(b).**

STATUTORY/OTHER AUTHORITY: ORS 183, 756, 757 & 759

STATUTES/OTHER IMPLEMENTED: ORS 756.040, 757.225 & 757.230

AMEND: 860-021-0335

RULE TITLE: Refusal of Utility Service

RULE SUMMARY: This rule establishes the circumstances under which a utility may refuse to provide service to a customer or applicant.

RULE TEXT:

(1) Except as provided in section (2) of this rule, **and OAR 860-021-0330**, an energy utility may refuse to provide service to a customer or applicant until the utility receives full payment of any overdue amount of an Oregon tariffed or price-listed charge and any other like obligation related to an Oregon prior account.

(2) Except for a residential customer or applicant who was disconnected for theft of service, an energy utility shall provide service to a residential customer or applicant upon receiving payment equal to at least one-half of any overdue amount of an Oregon tariffed or price-listed charge and any other like obligation related to a prior account, except deposits which must be paid in full, provided the customer or applicant has made reasonable partial payment on the account during the time service has been discontinued. **An energy utility may not require a deposit to be paid by a low-income residential customer.** The customer shall pay the balance of the amount owed to the energy utility within ~~30~~ **two subsequent billing cycles** of the date service is initiated. Upon failure to pay, the energy utility may disconnect service after providing a five-day notice to the customer. The notice shall contain the information set forth in OAR 860-021-0405(2)(a), (b), (c), (d)(A) and (D) and shall be served as required by 860-021-0405(5). If a customer or applicant whose service was terminated applies for service within 20 days of the termination, the provisions of this rule apply.

(3) If electric or gas service is disconnected for a residential customer's failure to comply with the payment terms in section (2) of this rule, the utility may refuse to restore service until the utility receives full payment of any overdue obligation of an Oregon tariffed or price-listed charge and any other like obligation related to a prior account, including any reconnection fee, late payment fee, and past due bill.

(4) Refusal of service by a large telecommunications utility:

(a) A large telecommunications utility may refuse to provide service to a customer or applicant until the utility receives full payment of any overdue amount of an Oregon tariffed or price-listed charge and any other like obligation related to a prior account except for telecommunications service applicants who are eligible for OTAP.

(b) A large telecommunications utility may refuse to provide service to a residential customer or applicant who is eligible for OTAP until the utility receives full payment of any overdue amount relating to a prior account for tariffed local exchange and price-listed services, excluding any toll charges.

(5) An energy or large telecommunications utility may refuse to provide service until the utility receives payment when all the following circumstances exist:

(a) An overdue balance has been incurred by a residential customer ~~or applicant~~ at a service address;

(b) A residential applicant for service resided at the service address described in subsection (5)(a) of this rule during the time the overdue balance was incurred; and

(c) The residential customer ~~or applicant~~ described in subsection (5)(a) of this rule will reside at the location to be served under the new application.

(6) Any energy or large telecommunications utility shall refuse to provide service if a customer or applicant has not complied with state and city codes and regulations governing service and with the utility's rules and regulations.

(7) An energy or large telecommunications utility shall reject an application for service or materially change service to a customer or applicant if, in the best judgment of the utility, the utility lacks adequate facilities to render the service applied for or if the desired service is likely to unfavorably affect service to other customers.

(8) An energy or large telecommunications utility shall refuse to serve a customer or applicant, if, in the best judgment of the utility, the facilities of the customer or applicant cannot provide safe and satisfactory service.

(9) When an energy or large telecommunications utility refuses to provide service, the utility shall notify the customer or applicant of the reasons for refusal and of the Commission's complaint process.

STATUTORY/OTHER AUTHORITY: ORS 183, 756, 757, 759 & Ch. 290 & OL 1987

STATUTES/OTHER IMPLEMENTED: ORS 756.040, 757.035, 757.225, 757.2390 & Ch. 290 & OL 1987

AMEND: 860-021-0405

RULE TITLE: Notice of Pending Disconnection of Residential Electric or Gas Utility Service

RULE SUMMARY: This rule establishes the requirements a utility must follow when crafting and service a notice of a pending disconnection.

RULE TEXT:

(1) When a written notice is given under these rules:

(a) The notice must conform to the requirements of OAR 860-021-0010 concerning multilingual requirements and service on any designated representative; and

(b) The notice must conform to the requirements of OAR 860-021-0326 if the energy utility's records show the billing address is different than the service address or the residence is a master-metered multi-family dwelling. The notice may be addressed to "tenant" or "occupant." The envelope must bear a bold notice stating, "Important notice regarding disconnection of utility service," or words to that effect.

(2) The notice must be printed in boldface type and must state in language that is as clear and simple as possible:

(a) The reason for the proposed disconnection;

(b) The earliest date for disconnection;

(c) An explanation of the Commission's complaint process and toll-free number; and

(d) If the disconnection is for nonpayment of services rendered, including failure to abide by a time payment agreement, the notice must also state:

(A) The amount to be paid to avoid disconnection;

(B) An explanation of the time payment agreement provisions of OAR 860-021-0415;

(C) An explanation of the medical certificate provisions of OAR 860-021-0410; and

(D) The name and telephone number of the appropriate unit of the Department of Human Services or other agencies that may be able to provide financial assistance.

(3) The energy utility must provide written notice to the customer at least ~~15~~ **20** days before disconnecting residential service except when the disconnection is made:

(a) At the request of the customer;



(b) For failure to pay a deposit or make payments in accordance with the terms of a deposit payment arrangement;

(c) For new customers within 60 days of the establishment of new service, for use of false identification to establish service, continue service or verify identity;

(d) For meter tampering, diverting service or theft of service; or

(e) For an emergency endangering life or property under OAR 860-021-0315.

(4) The energy utility may not send a notice of disconnection for nonpayment of services rendered, including failure to abide by a time payment agreement, before the due date for payment of a bill.

(5) The energy utility must serve the ~~15~~**20**-day notice of disconnection in person or send it by first-class mail **or electronically** to the customer's last known address. Service is complete on the date of personal delivery, **electronic transmittal**, or on the day after the date of the US Postal Service postmark or postage metering.

(6) The energy utility must provide written notice to the customer at least five business days before disconnecting residential service except when the disconnection is made:

(a) At the request of the customer; and

(b) When the facilities provided are unsafe creating an emergency endangering life or property under OAR 860-021-0315.

(7) The disconnection notice must inform the customer that service will be disconnected on or after a specific date and must explain the alternatives and assistance that might be available as required in section (2) of this rule.

(8) The energy utility must serve the five-day notice of disconnection in person or send it by first-class mail **or electronically** to the customer's last known address. Service is complete on the date of personal delivery, **electronic transmittal**, or on the day after the date of the US Postal Service postmark or postage metering.

(a) If notification is delivered to the residence, the energy utility must attempt personal contact.

(b) If personal contact cannot be made with the customer or an adult resident, the energy utility must leave the notice in a conspicuous place at the residence.

(9) The energy utility must make a good-faith effort to personally contact the customer or an adult at the residence to be disconnected on the day the energy utility expects to disconnect service or, where the service address has remote disconnection capability installed, at least three business days prior to the day the energy utility expects to disconnect service:

(a) If contact is made, either in person or via the telephone, the energy utility must advise the customer or an adult at the residence of the proposed disconnection; or

(b) If contact is not made, the energy utility must:

(A) Leave a notice in a conspicuous place at the residence informing the customer that service has been, or is about to be, disconnected; or

(B) **Where the service address has remote disconnect capability installed, a** Attempt to contact the customer at **least once, two days prior to the expected date of disconnection.**~~a service address where remote disconnect capability is installed via the telephone at least twice a day for the three consecutive days prior to the proposed disconnection, and at least one call must be placed during the morning or afternoon (8:00 am to 5:00 pm) and another call placed during early evening (6:00 pm to 8:00 pm). Where~~ **If contact is attempted via telephone and** an answering machine or service is available, the utility must leave a message ~~at the end of each calling day~~ informing the customer of the proposed disconnection. ~~Initial implementation of section (9)(b)(B) may not occur during the winter heating season (November 1 through April 30).~~

(10) When an energy utility has an in-person or telephone conversation with the customer or an adult at the residence under this rule, and the circumstances are such that a reasonable person would conclude the customer or an adult at the residence does not understand the possible consequences of disconnection, the utility must:

(a) Notify the Department of Human Services and the Commission; and

(b) Delay the proposed disconnection date for five additional business days.

(11) When the energy utility makes personal contact under this rule the utility's representative making contact is **may be** empowered to accept reasonable partial payment of the overdue balance under the time-payment provisions of OAR 860-021-0415. **If an energy utility has a policy to not allow collections at the door, the utility representative shall attempt to notify the customer of methods to pay the outstanding balance or a reasonable partial payment to prevent disconnection. The energy utility shall delay disconnection as determined by the utility and notify the customer in such case that they have a minimum of 24 hours for the customer to contact the energy utility and make adequate payments.**

(12) An energy utility must document its efforts to provide notice under this rule and make that documentation available to the customer and the Commission upon request.

STATUTORY/OTHER AUTHORITY: ORS 183, 756, 757

STATUTES/OTHER IMPLEMENTED: ORS 756.040, 757.760

AMEND: 860-021-0406

RULE TITLE: Wildfire Displacement Protection

RULE SUMMARY: This rule establishes protections for customers displaced by a wildfire evacuation order.

RULE TEXT:

**(1) An energy utility shall make best efforts to put into effect a moratorium on the disconnection of residential and commercial service for nonpayment on any day a residential or commercial customer is under a level 2 or 3 evacuation notice due to wildfires.**

**(2) An energy utility shall make best effort to put into effect a moratorium on the disconnection of residential and commercial service for nonpayment on any day of a level 2 or 3 evacuation order and the day after a level 2 or 3 evacuation order has been lifted.**

**(3) Upon request from a customer who has been disconnected for non-payment within the previous 72 hours of a wildfire evacuation, after the evacuation order has been lifted, an energy utility shall make best efforts to reconnect the customer.**

**(4) An energy utility shall make best efforts to have information available on its website concerning wildfire displacement protections; and when practical, information from the energy utility that includes energy utility contact information shall be available at local emergency command centers, local community-based organizations, and local media.**

STATUTORY/OTHER AUTHORITY: ORS 183, 756, 757

STATUTES/OTHER IMPLEMENTED: ORS 756.040, 757.760

AMEND: 860-021-0407

RULE TITLE: Severe Weather Moratorium on Disconnection of Residential **and Small Commercial** Electric or Gas Utility Service **for Nonpayment**

RULE SUMMARY: This rule establishes protections for customers during severe weather conditions.

RULE TEXT:

(1) Except as set forth in section (~~810~~) of this rule, an energy utility must put into effect a moratorium on the disconnection of residential service for nonpayment on any day a ~~high~~ temperature of less than 32 degrees Fahrenheit is forecasted by the applicable weather reporting service **or a winter storm warning indicating weather conditions pose a threat to life or property is issued by the applicable weather reporting service.**

(2) An electric utility must put into effect a moratorium on the disconnection of residential service for nonpayment on any day a local Heat Advisory is issued by the applicable weather reporting service.

**(3) An energy utility must put into effect a moratorium on the disconnection of residential and small commercial service for nonpayment when the Air Quality Index is at or above 100 as issued on the website AirNow.gov or a similar air quality reporting service that may be designated by the utility.**

(~~34~~) Any moratorium activated as a result of section (1), or section (2) **or (3)** of this rule must remain in effect at least through the start of the next business day.

(~~45~~) **For purposes of sections (1) and (2) of this rule,** An energy utility must base the need for a moratorium on data available from the National Weather Service or another weather reporting service that may be designated by the utility.

(~~56~~) An energy utility need only apply a moratorium to the geographic area that meets the conditions in sections (1) **to (3)** ~~and section (2)~~ of this rule.

(~~67~~) The energy utility must obtain the required forecast data no later than 8:00 a.m. each business day.

(~~78~~) Each energy utility must notify the Commission's Consumer Services Section which weather reporting service **and air quality service** it will utilize in each geographic area served by the utility in complying with the requirements of this rule; and the energy utility must notify the Commission's Consumer Services Section upon choosing a different weather reporting service.

**(9) Upon request from a customer who has been disconnected for nonpayment within the previous 72 hours of a severe weather or air quality condition outlined in sections (1), (2), and (3) of this rule, an energy utility must make best efforts to reconnect service. The**

**energy utility may apply reconnection fees authorized in OAR 860-021-0330 to any reconnection.**

(**810**) The temperature threshold specified in section (1) of this rule does not apply if an energy utility offers a Commission-approved winter protection program.

STATUTORY/OTHER AUTHORITY: ORS 756.060

STATUTES/OTHER IMPLEMENTED: ORS 756.040

AMEND: 860-021-0408

RULE TITLE: Disconnect Reporting Rule

RULE SUMMARY: This rule establishes a requirement for energy utilities to file a quarterly report with the Commission regarding disconnections.

RULE TEXT:

(1) As used in this rule:

(a) “Energy assistance recipient” means a residential customer who has received bill payment assistance with an energy bill from any federal, state, ratepayer-funded, or utility-supported bill payment assistance fund or program at least once within the past 12 months.

(b) “Companywide” means the geographic area served by a particular energy utility within the state of Oregon.

(c) “Local service area” means a smaller geographic unit within an energy utility’s companywide service area, such as zip code, city, county, or other similar unit.

(2) Each energy utility must file a quarterly report with the Commission detailing the number of residential **and small commercial** disconnections for non-payment and subsequent reconnections as prescribed in this rule. An electronic report must be filed in a text-searchable Microsoft Word, Microsoft Excel, or .pdf (Adobe Acrobat) format.

(a) For quarterly reporting purposes, the following four time periods apply: February 1 to April 30, May 1 to July 31, August 1 to October 31, and November 1 to January 31.

(b) Each energy utility must file its initial quarterly report following the first full quarter after the effective date of this rule, unless an alternative initial reporting date is set for the utility by the Commission’s Consumer Services Section.

(c) The energy utility must file a quarterly report as required under this rule within 20 days of the end of each reporting period.

(3) The quarterly report must provide the following information for each month within the quarter for an energy utility’s residential accounts:

(a) On a companywide basis:

(A) Number of active residential **and small commercial** accounts;

(B) Number of service disconnections for non-payment;

(C) Percentage of accounts with service disconnections for non-payment;

(D) Number of service disconnections for non-payment on energy assistance recipient accounts;

(E) Number of service disconnections for non-payment on medical certificate holder accounts;

(F) Number of service disconnections reported under both paragraph (D) and paragraph (E) above, *i.e.*, disconnections for non-payment on medical certificate holder accounts that are also energy assistance recipient accounts;

(G) Number of service reconnections following a disconnection for non-payment on the same day or next calendar day following disconnection (Days 0-1); and

(H) Number of service reconnections following a disconnection for non-payment that occur more than one day and within 7 calendar days following disconnection (Days 2-7).

(b) For each local service area within the companywide area used for reporting:

(A) Number of active residential **and small commercial** accounts;

(B) Number of service disconnections for non-payment;

(C) Number of service disconnections for non-payment on energy assistance recipient accounts;

(D) Number of service disconnections for non-payment on emergency medical certificate holder accounts;

(E) Number of service disconnections reported under both paragraph (C) and paragraph (D) above, *i.e.*, disconnections for non-payment on medical certificate holder accounts that are also energy assistance recipient accounts; and

(F) Number of days on which the energy utility was required to impose a moratorium on service disconnection for severe weather per OAR 860-021-0407.

(c) Zip codes must be used to identify a local service area unless a different unit is pre-approved by the Commission's Consumer Services Section for a utility's use in its reporting under this rule.

(4) Upon request of the Commission's Consumer Services Section, when made within one year of the date a quarterly report is filed with the Commission, the energy utility must provide a breakdown by zip code of the of service disconnection data reported under section (3) of this rule.

STATUTORY/OTHER AUTHORITY: ORS 756.060

STATUTES/OTHER IMPLEMENTED: ORS 756.040

AMEND: 860-021-0410

RULE TITLE: Emergency Medical Certificate for Residential Electric and Gas Service

RULE SUMMARY: This rule establishes the requirements for a customer to certify a medical condition for which disconnection would significantly endanger the physical health of the customer or another member of the household, as well as the circumstances under which a utility may disconnect a customer that has provided such certification.

RULE TEXT:

(1) An energy utility shall not disconnect residential service if the customer **submits** certification from a qualified medical professional ~~stating~~ **or self-certifies** that disconnection would significantly endanger the physical health of the customer or a member of the customer's household. **For purposes of this rule,** "Qualified medical professional" means a licensed physician, nurse-practitioner, or physician's assistant authorized to diagnose and treat the medical condition described without direct supervision by a physician.

(2) ~~The~~ **Any** oral certification **by a qualified medical professional and any residential customer's initial self-certification,** to the utility must be confirmed in writing within ~~14~~**30** days by ~~the~~ a qualified medical professional prescribing medical care. ~~Written~~ **C**ertifications must include:

- (a) The name of the person to whom the certificate applies and relationship to the customer;
  - (b) A complete description of the health conditions;
  - (c) An explanation of how the person's health will be significantly endangered by terminating the service;
  - (d) A statement indicating how long the health condition is expected to last;
  - (e) A statement specifying the particular type of utility service required (for example, electricity for respirator); and
  - (f) The signature of the qualified medical professional prescribing medical care.
- (3) If a medical certificate is not submitted in compliance with sections (1) and (2) of this rule, the energy utility may disconnect service after providing a five-day notice to the customer. The notice shall comply with the requirements of OAR 860-021-0405, except subsection (1)(b), subsection (2)(e), and section (4) of this rule shall not be applicable.

(4) An emergency medical certificate shall be valid only for the length of time the health endangerment is certified to exist, but no longer than six months without renewal for certificates not specifying chronic illnesses and no longer than twelve months for certificates specifying illnesses identified as chronic by a "Qualified Medical Professional" as defined in this rule. At



least 15 days before the certificate's expiration date, an energy utility will give the customer written notice of the date the certificate expires unless it is renewed with the utility before that day arrives.

(5) A customer submitting a medical certificate is not excused from paying for electric or gas service:

(a) Customers are required to enter into a written time-payment agreement with the energy utility when an overdue balance exists. Terms of the time-payment agreement shall be those in OAR 860-021-0415 or such other terms as the parties agree upon in writing;

(b) When financial hardship can be shown, a customer with a medical certificate may renegotiate the terms of a time-payment agreement with the energy utility and

(c) Time-payment arrangements in effect when a medical certificate terminates remain in effect for the balance then owing. If a customer fails to pay charges incurred after the certificate terminates, the provisions of OAR 860-021-0415 (standard time-payment provisions) shall apply to payment of the arrearage incurred after the medical certificate expires. The terms of the medical certificate time-payment plan continue to apply to the arrearage accrued during the disability.

(6) If a medical certificate customer fails to enter into a written time-payment agreement within 20 days of filing the certificate, or to abide by its terms, the energy utility shall notify the Commission's Consumer Services Division of its intent to disconnect service and the reason for the disconnection. The energy utility may disconnect service after providing a notice ~~15~~ **20** days in advance of disconnection for nonpayment, or five days before disconnection for failure to enter into a written time-payment agreement. The notice shall comply with the requirements of OAR 860-021-0405, except paragraph (2)(d)(C) shall not be applicable. A hearing may thereafter be held to determine whether the energy utility should be permitted to disconnect service to the customer.

(7) An energy utility may verify the accuracy of a medical certificate. If the energy utility believes a customer does not qualify, or no longer qualifies for a medical certificate, the utility may apply to the Commission to terminate the service of the customer.

STATUTORY/OTHER AUTHORITY: ORS 183, 756, 757 & Ch. 290 & OL 1987

STATUTES/OTHER IMPLEMENTED: ORS 756.040, 757.750, 757.755 & 757.760

AMEND: 860-021-0414

RULE TITLE: Equal-Payment Plans for Residential **and Small Commercial** Electric and Gas Service

RULE SUMMARY: This rule establishes the requirements under which electric and gas utilities must provide equal-payment plans to residential and small commercial customers.

RULE TEXT:

Electric companies and gas utilities will make equal-payment plans available to residential **and small commercial** customers. A customer with no outstanding balance who agrees to remain on an equal-payment plan for 12 months may enter into equal-payment agreement at any time during the year. The plan will provide for an annual adjustment between the estimated charge and the actual charges. If a customer changes residences **or place of business** during the term of the agreement, the payments may be adjusted to reflect the anticipated change in usage. Nothing in this rule is intended to restrict a utility's right to adopt additional payment options.

STATUTORY/OTHER AUTHORITY: ORS 183 & 756

STATUTES/OTHER IMPLEMENTED: ORS 756.040, 757.750 & 757.760

AMEND: 860-021-0415

RULE TITLE: Time-Payment Agreements for Residential Electric and Gas Service (Nonmedical Certificate Customers)

RULE SUMMARY: This rule establishes the requirements for time-payment agreements and the circumstances under which a customer may obtain an alternate payment arrangement and under which a utility may disconnect a customer with a payment arrangement.

RULE TEXT:

(1) An energy utility may not disconnect residential service for nonpayment if a customer enters into a written time-payment plan. An energy utility will offer customers a choice of payment agreements. At a minimum, the customer may choose between a levelized payment plan and an equal-pay arrearage plan.

(2) A customer who selects a levelized payment plan will pay a down payment equal to the average annual bill including the account balance, divided by 12, and a like payment each month for 11 months thereafter:

(a) The energy utility shall review the monthly installment plan periodically. If needed due to changing rates or variations in the amount of service used by the customer, the installment amount may be adjusted to bring the account into balance within the time specified in the original agreement;

(b) If a customer changes service address at any time during the period of a time-payment agreement, provided that payments are then current and the customer pays other tariff charges associated with the change in residence, the energy utility shall recalculate the customer's deposit and/or monthly installment. The recalculated amount shall reflect the balance of the account at the previous service address and the average annual bill at the new service address for the months remaining in the original time-payment agreement. When installments on a time-payment agreement have not been kept current, a customer shall pay all past-due installments and any other applicable charges before service is provided at the new residence.

(3) A customer who selects an equal-pay arrearage plan will pay a down payment equal to one-twelfth the amount owed for past electric or gas service (including the overdue amount and any amounts owed for a current bill or a bill being prepared but not yet delivered to the customer) each month, for the next 11 months, an amount equal to the down payment will be added to, and payable with, the current charges due for utility service. If a customer changes service address at any time during the period of an equal-pay arrearage plan, the plan continues. However, the customer must pay any past-due charges and all other applicable charges before the energy utility provides service at the new address.

(4) The energy utility and customer may agree in writing to alternate payment arrangement, **including time-payment agreements of longer duration**, provided the utility first informs the customer of the availability of the payment terms in sections (2) and (3) of this rule.

**(5) A customer whose financial condition changes during the term of a time-payment agreement and who defaults on such an agreement may renegotiate their time-payment agreement at least one time under the same terms specified above.**

~~(5)~~ If a customer fails to abide by the time-payment agreement, the energy utility may disconnect service after serving ~~15~~ **20** days' notice. The notice shall comply with OAR 860-021-0405, except subsection (2)(d) of this rule shall not be applicable. If a medical certificate is in effect, 860-021-0410(6) shall apply.

STATUTORY/OTHER AUTHORITY: ORS 183, 756, 757 & Ch. 290 & OL 1987

STATUTES/OTHER IMPLEMENTED: ORS 756.040, 757.750 & 757.760

AMEND: 860-021-0420

RULE TITLE: Field Visit Charge

RULE SUMMARY: This rule establishes the circumstances under which an energy utility may charge a fee for visits to a residential service address.

RULE TEXT:

A Commission approved fee may be charged whenever an energy utility visits a residential service address intending to reconnect or disconnect service, but due to customer action, the energy utility is unable to complete the reconnection or disconnection at the time of the visit. **An energy utility shall waive the first field visit charge within a 12-month window to low-income residential customers.**

STATUTORY/OTHER AUTHORITY: ORS 183, 756 & 757

STATUTES/OTHER IMPLEMENTED: ORS 756.040 & 757.225

AMEND: 860-021-0505

RULE TITLE: Disconnection Procedures for All Commercial Electric and Gas Utility Customers and All Customers of Large Telecommunications Utilities

RULE SUMMARY: This rule establishes the procedures a utility must follow before disconnecting service to any customer.

RULE TEXT:

- (1) This rule applies to the involuntary termination of all commercial electric and natural gas customers and all utility services provided by large telecommunications utilities.
- (2) The energy or large telecommunications utility must provide written notice to the customer at least five business days before disconnecting service except when the disconnection is made:
  - (a) At the request of the customer; or
  - (b) When the facilities provided are unsafe creating an emergency endangering life or property under OAR 860-021-0315.
- (3) The notice must be printed in bold face type and must state, in language that is as clear and simple as possible:
  - (a) The reasons for the proposed disconnection;
  - (b) The earliest date for disconnection;
  - (c) The amount to be paid to avoid disconnection of regulated services;
  - (d) An explanation of the Commission's complaint process and the Commission's toll-free number; and
  - (e) An explanation of the availability of an emergency medical certificate for local exchange residential telecommunications service customers under OAR 860-021-0510.
- (4) The energy or large telecommunications utility may not send the notice before the due date for payment for the services billed.
- (5) The energy or large telecommunications utility must serve the notice of disconnection in person or send it by first class mail, **or electronically**, to the last known addresses of the customer and the customer's designated representative. Service is complete on the date of personal delivery, **electronic transmittal**, or, if service is by U S Mail, on the day after the U S Postal Service postmark or the day after the date of postage metering.
- (6) If a premises visit is required to complete disconnection, the energy or large telecommunications utility must make a good-faith effort to personally contact the customer or a

resident at the service address to be disconnected. If the energy or large telecommunications utility's attempt to make personal contact fails, the utility must leave a notice in a conspicuous place at the premises informing the customer that service has been disconnected.

(7) In lieu of permanent disconnection, a large telecommunications utility may temporarily curtail service by preventing the transmission of incoming telephone messages and/or outgoing toll messages while continuing to let the customer make outgoing local messages. Temporary curtailment of service, as defined in this section, shall be permitted only upon five days' written notice as set forth in section (3) of this rule. The notice shall state that permanent disconnection will follow within ten days unless the customer makes full payment of any overdue amount or any other obligation.

(8) Except for telecommunications service provided by an office incapable of restricting toll service, a large telecommunications utility shall not disconnect or deny local exchange service for an applicant's or customer's failure to pay for services not under the local exchange utility's tariff or price list. A telecommunications utility may limit access to toll and special services using the "9XX" prefix or Numbering Plan Area (NPA) for the failure to pay for such services.

(9) A large telecommunications utility may not disconnect or deny local service to customers or applicants, who are eligible to receive OTAP, for failure to pay toll charges.

(10) A large telecommunications utility may request a limited waiver of the requirement of section (9) of this rule upon meeting all the following conditions:

(a) Showing the large telecommunications utility would incur substantial costs in complying with the requirement;

(b) Demonstrating the large telecommunications utility offers toll-blocking services to customers identified in section (9) of this rule; and

(c) Showing that telecommunications subscribership among low-income customers in its service area in Oregon is at least as high as the national subscribership level for low-income customers.

STATUTORY/OTHER AUTHORITY: ORS 183, 756, 757, 759 & 290 & OL 1987

STATUTES/OTHER IMPLEMENTED: ORS 756.040, 757.750, 757.755, 757.060 & 290 & OL1987