

****NOT FOR PUBLICATION****

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Division 21

UTILITY REGULATION

860-021-0000

Applicability of Division 21

The rules contained in this division apply to energy utilities and large telecommunications utilities, as defined in OAR 860-021-0008.

Statutory/Other Authority: ORS 183, 756, 757 & 759

Statutes/Other Implemented: ORS 756.040, 759.030, 759.040 & 759.045

History:

PUC 11-2001, f. & cert. ef. 4-18-01

PUC 14-2000, f. & cert. ef. 8-23-00

PUC 3-1999, f. & cert. ef. 8-10-99

PUC 14-1997, f. & cert. ef. 11-20-97

PUC 6-1993, f. & cert. ef. 2-19-93 (Order No. 93-185)

860-021-0005

Scope of the Rules

Upon request or its own motion, the Commission may waive any of the Division 021 rules for good cause shown. A request for waiver must be made in writing, unless otherwise allowed by the Commission.

Statutory/Other Authority: ORS 183 & 756

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Statutes/Other Implemented: ORS 756.040

History:

PUC 6-2011, f. & cert. ef. 9-14-11

PUC 11-1998, f. & cert. ef. 5-7-98

PUC 164, f. 4-18-74, ef. 5-11-74 (Order No. 74-307)

860-021-0008

Definitions for Regulation of Utility Services

(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 s/he reapplies for service in his/her 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.

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(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 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.

~~(78)~~ “OTAP” has the meaning given to “Oregon Telephone Assistance Program” in OAR ~~C~~chapter 860, ~~D~~division 033.

~~(89)~~ “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 ~~Division~~**Services** but is not the subject of a formal complaint.

~~(910)~~ “Regulated charges” means charges for services delivered in Oregon and subject to the jurisdiction and approval of the Commission.

~~(1011)~~ “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.

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Statutory/Other Authority: ORS 183, 756, 757 & 759

Statutes/Other Implemented: ORS 756.010, 757.005 & 759.005

History:

PUC 7-2005, f. & cert. ef. 11-30-05

PUC 164, f. 4-18-74. ef. 5-11-74 (Order No. 74-307); PUC 5-1983, f. 5-31-83, ef. 6-1-83 (Order No. 83-284); PUC 12-1983, f. & ef. 10-7-83 (Order No. 83-623); PUC 16-1990, f. 9-28-90, cert. ef. 10-1-90 (Order No. 90-1105); PUC 11-1995, f. & cert. ef. 11-27-95 (Order No. 95-1217); PUC 17-1997(Temp), f. 12-11-97, cert. ef. 1-1-98 thru 6-29-98; PUC 5-1998, f. & cert. ef. 3-13-98; PUC 4-1999, f. & cert. ef. 8-12-99; PUC 16-2001, f. & cert. ef. 6-21-01

860-021-0009

Applications for Utility Service from an Energy or Large Telecommunications Utility

(1) An application for energy or telecommunications utility service must be made when:

(a) Service is requested by a person who has not previously been served by the energy or large telecommunications utility;

(b) Service has been involuntarily discontinued in accordance with these rules, and the person later seeks to have service restored; or

(c) Service has been voluntarily discontinued, and a request to restore service has not been made within 20 days.

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(2) An application is a request for energy or telecommunications utility service. The energy or large telecommunications utility shall not accept an application for service until the applicant establishes credit as set forth in OAR 860-021-0200 and 860-021-0205. However, the energy or large telecommunications utility may refuse a service application under OAR 860-021-0335.

(3) An energy or large telecommunications utility may require an applicant to provide the following information when applying for service:

(a) The name of person(s) responsible for payment on the account;

(b) The name to be used to identify the account, if different than the actual name;

(c) The birth date of person(s) responsible for payment on the account;

(d) The social security number of person(s) responsible for payment on the account;

(e) A current valid Oregon driver license number of the person(s) responsible for payment on the account;

(f) The service address;

(g) The billing address, if different than service address; and

(h) Any available telephone numbers where the applicant can be reached night and day.

(4) In lieu of providing a valid social security number or current valid Oregon driver license number under section (3) of this rule, an applicant may provide:

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(a) A valid state or federal identification containing name and photograph of the person(s) responsible for payment on the account;

(b) A combination of:

(A) An original or certified true copy of his or her birth certificate;

(B) A current identification from school or employer containing a photograph; and

(C) The name, address, and telephone number of a person who can verify the applicant's identity, such as a teacher, employer, or caseworker; or,

(c) Other information deemed sufficient by the utility to establish an applicant's identification.

(5) If an applicant is denied service for failure to provide an acceptable form of identification, the applicant may pursue conflict resolution under the Commission's rules.

(6) Upon request, the energy or large telecommunications utility shall protect the account from access by others through the use of a personalized password or other means acceptable to both the energy or large telecommunications utility and the customer.

(7) A large telecommunications utility shall protect the identity of a customer at risk of domestic violence or other abuse. At its option, the large telecommunications utility shall provide the identity protection by allowing the customer to use a modified or alternative name for a directory listing or by providing, at no cost, a non-published listing in

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accordance with other applicable tariff provisions for the length of time the endangerment exists. A customer requesting a nonpublished listing under this section must provide:

(a) A copy of a court order that restrains another person from contact with the customer by reason of risk of domestic violence, as defined in ORS 135.230, or unwanted sexual contact, as defined in ORS 163.305, abuse, as defined by the Elderly and Disabled Person Abuse Prevention Act, ORS 124.005 et seq., or stalking, as defined by ORS 163.730 et seq.; and

(b) An affidavit, stating that the customer is financially unable to pay for the nonpublished listing.

Statutory/Other Authority: ORS 183, 756, 757 & 759

Statutes/Other Implemented: ORS 756.040

History:

PUC 16-2004, f. & cert. ef. 12-1-04

PUC 16-2003, f. & cert. ef. 10-1-03

PUC 16-2001, f. & cert. ef. 6-21-01

PUC 11-1998, f. & cert. ef. 5-7-98

PUC 11-1995, f. & cert. ef. 11-27-95 (Order No. 95-1217)

PUC 2-1993, f. & cert. ef. 1-8-93 (Order No. 92-1793 & 93-035)

PUC 5-1983, f. 5-31-83, ef. 6-1-83 (Order No. 83-284)

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860-021-0010

Information for Utility Customers and Applicants

(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

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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).

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(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.

Statutory/Other Authority: ORS 183, 756, 757 & 759

Statutes/Other Implemented: ORS 756.040

History:

PUC 7-2005, f. & cert. ef. 11-30-05

PUC 164, f. 4-18-74. ef. 5-11-74 (Order No. 74-307); PUC 5-1983, f. 5-31-83, ef. 6-1-83 (Order No. 83-284); PUC 16-1990, f. 9-28-90, cert. ef. 10-1-90 (Order No. 90-1105); PUC 11-1995, f. & cert. ef. 11-27-95 (Order No. 95-1217); PUC 11-1998, f. & cert. ef. 5-7-98; PUC 4-1999, f. & cert. ef. 8-12-99; PUC 16-2001, f. & cert. ef. 6-21-01

860-021-0011

Multilingual Notices

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

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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

History:

PUC 16-2001, f. & cert. ef. 6-21-01

PUC 4-2001, f. & cert. ef. 1-24-01

PUC 14-1997, f. & cert. ef. 11-20-97

PUC 13-1997, f. & cert. ef. 11-12-97

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PUC 16-1990, f. 9-28-90, cert. ef. 10-1-90 (Order No. 90-1105)

860-021-0015

Dispute Resolution

(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;

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(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

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(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

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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

History:

PUC 1-2015, f. & cert. ef. 3-3-15

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PUC 164, f. 4-18-74. ef. 5-11-74 (Order No. 74-307); PUC 5-1983, f. 5-31-83, ef. 6-1-83 (Order No. 83-284); PUC 12-1983, f. & ef. 10-7-83 (Order No. 83-623); PUC 1-1985, f. & ef. 2-1-85 (Order No. 85-075); PUC 4-1985, f. & ef. 4-22-85 (Order No. 85-350); PUC 5-1987, f. & ef. 7-2-87 (Order No. 87-723); PUC 16-1990, f. 9-28-90, cert. ef. 10-1-90 (Order No. 90-1105); PUC 11-1998, f. & ef. 5-7-98 (Order No. 98-188); PUC 8-1999, f. & cert. ef. 10-18-99; PUC 19-2001, f. & cert. ef. 6-21-01; PUC 11-2003, f. & cert. ef. 7-3-03; PUC 6-2013, f. & cert. ef. 8-7-13

860-021-0017

Designation of Third Party to Receive Notices

Each energy or large telecommunications utility shall offer its customers the option to designate a third party to receive bills and notices set forth in these rules. When an energy or large telecommunications utility receives such designation, it shall send bills and notices required under these rules to the customer's representative, with duplicate copies of disconnect notices also served on the customer.

Statutory/Other Authority: ORS 183, 756, 757 & 759

Statutes/Other Implemented: ORS 756.040, 756.500 & 757.760

History:

PUC 16-2001, f. & cert. ef. 6-21-01

PUC 6-1979, f. & ef. 10-6-79 (Order No. 79-680); PUC 5-1983, f. 5-31-83, ef. 6-1-83 (Order No. 83-284); Renumbered from 860-021-0080; PUC 16-1990, f. 9-28-90, cert. ef. 10-1-90 (Order No. 90-1105); PUC 11-1998, f. & cert. ef. 5-7-98

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860-021-0019

Restrictions on Entering a Customer Residence

No employee of an energy or large telecommunications utility shall enter the residence of a customer without proper authorization except in an emergency endangering life or property.

Statutory/Other Authority: ORS 183, 756, 757 & 759

Statutes/Other Implemented: ORS 756.040

History:

PUC 16-2001, f. & cert. ef. 6-21-01

PUC 6-1979, f. & ef. 10-6-79 (Order No. 79-680); PUC 5-1983, f. 5-31-83, ef. 6-1-83 (Order No. 83-284); Renumbered from 860-021-0066

860-021-0021

Interruption of Utility Service

(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. **In cases when the interruption of service lasts longer than 21 days, the utility must notify the Commission; and must provide the reasons for the**

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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.

(3) 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.

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

Statutory/Other Authority: ORS 183, 756, 757 & 759

Statutes/Other Implemented: ORS 756.040

History:

PUC 16-2004, f. & cert. ef. 12-1-04

PUC 164, f. 4-18-74, ef. 5-11-74 (Order No. 74-307); PUC 6-1979, f. & ef. 10-6-79 (Order No. 79-680); Renumbered from 860-021-0070; PUC 5-1983, f. 5-31-83, ef. 6-1-83 (Order No. 83-284); Renumbered from 860-021-0067; PUC 16-1997, f. 12-11-97, cert. ef. 1-1-98; PUC 11-1998, f. & cert. ef. 5-7-98; PUC 16-2001, f. & cert. ef. 6-21-01; PUC 16-2003, f. & cert. ef. 10-1-03

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860-021-0033

Annual Fees Payable to the Commission by an Electric Utility

- (1) On statement forms prescribed by the Commission, each electric company must provide the requested information for the subject year.

- (2) Each electric company must pay to the Commission an annual fee on gross operating revenues derived within Oregon at a rate determined by Commission orders entered on or after March 1 of each year. Each electric company must pay the annual fee on or before the date specified in a notice, which date must be at least 15 days after the mailing of the notice. For the purpose of this section, the gross operating revenues of an electric company do not include revenues from sales of power for resale to the extent that the revenues from those sales exceed an amount equal to 25 percent of the total revenues received by the electric company from sales of electricity to end users in the preceding calendar year.

- (3) Each electric company must pay to the Commission:
 - (a) A minimum annual fee of \$10. The annual fee is due on or before April 1 of the year after the calendar year on which the annual fee is based.

 - (b) A late statement fee in accordance with OAR 860-011-0110, if the Commission has not received the electric company's statement form, completed in compliance with section (1) of this rule, on or before 5 p.m. Pacific Time on the fifth business day following the due date.

 - (c) A penalty fee for failure to pay the full amount when due, as required under ORS 756.350.

****NOT FOR PUBLICATION****

The following draft administrative rule changes have been prepared as a working draft for purposes of discussion. These rules have not been approved for publication or for any other use by Staff or the Public Utility Commission of Oregon. A notice of proposed rulemaking has not been issued on this subject.

(d) A service fee in accordance with OAR 860-011-0110 for each payment returned for non-sufficient funds.

(e) All costs incurred by the Commission to collect a past-due annual fee from the electric company.

(4) The annual fee payment must be received by the Commission no later than 5 p.m. Pacific Time on the due date. A payment may be by cash, money order, bank draft, sight draft, cashier's check, certified, or personal check. A payment made by check will be conditionally accepted until the check is cleared by the bank on which it is drawn.

(5) For any year in which an electric company's statement form was due, the Commission may audit the electric company as the Commission deems necessary and practicable:

(a) The Commission's audit must begin no later than three (3) years after the statement form's due date.

(b) If the Commission determines that the electric company has underreported its subject revenues, the Commission may assess an additional annual fee, along with a penalty fee for failure to pay under ORS 756.350.

(c) If the Commission determines that the electric company has overpaid its annual fee, the Commission may, at its discretion, recompense the electric company with a refund or a credit against annual fees subsequently due.

Statutory/Other Authority: ORS 183 & 756

Statutes/Other Implemented: ORS 756.310, 756.320 & 756.350

History:

****NOT FOR PUBLICATION****

The following draft administrative rule changes have been prepared as a working draft for purposes of discussion. These rules have not been approved for publication or for any other use by Staff or the Public Utility Commission of Oregon. A notice of proposed rulemaking has not been issued on this subject.

PUC 10-2007, f. & cert. ef. 9-13-07

PUC 7-2005, f. & cert. ef. 11-30-05

Renumbered from 860-011-0022, PUC 18-2004, f. & cert. ef. 12-30-04

PUC 15-2003, f. & cert. ef. 7-24-03

PUC 11-1999, f.& cert. ef. 11-18-99

PUC 14-1998, f. & cert. ef. 7-15-98

860-021-0034

Annual Fees Payable to the Commission by Gas Utility or Steam Heat Utility

(1) On statement forms prescribed by the Commission, each gas utility and steam heat utility must provide the requested information for the subject year.

(2) Each gas utility and steam heat utility must pay to the Commission an annual fee on gross operating revenues derived within Oregon at a rate determined by Commission orders entered on or after March 1 of each year.

(3) Each gas utility and steam heat utility must pay to the Commission:

(a) A minimum annual fee of \$10. The annual fee is due on or before April 1 of the year after the calendar year on which the annual fee is based.

(b) A late statement fee in accordance with OAR 860-001-0050, if the Commission has not received the utility's statement form, completed in compliance with section (1) of this rule, on or before 5 p.m. Pacific Time on the fifth business day following the due date.

****NOT FOR PUBLICATION****

The following draft administrative rule changes have been prepared as a working draft for purposes of discussion. These rules have not been approved for publication or for any other use by Staff or the Public Utility Commission of Oregon. A notice of proposed rulemaking has not been issued on this subject.

(c) A penalty fee for failure to pay the full amount when due, as required under ORS 756.350.

(d) A service fee in accordance with OAR 860-001-0050 for each payment returned for non-sufficient funds.

(e) All costs incurred by the Commission to collect a past-due annual fee from the utility.

(4) The annual fee payment must be received by the Commission no later than 5 p.m. Pacific Time on the due date. A payment may be by cash, money order, bank draft, sight draft, cashier's check, certified, or personal check. A payment made by check will be conditionally accepted until the check is cleared by the bank on which it is drawn.

(5) For any year in which a gas utility or steam heat utility's statement form was due, the Commission may audit the utility as the Commission deems necessary and practicable:

(a) The Commission's audit must begin no later than three (3) years after the statement form's due date.

(b) If the Commission determines that the utility has underreported its subject revenues, the Commission may assess an additional annual fee, along with a penalty fee for failure to pay under ORS 756.350.

(c) If the Commission determines that the utility has overpaid its annual fee, the Commission may, at its discretion, recompense the utility with a refund or a credit against annual fees subsequently due.

Statutory/Other Authority: ORS 183, 756 & 757

Statutes/Other Implemented: ORS 756.310, 756.320 & 756.350

****NOT FOR PUBLICATION****

The following draft administrative rule changes have been prepared as a working draft for purposes of discussion. These rules have not been approved for publication or for any other use by Staff or the Public Utility Commission of Oregon. A notice of proposed rulemaking has not been issued on this subject.

History:

PUC 7-2015, f. & cert. ef. 9-8-15

PUC 10-2007, f. & cert. ef. 9-13-07

PUC 18-2004, f. & cert. ef. 12-30-04

PUC 16-2004, f. & cert. ef. 12-1-04

PUC 20-2003, f. & cert. ef. 11-14-03

PUC 15-2003, f. & cert. ef. 7-24-03

PUC 16-2001, f. & cert. ef. 6-21-01

PUC 11-1999, f. & cert. ef. 11-18-99

860-021-0036

Annual Fees Payable to the Commission by a Large Telecommunications Utility

(1) On statement forms prescribed by the Commission, each large telecommunications utility must provide the requested information for the subject year.

(2) Each large telecommunications utility must pay to the Commission an annual fee on gross retail intrastate revenue derived within Oregon at a rate determined by Commission orders entered on or before November 1 of each year:

(a) A minimum annual fee of \$100. The annual fee is due on or before April 1 of the year after the calendar year on which the annual fee is based. The annual fee rate will not exceed the rate authorized in ORS 756.310 of the gross retail intrastate revenue during the calendar year on which the annual fee is based.

****NOT FOR PUBLICATION****

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(b) A late statement fee in accordance with OAR 860-001-0050, if the Commission has not received the utility's statement form, completed in compliance with section (1) of this rule, on or before 5 p.m. Pacific Time on the fifth business day following the due date.

(c) A penalty fee for failure to pay the full amount when due, as required under ORS 756.350 and OAR 860-032-0008(1).

(d) A service fee in accordance with OAR 860-001-0050 for each payment returned for non-sufficient funds.

(e) All costs incurred by the Commission to collect a past-due annual fee from the utility.

(3) The annual fee payment must be received by the Commission no later than 5 p.m. Pacific Time on the due date. A payment may be by cash, money order, bank draft, sight draft, cashier's check, certified, or personal check. A payment made by check will be conditionally accepted until the check is cleared by the bank on which it is drawn.

(4) Each large telecommunications utility must:

(a) Collect the annual fee by charging an equitable amount to each retail customer, using apportionment methods that are consistently applied by the utility throughout Oregon, and

(b) Describe the amount of the apportioned charge upon each retail customer's bill.

(5) If the annual fee charge is embedded in the large telecommunications utility's Commission-approved retail rates, and:

****NOT FOR PUBLICATION****

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(a) If the utility does not separately charge the customer an additional amount for the apportioned annual fee, then the utility may comply with section (4) of this rule by merely describing the apportioned amount of the charge on the retail customer's bill.

(b) If the utility separately charges the customer an additional amount for the apportioned annual fee, then the utility must comply with ORS 756.310(6)(c).

(6) For any year in which a large telecommunications utility's statement form was due, the Commission may audit the utility as the Commission deems necessary and practicable:

(a) The Commission's audit must begin no later than three (3) years after the statement form's due date.

(b) If the Commission determines that the utility has underreported its subject revenues, the Commission may assess an additional annual fee, along with a penalty fee for failure to pay under ORS 756.350.

(c) If the Commission determines that the utility has overpaid its annual fee, the Commission may, at its discretion, recompense the utility with a refund or a credit against annual fees subsequently due.

(7) Each large telecommunications utility must:

(a) Maintain its records in sufficient detail to readily provide gross retail intrastate revenue from Oregon telecommunications services, as defined in OAR 860-032-0080;

(b) Follow the revenue allocation procedures in OAR 860-032-0090; and

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(c) Make its revenue accounting records available to the Commission upon the Commission's request.

(8) If the Commission receives a public record request for the confidential information required by this rule, the Commission may assert that, subject to the limitations of the Public Records Law, the materials are trade secrets and, therefore, exempt from disclosure.

Statutory/Other Authority: ORS 183, 192, 756, 759

Statutes/Other Implemented: ORS 756.310, 756.320, 756.350

History:

PUC 6-2019, amend filed 09/25/2019, effective 09/25/2019

PUC 7-2015, f. & cert. ef. 9-8-15

PUC 18-2004, f. & cert. ef. 12-30-04

PUC 16-2004, f. & cert. ef. 12-1-04

PUC 20-2003, f. & cert. ef. 11-14-03

PUC 8-2003, f. & cert. ef. 4-28-03

PUC 16-2001, f. & cert. ef. 6-21-01

PUC 13-1999, f. & cert. ef. 12-7-99

860-021-0037

Estimated Annual Fees Payable to the Commission

(1) For any year in which an energy or large telecommunications utility fails to file a completed statement form, the Commission may determine a proposed annual fee based upon any information available to the Commission. The proposed annual fee must:

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(a) Include a penalty fee for failure to pay as required by ORS 756.350;

(b) Include a late statement fee in accordance with OAR 860-011-0080; and

(c) Be made no later than three (3) years after the statement form's due date.

(2) The Commission must provide written notice of the proposed annual fee to the energy or large telecommunications utility.

(3) Within 30 days after service of the notice of proposed annual fee, the energy or large telecommunications utility may file a petition with the Commission for a hearing. In its petition, the utility must specify its reasons for disputing the proposed annual fee. The Commission may conduct a hearing on the petition under its rules governing hearings and proceedings.

(4) If the energy or large telecommunications utility has not filed a petition by the end of the 30-day period, the Commission will enter an order based upon information in its files. The Commission's order is final upon service, and the ordered assessment is due and payable on the tenth day after the order becomes final.

(5) During the 30-day period allowed for filing a petition, the energy or large telecommunications utility may file its completed statement form and pay the annual fee, penalties, and late statement fee. The Commission will accept the statement form, fees, and penalties in accordance with the original due date for that year's statement form and payment.

Statutory/Other Authority: ORS 183, 192, 756 & 759

Statutes/Other Implemented: ORS 756.040, 756.310, 756.320 & 756.350

****NOT FOR PUBLICATION****

The following draft administrative rule changes have been prepared as a working draft for purposes of discussion. These rules have not been approved for publication or for any other use by Staff or the Public Utility Commission of Oregon. A notice of proposed rulemaking has not been issued on this subject.

History:

PUC 18-2004, f. & cert. ef. 12-30-04

PUC 16-2004, f. & cert. ef. 12-1-04

PUC 20-2003, f. & cert. ef. 11-14-03

PUC 15-2003, f. & cert. ef. 7-24-03

PUC 8-2003, f. & cert. ef. 4-28-03

860-021-0045

Installation of Electric Service

(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 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

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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

History:

PUC 7-2005, f. & cert. ef. 11-30-05

PUC 11-1998, f. & cert. ef. 5-7-98

PUC 164, f. 4-18-74, ef. 5-11-74 (Order No. 74-307)

860-021-0050

Installation of Gas Service

(1) Each gas utility shall furnish, a gas service from the gas main adjacent to the customer's premises to and including the meter. Each gas utility shall develop, with the Commission's approval, a uniform policy governing the amount of service extension that will be made free to connect a new customer. This policy should be related to the investment that can prudently be made for the probable revenue.

(2) Each gas utility shall furnish, own, operate, maintain, and replace the service connections when needed.

(3) The gas utility will not be required to make more than one connection to its main to furnish service to the premises of any customer and will not be required to install or

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maintain pipes for the distribution of gas beyond a single point of delivery to points of use upon the customer's premises.

(4) Each gas utility shall not be responsible for the condition or maintenance of the piping or appliances installed by the customer.

Statutory/Other Authority: ORS 183 & 756

Statutes/Other Implemented: ORS 756.040

History:

PUC 28-2001, f. & cert. ef. 12-28-01

PUC 11-1998, f. & cert. ef. 5-7-98

PUC 13-1997, f. & cert. ef. 11-12-97

PUC 164, f. 4-18-74, ef. 5-11-74 (Order No. 74-307)

860-021-0051

Main Extensions for Gas Service

Each gas utility shall develop, with the Commission's approval, a uniform policy governing the amount of main extension which will be made free to connect a new customer. This policy should be related to the investment that can prudently be made for the probable revenue.

Statutory/Other Authority: ORS 183 & 756

Statutes/Other Implemented: ORS 756.040

History:

PUC 11-1998, f. & cert. ef. 5-7-98

****NOT FOR PUBLICATION****

The following draft administrative rule changes have been prepared as a working draft for purposes of discussion. These rules have not been approved for publication or for any other use by Staff or the Public Utility Commission of Oregon. A notice of proposed rulemaking has not been issued on this subject.

PUC 13-1997, f. & cert. ef. 11-12-97

PUC 164, f. 4-18-74, ef. 5-11-74 (Order No. 74-307)

860-021-0055

Temporary Utility Service

Each energy or large telecommunications utility may render temporary service to a customer and may require the customer to bear all the cost of installing and removing the service in excess of any salvage realized. The length of temporary service shall be specified in the applicable tariffs approved by the Commission.

Statutory/Other Authority: ORS 183 & 756

Statutes/Other Implemented: ORS 756.040

History:

PUC 16-2001, f. & cert. ef. 6-21-01

PUC 164, f. 4-18-74, ef. 5-11-74 (Order No. 74-307)

860-021-0057

Connection of Residential Energy Utility Service

(1) This rule applies to the connection of energy service for an applicant or customer who has satisfied the requirements of all applicable rules and regulations, and requested connection. This rule applies for connection at a location with existing service facilities where the utility need only activate service, or after any necessary line extension, construction or repair work has been completed.

****NOT FOR PUBLICATION****

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(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, submit any necessary credit information and request connection of service. For purposes of this rule, Business Day is defined as Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding state- or utility-recognized holidays.

(3) An energy utility must connect service as soon as reasonably possible, within the normal course of business, after an applicant or customer has satisfied the requirements for and requested connection. At a minimum, service must be connected within two Business Days, except as provided in section (4) of this rule.

(4) This section only applies to a natural gas service connection that is completed between September 15 and November 15 of each year, at an address where the applicant received service at any time during the past 12 months that was disconnected, but not reconnected within 20 days. Service must be connected as soon as reasonably possible, within the normal course of business, after an applicant or customer has satisfied the requirements for and requested connection. At a minimum:

(a) Service must be connected within two (2) Business Days when the applicant's prior service at the address was disconnected from August 15 to November 15 of the current year.

(b) Service must be connected within five (5) Business Days when the applicant's prior service at the address was disconnected from November 16 of the previous year to August 14 of the current year.

(5) With Commission concurrence, the connection 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;

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(b) An action or default by an applicant 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 connecting service;

(e) The applicant'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 Ch. 183 & 756

Statutes/Other Implemented: ORS 756.040

History:

PUC 7-2006, f. & cert. ef. 7-6-06

860-021-0120

Meter Readings and Bill Forms

(1) Every energy utility providing metered service will clearly indicate on the meter the units of service for which the charge is made to the customer. The energy utility will clearly and plainly mark on the meter the proper constant to be applied when the dial

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reading on an electric meter must be multiplied by a constant to obtain the units consumed.

(2) All bills must display:

(a) The total consumption for the billing period;

(b) The beginning and ending meter readings for the billing period, where available;

(c) The beginning and ending dates of the billing period;

(d) The number of units of service supplied;

(e) The schedule number under which the bill was computed; and

(f) Any other information needed to compute the bill. Each bill will specify the delinquent date of the bill. When there is good reason for so doing, the energy utility may submit estimated bills. The energy utility will clearly note on the bill when total consumption is estimated for more than twenty-four hours in one billing period.

(3) The energy utility will read all service meters at least once a month, as nearly as possible, on the corresponding day of each meter reading period. Special authority may be granted for reading the meters less frequently than once a month if the circumstances warrant or upon the customer's request if agreed to by the energy utility and the customer:

(a) When access to a meter is difficult due to the meter's location or other circumstance, the energy utility may seek the customer's cooperation in obtaining meter readings. The energy utility will verify the actual meter reading not less than once every four months.

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(b) A customer must provide the energy utility with regular access to a meter on the customer's property. Failure to permit access at reasonable times and after reasonable notice is grounds for disconnection.

(4) On written customer request, an energy utility that manually obtains monthly meter reads must, at the time of such reading, leave at the premises, information containing the date and time of the meter read and the meter read data.

(5) An energy utility will make a reasonable effort to prepare opening and closing bills from actual meter readings.

Statutory/Other Authority: ORS 183, 756 & 757

Statutes/Other Implemented: ORS 756.040 & 757.250

History:

PUC 4-2006, f. & cert. ef. 2-27-06

PUC 164, f. 4-18-74, ef. 5-11-74 (Order No. 74-307); PUC 5-1983, f. 5-31-83, ef. 6-1-83 (Order No. 83-284); Renumbered from 860-021-0020; PUC 16-1990, f. 9-28-90, cert. ef. 10-1-90 (Order No. 90-1105); PUC 11-1995, f. & cert. ef. 11-27-95 (Order No. 95-1217); PUC 11-1998, f. & cert. ef. 5-7-98

860-021-0125

Due and Payable Period

(1) Each energy or large telecommunications utility shall establish procedures to ensure that the period from the billing transmittal for all current charges, including payment for final bills, to the due date is not less than 15 days.

****NOT FOR PUBLICATION****

The following draft administrative rule changes have been prepared as a working draft for purposes of discussion. These rules have not been approved for publication or for any other use by Staff or the Public Utility Commission of Oregon. A notice of proposed rulemaking has not been issued on this subject.

(2) If the bill is delivered by US mail, the due and payable period begins the day after the US Postal Service postmark or the day after the date of postage metering.

Statutory/Other Authority: ORS 183, 756, 757 & 759

Statutes/Other Implemented: ORS 756.040

History:

PUC 16-2004, f. & cert. ef. 12-1-04

PUC 164, f. 4-18-74, ef. 5-11-74 (Order No. 74-307); PUC 5-1983, f. 5-31-83, ef. 6-1-83 (Order No. 83-284); Renumbered from 860-021-0035; PUC 11-1998, f. & cert. ef. 5-7-98; PUC 4-1999, f. & cert. ef. 8-12-99; PUC 16-2001, f. & cert. ef. 6-21-01; PUC 16-2003, f. & cert. ef. 10-1-03

860-021-0126

Late-Payment Charge

(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

****NOT FOR PUBLICATION****

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

(3) An energy utility may not impose late-payment charges to low-income residential customers.

(34) 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

History:

PUC 16-2001, f. & cert. ef. 6-21-01

PUC 4-2001, f. & cert. ef. 1-24-01

PUC 4-1999, f. & cert. ef. 8-12-99

PUC 12-1997, f. & cert. ef. 10-30-97

PUC 16-1990, f. 9-28-90, cert. ef. 10-1-90 (Order No. 90-1105)

860-021-0130

Meter Test

(1) Any customer may ask the energy utility to test a meter. Such tests shall be made within 20 working days of the request at no cost to the customer. If a customer requests

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more than one meter test within any 12-month period, the energy utility may charge the customer to recover the reasonable cost of the test. The energy utility may not charge the customer if the meter is found to register outside the 2 percent accepted tolerance standard under normal operating conditions.

(2) A customer and/or a designated representative shall have the right to be present at any meter test. The test shall be conducted at a mutually acceptable time during regular business hours.

(3) A written report showing the customer's name, the request date, the address where the meter has been installed, the meter's number, the date tested, and the test result shall be supplied to the customer within a reasonable time after completing the test.

Statutory/Other Authority: ORS 183, 756 & 757

Statutes/Other Implemented: ORS 756.040 & 757.255

History:

PUC 16-2004, f. & cert. ef. 12-1-04

PUC 164, f. 4-18-74, ef. 5-11-74 (Order No. 74-307); PUC 5-1983, f. 5-31-83, ef. 6-1-83 (Order No. 83-284); Renumbered from 860-021-0025; PUC 13-1997, f. & cert. ef. 11-12-97; PUC 11-1998, f. & cert. ef. 5-7-98; PUC 16-2003, f. & cert. ef. 10-1-03

860-021-0135

Adjustment of Utility Bills

(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:

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(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.

****NOT FOR PUBLICATION****

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(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

****NOT FOR PUBLICATION****

The following draft administrative rule changes have been prepared as a working draft for purposes of discussion. These rules have not been approved for publication or for any other use by Staff or the Public Utility Commission of Oregon. A notice of proposed rulemaking has not been issued on this subject.

History:

PUC 7-2014, f. & cert. ef. 11-13-14

PUC 164, f. 4-18-74, ef. 5-11-74 (Order No. 74-307); PUC 5-1983, f. 5-31-83, ef. 6-1-83 (Order No. 83-284); Renumbered from 860-021-0030; PUC 16-1990, f. 9-28-90, cert. ef. 10-1-90 (Order No. 90-1105); PUC 13-1997, f. & cert. ef. 11-12-97; PUC 11-1998, f. & cert. ef. 5-7-98; PUC 4-1999, f. & cert. ef. 8-12-99; PUC 16-2001, f. & cert. ef. 6-21-01; PUC 5-2014, f. & cert. ef. 6-26-14

860-021-0170

Billing Error Reporting

(1) As used in this rule, “billing error” means an error by an energy utility in the calculation of tariffed amounts billed to customers that:

(a) Is due to a single, specific event, reason, or condition;

(b) Resulted in the issuance of a corrected bill; and

(c) Affected an estimated 0.5 percent or more of customer bills issued in any billing month by an average of \$5.00 or more.

(2) Within 10 business days of discovering a billing error, an energy utility must report the error via electronic mail to the Commission’s Consumer Services Section.

(3) Within 60 calendar days from the date the billing error was first reported, an energy utility must file a final report via electronic mail with the Commission’s Consumer Services Section. The report must include the following information:

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- (a) A description and cause, if known, of the billing error;
 - (b) The number of bills affected by the billing error;
 - (c) The number of bills adjusted due to the billing error;
 - (d) The time period in which the billing error affected customer bills;
 - (e) The actions taken to correct the error; and
 - (f) The actions taken to prevent the same error from occurring in the future.
- (4) Within 60 calendar days following the end of each calendar year, an energy utility must file an annual report with the Commission's filing center that summarizes all billing errors reported during the prior calendar year.

Statutory/Other Authority: ORS 183, 756 & 757

Statutes/Other Implemented: ORS 756.040 & 757.020

History:

PUC 1-2013, f. & cert. ef. 2-14-13

****NOT FOR PUBLICATION****

The following draft administrative rule changes have been prepared as a working draft for purposes of discussion. These rules have not been approved for publication or for any other use by Staff or the Public Utility Commission of Oregon. A notice of proposed rulemaking has not been issued on this subject.

860-021-0180

Verification of Eligibility for Low-income Residential Customer

(1) A residential customer shall qualify as an eligible low-income residential customer for purposes of OAR 860-021-0205(5), OAR 860-021-0210, OAR 860-021-0330, or OAR 860-021-0420 through the following methods:

- (a) The customer is a recipient of energy assistance through the Low income Home Energy Assistance Program (LIHEAP) 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, including discounted rates offered by a utility pursuant to 2021 House Bill 2475.**

(2) 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.

860-021-0200

Establishing Credit for Residential Utility Service

(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: 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 contacting the 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:**

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

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~~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 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 customer**; or

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(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~~^{with} 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

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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.

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Statutory/Other Authority: ORS 183, 756, 757, 759 & Ch. 290 & OL 1987

Statutes/Other Implemented: ORS 756.040 & Ch. 290 & OL 1987

History:

PUC 16-2004, f. & cert. ef. 12-1-04

PUC 164, f. 4-18-74, ef. 5-11-74 (Order No. 74-307); PUC 6-1981, f. & ef. 8-10-81 (Order No. 81-498); PUC 5-1983, f. 5-31-83, ef. 6-1-83 (Order No. 83-284); Renumbered from 860-21-040; PUC 5-1989(Temp), f. & cert. ef. 4-19-89 (Order No. 89-493); PUC 13-1989, f. & cert. ef. 9-12-89 (Order No. 89-1173); PUC 16-1990, f. 9-28-90, cert. ef. 10-1-90 (Order No. 90-1105); PUC 13-1997, f. & cert. ef. 11-12-97; PUC 17-1997(Temp), f. 12-11-97, cert. ef. 1-1-98 thru 6-29-98; PUC 5-1998, f. & cert. ef. 3-13-98; PUC 16-2001, f. & cert. ef. 6-21-01; PUC 16-2003, f. & cert. ef. 10-1-03; PUC 2-2004(Temp), f. & cert. ef. 1-9-04 thru 7-2-04; PUC 11-2004, f. & cert. ef. 6-2-04

860-021-0205

Deposit Payment Arrangements for Residential Energy Utility Service

(1) **Except as provided for in OAR 860-021-0335(1) and (2), 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 deposit be paid by a low-income residential customer.**

(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

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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~~ ~~the 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

****NOT FOR PUBLICATION****

The following draft administrative rule changes have been prepared as a working draft for purposes of discussion. These rules have not been approved for publication or for any other use by Staff or the Public Utility Commission of Oregon. A notice of proposed rulemaking has not been issued on this subject.

Statutes/Other Implemented: ORS 756.040 & Ch. 290 & OL 1987

History:

PUC 7-2005, f. & cert. ef. 11-30-05

PUC 5-1983, f. 5-31-83, ef. 6-1-83 (Order No. 83-284), PUC 12-1983 f. & ef. 10-7-83 (Order No. 83-623); PUC 5-1987, f. & ef. 7-2-87 (Order No. 87-723); PUC 3-1989, f. 2-6-89, cert. ef. 2-8-89 (Order No. 89-038); PUC 16-1990, f. 9-28-90, cert. ef. 10-1-90 (Order No. 90-1105); PUC 11-1998, f. & cert. ef. 5-7-98; PUC 16-2001, f. & cert. ef. 6-21-01; PUC 16-2003, f. & cert. ef. 10-1-03; PUC 16-2004, f. & cert. ef. 12-1-04

860-021-0206

Payment Arrangements for Deposit and Installation Charges for Residential Telecommunications Utility Service

(1) Time payments for deposits and nonrecurring charges shall be limited to charges for residential service and intraLATA toll. When the large telecommunications utility requires deposits and/or nonrecurring charges to establish or reestablish service from an applicant, the applicant shall pay one-fourth of the deposit and/or nonrecurring charges immediately. The customer or applicant shall pay the remainder in three equal installments, which shall be due 30, 60, and 90 days, respectively, after the date the payment agreement is executed. Except for the last payment, installments shall be the greater of \$20 or one-fourth of the total deposit. In communicating with an applicant to establish service or to require a deposit and/or nonrecurring charge, the large telecommunications utility shall inform the applicant of the availability of Link-Up America and Oregon Telephone Assistance Program benefits and inform the applicant that details are available from the Commission.

(2) When a customer makes an installment payment or a deposit with a payment for telecommunications utility service, the large telecommunications utility shall first apply the amount paid toward the amount due for deposit and/or nonrecurring charges.

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(3) A customer who is required to pay an additional deposit shall pay one-fourth of the total deposit within five days to the large telecommunications utility. 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 30-day period.

(4) When a customer enters into an installment agreement for payment of a deposit and/or nonrecurring charges under section (1) of this rule, the large telecommunications utility shall provide written notice explaining its deposit and nonrecurring charges requirements. The notice shall specify the date each installment payment shall be due and shall include a statement printed in bold-face type informing the customer that utility service will be disconnected if payment is not received when due.

(5) If a customer fails to abide by the terms of an installment agreement, the large telecommunications utility may disconnect local exchange service after providing a written five-day notice. The notice shall contain the information set forth in OAR 860-021-0505(3)(a) through (e) and shall be served as required by in 860-021-0505(4) and (5). In lieu of permanent disconnection, the large telecommunications utility may curtail service pursuant to 860-021-0505(7).

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

(7) If disconnection for nonpayment of a deposit and/or nonrecurring charges occurs, the customer disconnected shall pay the full amount of the deposit, and/or nonrecurring charges, any applicable reconnection fee, late-payment fee, and past due tariff and price-listed amount before service is restored. A customer may continue with an existing medical certificate time-payment agreement by paying all past-due installments.

Statutory/Other Authority: ORS 183, 756 & Ch. 290 & OL 1987

Statutes/Other Implemented: ORS 756.040 & Ch. 290 OL 1987

****NOT FOR PUBLICATION****

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History:

PUC 16-2004, f. & cert. ef. 12-1-04

PUC 16-2003, f. & cert. ef. 10-1-03

PUC 16-2001, f. & cert. ef. 6-21-01

PUC 11-1998, f. & cert. ef. 5-7-98

PUC 16-1990, f. 9-28-90, cert. ef. 10-1-90 (Order No. 90-1105)

PUC 3-1989, f. 2-6-89, cert. ef. 2-8-89 (Order No. 89-038)

860-021-0210

Interest on Deposits for Residential and Nonresidential Utility Service

(1) Each year, the Commission shall establish an annual interest rate that must be paid on customer deposits. The Commission will base the rate upon consideration of the effective interest rate for new issues of one-year Treasury Bills issued during the last week of October, the interest rate on the most recent issuance of one-year Treasury Bills, or the effective interest rate for the average yield of Treasury Bills of the closest term issued during the last week of October. This interest rate, rounded to the nearest one-half of one percent, shall apply to deposits held during January 1 through December 31 of the subsequent year. The Commission will advise all energy and large telecommunications utilities of the changes in the rate to be paid on customer deposits held as needed.

(2) Upon payment of a deposit, the energy or large telecommunications utility shall provide the customer documentation showing the date, name of the applicant or customer, the service address, the amount of deposit, a statement that the deposit will accrue interest at the rate prescribed by the Commission, and an explanation of the conditions under which the deposit will be refunded.

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(3) If the deposit is held beyond one year, accrued interest will be paid by a credit to the customer's account. If held less than one year, interest will be prorated. An energy or large telecommunications utility shall keep a detailed record of each deposit received until the deposit is credited or refunded.

Statutory/Other Authority: ORS 183, 756, 757, 759 & Ch. 290 & OL 1987

Statutes/Other Implemented: ORS 756.040 & Ch. 290 & OL 1987

History:

PUC 16-2004, f. & cert. ef. 12-1-04

PUC 16-2003, f. & cert. ef. 10-1-03

PUC 16-2001, f. & cert. ef. 6-21-01

PUC 12-1997, f. & cert. ef. 10-30-97

PUC 16-1990, f. 9-28-90, cert. ef. 10-1-90 (Order No. 90-1105)

PUC 3-1989, f. 2-6-89, cert. ef. 2-8-89 (Order No. 89-038)

PUC 5-1983, f. 5-31-83, ef. 6-1-83 (Order No. 83-284)

860-021-0215

Refund of Deposits for Residential and Nonresidential Utility Service

(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:

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(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.

(a) 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 check mailed to the last-known address upon request.

(B) If a low-income residential customer account is current, the deposit will be applied to a customer's account or returned by check mailed to the last-known address upon request.

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(C) For a low-income residential customer that pays the deposit in installments per section (1) above, the energy utility will return the deposit within two billing cycles, after the last installment payment is made.

(~~6~~7) 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 & Ch. 290 & OL 1987

History:

PUC 16-2001, f. & cert. ef. 6-21-01

PUC 11-1998, f. & cert. ef. 5-7-98

PUC 16-1990, f. 9-28-90, cert. ef. 10-1-90 (Order No. 90-1105)

PUC 3-1989, f. 2-6-89, cert. ef. 2-8-89 (Order No. 89-038)

PUC 5-1983, f. 5-31-83, ef. 6-1-83 (Order No. 83-284)

860-021-0305

Grounds for Disconnecting Utility Service

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.

****NOT FOR PUBLICATION****

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(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 tariff 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 and damage to utility equipment results.

****NOT FOR PUBLICATION****

The following draft administrative rule changes have been prepared as a working draft for purposes of discussion. These rules have not been approved for publication or for any other use by Staff or the Public Utility Commission of Oregon. A notice of proposed rulemaking has not been issued on this subject.

(101) When the Commission approves the disconnection 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

History:

PUC 9-2009, f. & cert. ef. 8-25-09

PUC 6-1979, f. & ef. 10-6-79 (Order No. 79-680); PUC 5-1983, f. 5-31-83, ef. 6-1-83 (Order No. 83-284); Renumbered from 860-021-0075; PUC 8-1983, f. & ef. 8-15-83 (Order No. 83-502); PUC 3-1989, f. 2-6-89, cert. ef. 2-8-89 (Order No. 89-038); PUC 16-1990, f. 9-28-90, cert. ef. 10-1-90 (Order No. 90-1105); PUC 11-1995, f. & cert. ef. 11-27-95 (Order No. 95-1217); PUC 11-1998, f. & cert. ef. 5-7-98; PUC 16-2001, f. & cert. ef. 6-21-01

860-021-0310

Voluntary Disconnection of Utility Service

Every customer who is about to vacate any premises supplied with service by the energy or large telecommunications utility, or who for any reason wishes to have such service discontinued, shall give five days' notice in advance of specified date of discontinuance of service to the utility. Until the energy or large telecommunications utility shall have such notice, the customer shall be held responsible for all service rendered.

Statutory/Other Authority: ORS 183, 756, 757 & 759

Statutes/Other Implemented: ORS 756.040

History:

PUC 16-2001, f. & cert. ef. 6-21-01

****NOT FOR PUBLICATION****

The following draft administrative rule changes have been prepared as a working draft for purposes of discussion. These rules have not been approved for publication or for any other use by Staff or the Public Utility Commission of Oregon. A notice of proposed rulemaking has not been issued on this subject.

PUC 164, f. 4-18-74, ef. 5-11-74 (Order No. 74-307); PUC 6-1979, f. & ef. 10-6-79 (Order No. 79-680); PUC 5-1983, f. 5-31-83, ef. 6-1-83 (Order No. 83-284);
Renumbered from 860-021-0065

860-021-0315

Emergency Disconnection of Utility Service

In emergencies endangering life or property, an energy or large telecommunications utility may terminate service without following the procedures in division 021. However, the energy or large telecommunications utility shall immediately thereafter notify the Commission. In such cases, when the necessity for emergency termination was through no fault of the customer, the utility will not make a charge to restore service.

Statutory/Other Authority: ORS 183, 756, 757 & 759

Statutes/Other Implemented: ORS 756.040 & 757.035

History:

PUC 16-2001, f. & cert. ef. 6-21-01

PUC 6-1979, f. & ef. 10-6-79 (Order No. 79-680); PUC 5-1983, f. 5-31-83; ef. 6-1-83 (Order No. 83-284); Renumbered from 860-021-0068; PUC 8-1983, f. & ef. 8-15-83 (Order No. 83-502); PUC 2-1993, f. & cert. ef. 1-8-93 (Order No. 92-1793 & 93-035); PUC 11-1998, f. & cert. ef. 5-7-98

860-021-0320

Disconnection of Service on Weekends and Holidays

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

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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

History:

PUC 11-1995, f. & cert. ef. 11-27-95 (Order No. 95-1217)

PUC 5-1983, f. 5-31-83, ef. 6-1-83 (Order No. 83-284)

860-021-0325

Accounts Not Related to Residential Utility Service

An energy or large telecommunications utility may not deny or disconnect residential service due to the failure to pay for nonresidential service or to meet obligations in connection with nonresidential service.

Statutory/Other Authority: ORS 183, 756, 757 & 759

Statutes/Other Implemented: ORS 756.040

History:

PUC 16-2001, f. & cert. ef. 6-21-01

PUC 11-1998, f. & cert. ef. 5-7-98

PUC 5-1983, f. 5-31-83, ef. 6-1-83 (Order No. 83-284)

****NOT FOR PUBLICATION****

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860-021-0326

Disconnection of Gas or Electric Service to Tenants

(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 may 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

History:

PUC 7-2005, f. & cert. ef. 11-30-05

PUC 11-1998, f. & cert. ef. 5-7-98

PUC 13-1997, f. & cert. ef. 11-12-97

PUC 11-1995, f. & cert. ef. 11-27-95 (Order No. 95-1217)

****NOT FOR PUBLICATION****

The following draft administrative rule changes have been prepared as a working draft for purposes of discussion. These rules have not been approved for publication or for any other use by Staff or the Public Utility Commission of Oregon. A notice of proposed rulemaking has not been issued on this subject.

PUC 16-1990, f. 9-28-90, cert. ef. 10-1-90 (Order No. 90-1105)

860-021-0328

Reconnection of Residential Energy Utility Service

(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) 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.

****NOT FOR PUBLICATION****

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(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: 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:

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(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.

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(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

History:

PUC 7-2006, f.& cert. ef.7-6-06

PUC 1-2006(Temp), f. & cert. ef. 2-17-06 thru 8-15-06

****NOT FOR PUBLICATION****

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860-021-0330

Reconnection Fee for Utility Service

(1) 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:**

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

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

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

(d) Sections (a) (b), and (c) 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

History:

PUC 16-2001, f. & cert. ef. 6-21-01

PUC 11-1998, f. & cert. ef. 5-7-98

PUC 16-1990, f. 9-28-90, cert. ef. 10-1-90 (Order No. 90-1105)

PUC 5-1983, f. 5-31-83, ef. 6-1-83 (Order No. 83-284)

****NOT FOR PUBLICATION****

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860-021-0334

Transfer Billings

(1) If an energy or large telecommunications utility identifies a balance a customer owes the utility from the customer's prior account for Oregon service, the utility may transfer the amount to the customer's current account after giving the customer notice of the transfer, the amount due under the prior account, the period when the balance was incurred, and the service address or telephone number under which the bill was incurred; or the utility may send a separate notice to the customer giving the same information that would be included in the transfer, but collecting the amount due separately from the customer's current account. If the bill is identified when a customer changes residences, the provisions of this rule apply. An energy or large telecommunications utility may pursue disconnection for nonpayment of a customer's current utility service only in compliance with OAR 860-021-0405 or 860-021-0505.

(2) If the customer has six months or more remaining on a time-payment agreement, the installment amount will be adjusted to bring the account into balance within the time specified in the original agreement. If the customer has less than six months remaining on a time-payment agreement, the energy or large telecommunications utility will recalculate the agreement to bring the account into balance within 12 months. The customer must pay any past due time-payment installments before the energy or large telecommunications utility adjusts or recalculates the agreement. Energy and large telecommunications utilities may make more liberal payment arrangements for customers on medical certificates who cannot reasonably be expected to pay the outstanding balance in the time otherwise applicable under this rule.

Statutory/Other Authority: ORS 183 & 756

Statutes/Other Implemented: ORS 756.040 & 757.225

History:

PUC 16-2001, f. & cert. ef. 6-21-01

PUC 4-1999, f. & cert. ef. 8-12-99

PUC 11-1998, f. & cert. ef. 5-7-98

PUC 11-1995, f. & cert. ef. 11-27-95 (Order No. 95-1217)

PUC 16-1990, f. 9-28-90, cert. ef. 10-1-90 (Order No. 90-1105)

****NOT FOR PUBLICATION****

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860-021-0335

Refusal of Utility Service

(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 shall not require a deposit 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:

****NOT FOR PUBLICATION****

The following draft administrative rule changes have been prepared as a working draft for purposes of discussion. These rules have not been approved for publication or for any other use by Staff or the Public Utility Commission of Oregon. A notice of proposed rulemaking has not been issued on this subject.

(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; **and**

~~(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~~

~~(b)~~ 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.

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(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 & Ch. 290 & OL 1987

History:

PUC 7-2005, f. & cert. ef. 11-30-05

PUC 164, f. 4-18-74, ef. 5-11-74 (Order No. 74-307); PUC 6-1979, f. & ef. 10-6-79 (Order No. 79-680); PUC 5-1983, f. 5-31-83, ef. 6-1-83 (Order No. 83-284); Renumbered from 860-021-0060 and 860-021-0100; PUC 12-1983, f. & ef. 10-7-83 (Order No. 83-623); PUC 16-1990, f. 9-28-90, cert. ef. 10-1-90 (Order No. 90-1105); PUC 13-1997, f. & cert. ef. 11-12-97; PUC 17-1997(Temp), f. 12-11-97, cert. ef. 1-1-98 thru 6-29-98; PUC 5-1998, f. & cert. ef. 3-13-98; PUC 16-2001, f. & cert. ef. 6-21-01; PUC 22-2002, f. & cert. ef. 12-9-02

860-021-0405

Notice of Pending Disconnection of Residential Electric or Gas Utility Service

(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

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(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.

****NOT FOR PUBLICATION****

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(3) The energy utility must provide written notice to the customer at least 45 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 4520-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;

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(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:

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(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, **and subject to the energy utility's payment collection policies,** the utility's representative making contact is empowered to accept reasonable partial payment of the overdue balance under the time-payment provisions of OAR 860-021-0415.

(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.

****NOT FOR PUBLICATION****

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Statutory/Other Authority: ORS 183, 756, 757

Statutes/Other Implemented: ORS 756.040, 757.760

History:

PUC 2-2019, minor correction filed 03/15/2019, effective 03/15/2019

PUC 9-2009, f. & cert. ef. 8-25-09

PUC 6-1979, f. & ef. 10-6-79 (Order No. 79-680); PUC 5-1983, f. 5-31-83, ef. 6-1-83 (Order No. 83-284); Renumbered from 860-021-0085; PUC 16-1990, f. 9-28-90, cert. ef. 10-1-90 (Order No. 90-1105); PUC 11-1998, f. & cert. ef. 5-7-98; PUC 4-1999, f. & cert. ef. 8-12-99; PUC 16-2001, f. & cert. ef. 6-21-01; PUC 7-2005, f. & cert. ef. 11-30-05; PUC 4-2006, f. & cert. ef. 2-27-06

860-021-0406

Wildfire Displacement Protection

(1) An energy utility must 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 must make best effort to put into effect a moratorium on the disconnection of residential and commercial service for nonpayment on any day of 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 must make best efforts to reconnect the customer. An energy utility shall notify the Commission's Consumer Services Section when the utility determines that reconnects are not possible due to adverse geographic or weather conditions.

Statutory/Other Authority: ORS 183, 756, 757

Statutes/Other Implemented: ORS 756.040, 757.760

History:

****NOT FOR PUBLICATION****

The following draft administrative rule changes have been prepared as a working draft for purposes of discussion. These rules have not been approved for publication or for any other use by Staff or the Public Utility Commission of Oregon. A notice of proposed rulemaking has not been issued on this subject.

860-021-0407

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

(1) Except as set forth in section (~~8~~**11**) 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.

(~~3~~**4**) 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.

(~~4~~**5**) **For purposes of sections (1) and (2) of this rule, a**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.

(~~5~~**6**) 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.

(~~6~~**7**) The energy utility must obtain the required forecast data no later than 8:00 a.m. each business day.

****NOT FOR PUBLICATION****

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(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. Reconnection fees stated in OAR 860-021-0330 may apply to any reconnection. An energy utility shall notify the Commission's Consumer Services Section when the utility determines that reconnects are not possible due to weather or air quality conditions.

(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

History:

PUC 4-2017, f. & cert. ef. 5-30-17

****NOT FOR PUBLICATION****

The following draft administrative rule changes have been prepared as a working draft for purposes of discussion. These rules have not been approved for publication or for any other use by Staff or the Public Utility Commission of Oregon. A notice of proposed rulemaking has not been issued on this subject.

860-021-0408

Disconnect Reporting Rule

(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.

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(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

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(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 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

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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

History:

PUC 3-2018, adopt filed 06/20/2018, effective 06/20/2018

860-021-0410

Emergency Medical Certificate for Residential Electric and Gas Service

(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 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~~**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;

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(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

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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 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

History:

PUC 7-2005, f. & cert. ef. 11-30-05

PUC 6-1979, f. & ef. 10-6-79 (Order No. 79-680); PUC 5-1983, f. 5-31-83, ef. 6-1-83 (Order No. 83-284); Renumbered from 860-021-0095; PUC 12-1983, f. & ef. 10-7-83

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(Order No. 83-623); PUC 3-1989, f. 2-6-89, cert. ef. 2-8-89 (Order No. 89-038); PUC 16-1990, f. 9-28-90, cert. ef. 10-1-90 (Order No. 90-1105); PUC 11-1995, f. & cert. ef. 11-27-95 (Order No. 95-1217); PUC 11-1998, f. & cert. ef. 5-7-98; PUC 16-2001, f. & cert. ef. 6-21-01

860-021-0414

Equal-Payment Plans for Residential Electric and Gas Service

Electric companies and gas utilities will make equal-payment plans available to residential 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 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

History:

PUC 7-2005, f. & cert. ef. 11-30-05

PUC 16-1990, f. 9-28-90, cert. ef. 10-1-90 (Order No. 90-1105)

****NOT FOR PUBLICATION****

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860-021-0415

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

(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 ~~42~~18, and a like payment each month for ~~44~~17 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~~ eighteenth 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 ~~44~~ 17 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

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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 plans 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. **An energy utility may inform customers of longer durations, up to 24 months, based on the individualized need of the customer.**

(5) During the term of the time-payment arrangement, a customer whose financial condition changes during the term of a time-payment arrangement who defaults on a time-payment arrangement and who seeks to renegotiate payment arrangements, may do so at least one time under the same terms specified above.

~~(56)~~ If a customer fails to abide by the time-payment agreement, the energy utility may disconnect service after serving ~~45~~ **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

History:

PUC 7-2005, f. & cert. ef. 11-30-05

PUC 5-1983, f. 5-31-83, ef. 6-1-83 (Order No. 83-284); PUC 3-1989, f. 2-6-89, cert. ef. 2-8-89 (Order No. 89-038); PUC 16-1990, f. 9-28-90, cert. ef. 10-1-90 (Order No. 90-1105); PUC 11-1998, f. & cert. ef. 5-7-98; PUC 16-2001, f. & cert. ef. 6-21-01

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860-021-0420

Field Visit Charge

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 to low-income residential customers.**

Statutory/Other Authority: ORS 183, 756 & 757

Statutes/Other Implemented: ORS 756.040 & 757.225

History:

PUC 7-2005, f. & cert. ef. 11-30-05

PUC 16-2004, f. & cert. ef. 12-1-04

PUC 16-2003, f. & cert. ef. 10-1-03

PUC 11-1998, f. & cert. ef. 5-7-98

PUC 16-1990, f. 9-28-90, cert. ef. 10-1-90 (Order No. 90-1105)

PUC 12-1983, f. & ef. 10-7-83 (Order No. 83-623)

PUC 5-1983, f. 5-31-83, ef. 6-1-83 (Order No. 83-284)

860-021-0505

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

(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.

****NOT FOR PUBLICATION****

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(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.

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(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 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.

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(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

History:

PUC 9-2009, f. & cert. ef. 8-25-09

PUC 6-1979, f. & ef. 10-6-79 (Order No. 79-680); PUC 5-1983, f. 5-31-83, ef. 6-1-83 (Order No. 83-284); Renumbered from 860-021-0105; PUC 3-1989, f. 2-6-89, cert. ef. 2-8-89 (Order No. 89-038); PUC 6-1989, f. & cert. ef. 5-22-89 (Order No. 89-662); PUC 16-1990, f. 9-28-90, cert. ef. 10-1-90 (Order No. 90-1105); PUC 13-1997, f. & cert. ef. 11-12-97; PUC 17-1997(Temp), f. 12-11-97, cert. ef. 1-1-98 thru 6-29-98; PUC 5-1998, f. & cert. ef. 3-13-98; PUC 4-1999, f. & cert. ef. 8-12-99; PUC 5-1999(Temp), f. & cert. ef. 9-21-99 thru 3-18-00; PUC 14-1999, f. & cert. ef. 12-15-99; PUC 16-2001, f. cert. ef. 6-21-01

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860-021-0510

Emergency Medical Certificate for Residential Telecommunications Utility Service

(1) A large telecommunications utility shall not disconnect local exchange residential service if the customer submits certification from a qualified medical professional stating that disconnection would significantly endanger the physical health of the customer or a member of the customer's household. "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 oral certification to the large telecommunications utility must be confirmed in writing within 14 days by the qualified medical professional prescribing medical care. A written certification 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 physical 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 service required (for example, electricity for respirator); and

(f) The signature of the qualified medical professional prescribing medical care.

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(3) If an emergency medical certificate is not submitted in compliance with section (2) of this rule, the large telecommunications utility may disconnect local exchange service after providing five days' notice to the customer. The notice shall contain the information set forth in OAR 860-021-0505(3)(a) through (d) and shall be served as required by 860-021-0505(4) and (5).

(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.

(5) A customer submitting an emergency medical certificate:

(a) Remains responsible for payment of telecommunications services provided by the large telecommunications utility; and

(b) Must enter into a time payment agreement with the large telecommunications utility pursuant to OAR 860-021-0575 if the customer has an overdue balance. This time payment agreement must be entered into within 10 days after submission of the certificate.

(6) A large telecommunications utility may verify the accuracy of an emergency medical certificate. If the large telecommunications utility believes a customer does not qualify, or no longer qualifies for an emergency medical certificate, the large telecommunications utility may apply to the Commission for permission to disconnect service to the customer.

(7) After notice to the Commission, a large telecommunications utility may terminate local exchange residential service if the large telecommunications utility providing the service lacks the technical ability to terminate toll telecommunications service without also terminating local exchange service.

Statutory/Other Authority: ORS 183, 756 & Ch. 290 & OL 1987

****NOT FOR PUBLICATION****

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Statutes/Other Implemented: ORS 756.040, 757.750, 757.760, 757.755 & Ch. 290 & OL 1987

History:

PUC 3-2006, f. & cert. ef. 2-27-06

PUC 16-2001, f. & cert. ef. 6-21-01

PUC 5-1998, f. & cert. ef. 3-13-98

PUC 17-1997(Temp), f. 12-11-97, cert. ef. 1-1-98 thru 6-29-98

PUC 16-1990, f. 9-28-90, cert. ef. 10-1-90 (Order No. 90-1105)

PUC 3-1989, f. 2-6-89, cert. ef. 2-8-89 (Order No. 89-038)

860-021-0550

Termination of Local Exchange Residential Service for Telecommunications Customers at Significant Risk

(1) "At significant risk" means:

(a) At risk of domestic violence, as defined in ORS 135.230;

(b) At risk of unwanted sexual contact, as defined in 163.305;

(c) A person with disabilities, as defined in ORS 124.005, who is at risk of abuse, as defined in 124.005(1)(a), (1)(d), or (1)(e);

(d) An elderly person, as defined in 124.005, who is at risk of abuse, as defined in ORS 124.005(1)(a), (1)(d), or (1)(e); or

(e) A victim of stalking, as described in ORS 163.732.

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(2) To establish that termination of local exchange residential service would significantly endanger the customer, or a person in the household of the customer, the customer must give the large telecommunications utility:

(a) A copy of an order issued under ORS 30.866, 107.700 to 107.732, 124.005 to 124.040, or 163.738 that restrains another person from contact with the customer, or a person in the household of the customer, at significant risk; or

(b) A copy of any other court order that restrains another person from contact with the customer, or a person in the household of the customer, due to a significant risk; and

(c) An affidavit signed by the customer stating that termination would place the customer, or a person in the household of the customer, at significant risk. The affidavit must include the name of the person to whom the court order applies, the relationship of the person to the customer, and the expiration date of the order.

(3) A large telecommunications utility must establish and maintain procedures for receiving affidavits and orders from customers.

(4) A customer submitting an affidavit and order under section (2) of this rule:

(a) Remains responsible for payment of telecommunication services provided by the large telecommunications utility; and

(b) Must enter into a time payment agreement with the large telecommunications utility pursuant to OAR 860-021-0575 if the customer has an overdue balance. This time payment agreement must be made within 10 days after submission of the affidavit and order.

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(5) If a customer who has submitted an affidavit and order fails to enter into or abide by the terms of a time payment agreement pursuant to OAR 860-021-0575, the large telecommunications utility may disconnect local exchange service after complying with all provisions of 860-021-0505. Five days' notice of disconnection must also be provided to the Commission's Consumer Services Section.

Statutory/Other Authority: ORS 183, 756 & 759

Statutes/Other Implemented: Ch.290 & OL 2005

History:

PUC 2-2006, f. & cert. ef. 2-27-06

PUC 4-2005(Temp), f. 8-22-05, cert. ef. 9-1-05 thru 2-27-06

860-021-0575

Time Payment Agreements for Large Telecommunications Utilities

(1) A time payment agreement must contain, at a minimum, the following terms:

(a) An initial customer down payment of \$10 or 25 percent of the balance owing for tariffed or price-listed large telecommunications utility services on file with the Commission, whichever is greater;

(b) Full payment of the overdue balance within 90 days of the date of the agreement;
and

(c) Customer agreement to keep subsequent bills current.

(2) The large telecommunications utility must send a letter to the customer confirming the terms of the time payment agreement.

****NOT FOR PUBLICATION****

The following draft administrative rule changes have been prepared as a working draft for purposes of discussion. These rules have not been approved for publication or for any other use by Staff or the Public Utility Commission of Oregon. A notice of proposed rulemaking has not been issued on this subject.

(3) Payments must be made on a monthly basis. The large telecommunications utility cannot require more frequent payments unless agreed to by the customer. The customer cannot extend the time payment agreement beyond 90 days without the consent of the large telecommunications utility.

(4) The large telecommunications utility may not accelerate payments under a time payment agreement when the customer changes residences. The customer must pay tariff charges associated with the change in residence.

(5) The large telecommunications utility may terminate the customer's local exchange residential service pursuant to OAR 860-021-0505 if the customer refuses to enter into or fails to abide by the terms of the time payment agreement. The large telecommunications utility must provide five days' notice to the Commission's Consumer Services Section.

(6) Nothing in this rule prevents a large telecommunications utility and a customer from entering into a time payment agreement for other charges.

Statutory/Other Authority: ORS 183, 756, 759 & Ch. 290 & OL 2005

Statutes/Other Implemented: ORS 756.040, 757.750, 757.760, 757.755, Ch. 290, OL 1987 & Ch. 290 & OL 2005

History:

PUC 3-2006, f. & cert. ef. 2-27-06

****NOT FOR PUBLICATION****

The following draft administrative rule changes have been prepared as a working draft for purposes of discussion. These rules have not been approved for publication or for any other use by Staff or the Public Utility Commission of Oregon. A notice of proposed rulemaking has not been issued on this subject.

860-021-0610

Telephone Solicitation Notices by Large Telecommunications Utilities

Each large telecommunications utility shall notify its residential customers of the provisions of ORS 646.561, 646.563, 646.567 through 646.578, and 646.608. The notice shall include a statement that a customer not wishing to be solicited may file a request, together with the required fees, with the telephone solicitation program administrator contracted by the State Attorney General. The notice shall include the address and the telephone number for the customer to contact the telephone solicitation program administrator. The notice shall be provided in the following manner and a copy shall be forwarded to the Commission:

(a~~1~~) Annual inserts in the billing statements mailed to parties; or

(b~~2~~) Conspicuous publication of the notice in the consumer information pages of local telephone directories.

Statutory/Other Authority: ORS 183, 646 & 756

Statutes/Other Implemented: ORS 646.578 & 756.040

History:

PUC 16-2001, f. & cert. ef. 6-21-01

PUC 3-2001, f. & cert. ef. 1-24-01

PUC 5-2000, f. & cert. ef. 4-17-00

PUC 1-2000(Temp), f. & cert. ef. 1-18-00 thru 7-15-00

PUC 11-1998, f. & cert. ef. 5-7-98

PUC 7-1991, f. & cert. ef. 5-10-91 (Order No. 91-583)

860-021-0620

****NOT FOR PUBLICATION****

The following draft administrative rule changes have been prepared as a working draft for purposes of discussion. These rules have not been approved for publication or for any other use by Staff or the Public Utility Commission of Oregon. A notice of proposed rulemaking has not been issued on this subject.

Customer Notification and Information Delivery Services for Large Telecommunications Utilities

(1) As used in this rule:

(a) "Information provider" means any person, company, or corporation that operates an information delivery service on a pay-per-call basis;

(b) "Information delivery service" means any telephone-recorded messages, interactive programs, or other information services provided for a charge to a caller through an exclusive telephone number prefix or service access code. When a preexisting written contract exists between the customer and the information provider, this definition does not apply.

(2) A large telecommunications utility providing billing services for information providers shall inform customers:

(a) Of the availability of blocking for information delivery services if and when it is technically available;

(b) That a customer's local and long distance service shall not be suspended or terminated for nonpayment of information delivery service charges;

(c) That any customer who suffers damage from a violation of ORS 646.608, 646.639, and 759.700 through 759.720 by an information provider has a cause of action against such information provider and a court may award the greater of three times the actual damages or \$500, order an injunction or restitution and award attorney fees and court costs to a prevailing plaintiff;

****NOT FOR PUBLICATION****

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(d) That when an information provider has failed to comply with any provision of ORS 646.608, 646.639, and 759.700 through 759.720, any obligation by a customer that may have arisen from dialing a pay-per-call telephone number is void and unenforceable;

(e) That any obligation that may have arisen from the dialing of a pay-per-call telephone number by an unemancipated child under 18 years of age; or

(f) For a person whose physician substantiates the following conditions, the obligation is void and unenforceable:

(A) The person has a mental or emotional disorder generally recognized in the medical or psychological community that makes the person incapable of rational judgments and comprehending the consequences of the persons' action; and

(B) The disorder was diagnosed before the obligation was incurred; and

(g) Upon written notification to the information provider or the billing agent for the information provider that a bill for information delivery services is void and unenforceable under (d), (e), or (f) of this rule, no further billing or collection activities shall be undertaken in regard to that obligation.

(3) The notice shall include text prepared by the Commission's Consumer Services Division or prepared by the large telecommunications utility and approved by the Commission. The notice shall be provided in the following manner:

(a) An annual insert in the billing statements mailed to customers or conspicuous publication of the notice in the consumer pages of local telephone directories; and

(b) Including the notice in the letters setting out the rights and responsibilities of customers sent to all new customers.

****NOT FOR PUBLICATION****

The following draft administrative rule changes have been prepared as a working draft for purposes of discussion. These rules have not been approved for publication or for any other use by Staff or the Public Utility Commission of Oregon. A notice of proposed rulemaking has not been issued on this subject.

Statutory/Other Authority: ORS 183, 756 & 759

Statutes/Other Implemented: ORS 759.700 - 759.720

History:

PUC 16-2001, f. & cert. ef. 6-21-01

PUC 11-1998, f. & cert. ef. 5-7-98

PUC 11-1995, f. & cert. ef. 11-27-95 (Order No. 95-1217)

PUC 6-1993, f. & cert. ef. 2-19-93 (Order No. 93-185)

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Division 21 Supplemental Information

This documents accompanies the draft rules and gives an explanation of changes. This also addresses the bulleted information in Joint Advocates and SBUA comments.

860-021-0008

Definitions for Regulation of Utility Services

Added the edited definition of Low-Income customer.

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

Also throughout the rule definitions, the revised rules add “sends” as utilities have multiple ways (email, letter, other) to notify customers; and changes “his/her” to “**the customer**”.

Concerning the Joint Utilities request to strike-out “written,” the Joint Utilities point out:

“The Joint Utilities propose the ability to serve and distribute information to customers using modern communication channels (e.g., email, text message, etc.) if the customer has requested as such. Much of Division 21 language requires customer communications to go out via USPS or phone call. The Joint Utilities would like to amend this language so that as technology continues to grow, customers are able to receive notifications via their preferred form of communication.”

Staff points out that sending an email or a text is sending a written notice. If no one intended to authorize oral notifications, then there is no need to delete “written”. Deleting it will mean a written communication is not required, leaving oral communications an option, which are hard to track, document, and especially enforce. Importantly, TPAs may not be longer than 12 months so it would be illegal to allow oral agreement for those terms. See ORS 41.580.

860-021-0009

Applications for Utility Service from an Energy or Large Telecommunications Utility

Removed Staff's added section that allows utilities to collect demographic data. Staff has removed this section from the rule to allow for consideration of specific information collection requirements as necessary in the future.

860-021-0010

Information for Utility Customers and Applicants

Includes multiple administrative changes that deals with means of information provided from the utilities to customers. As the utilities state in its joint comments:

"The Joint Utilities propose the ability to serve and distribute information to customers using modern communication channels (e.g., email, text message, etc.) if the customer has requested as such. Much of Division 21 language requires customer communications to go out via USPS or phone call. The Joint Utilities would like to amend this language so that as technology continues to grow, customers are able to receive notifications via their preferred form of communication."

The rule also clarifies the PUC's Consumers Services is a Section and not Division; and changes "him/her" to "**the customer**"

860-021-0011

Multilingual Notices

This rule (amongst others) changes "consumer" to "customer" for consistency throughout Division 21.

860-021-0015

Dispute Resolution

Makes various administrative (non-substantive) changes that correctly label Commission's Consumer Services; updates email addresses; and corrects that hearings are conducted electronically, and not by phone.

860-021-0021

Interruption of Utility Service

Staff accepted the Joint Utilities' request that Staff revise its original revision on section (2) to reestablish service within 21 days notification to the Commission of the interruption if it goes beyond 21 days.

Joint utilities stated:

"The joint utilities suggest notification to the Commission rather than the Commission approving. In the event of a natural disaster that results in interruption of service beyond 21 days there is no recourse for requiring service to be reestablished until it is safe to do so."

Staff added additional language clarifying what information should be provided to the Commission.

(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. **In cases when the interruption of service lasts longer than 21 days, the utility must notify the Commission and must 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.**

"Electronically" was also an option for utilities to notify customers in Section (3):

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.

860-021-0126

Late-Payment Charge

Added the customer protection for low-income customers in new section (3):

(3) An energy utility may not impose late-payment charges to low-income residential customers.

860-021-0135

Adjustment of Utility Bills

Changes “consumer” to “customer” in section (5)(c).

860-021-0180

Verification of Eligibility for Low-income Residential Customer

Revises and simplifies Staff’s original submission to state:

860-021-0180

Verification of Eligibility for Low-income Residential Customer

(1) A residential customer shall qualify as an eligible low-income residential customer for purposes of OAR 860-021-0205(5), OAR 860-021-0210, OAR 860-021-0330, or OAR 860-021-0420 through the following methods:

(a) The customer is a recipient of energy assistance through the Low income Home Energy Assistance Program (LIHEAP) 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, including discounted rates offered by a utility pursuant to 2021 House Bill 2475.

(2) 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.

In section (1), the definition is simplified to include traditional low income (60% of the state median income); and adds that customers enrolled in any of the utility’s income qualified energy assistance programs, including discounted rates pursuant to 2021 HB 2475. However, Staff added, “**or an energy assistance program offered by an energy utility**” to account for programs such as OLGA, LIRAP, OLIBA. Staff removed the word “known” before “recipient” as it is not a needed addition.

The Section (1)(ii) change may capture more customers than the traditional energy assistance, which is a concern of Joint Advocates.

As Joint Utilities state in their March 2, 2022, comments:

“In order to be eligible for these protections, the Joint Utilities recommend removing barriers to make it as easy as possible for eligible customers to receive these benefits. The Joint Utilities propose the definition of a low-income customer be defined as a customer who has received LIHEAP or OEAP in the past 12-months or those residential customers who are enrolled in a utility’s income-qualified energy assistance program(s). In both scenarios, the customer is already designated as income-qualified, so an additional step of asking for this information again is unnecessary.”

In section (2), Staff accepted Joint Utilities change for “must” to “may” concerning annual reenrollment.

860-021-0200

Establishing Credit for Residential Utility Service

Staff accepted Joint Utilities suggested changes that clarifies requirements in section (1) of the rule that now reads:

(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: 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 contacting the 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**:

- (i) Name(s) of the responsible person(s) on the account;**
- (ii) Date of service;**
- (iii) A statement that the customer was not disconnected for nonpayment during the final 12 months of service; and**
- (iv) 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.~~

Section (2)(b) removes the need for a low-income customers to pay a deposit by stating:

(2) An applicant or customer may be required to pay a deposit at the time of application for new or continued service when:

(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 customer**; or

Section (3) clarifies methods of establishing credit in lieu of paying a deposit:

(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~~^{with} 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;

860-021-0205

Deposit Payment Arrangements for Residential Energy Utility Service

Section 1 adds a reference to OAR 860-021-0335(1) and (2) Refusal of Service, concerning when a utility requires a deposit to prevent refusal of service; changes the 30 day and 60 day requirement of paying installments to "two subsequent monthly bills;" and clarifies that a low-income customer is not required to pay a deposit.

(1) **Except as provided for in OAR 860-021-0335(1) and (2),** ~~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 deposit be paid by a low-income residential customer.**

Section (3) clarifies that the two subsequent payments cannot be within the same “billing” period.

860-021-0215

Refund of Deposits for Residential and Nonresidential Utility Service

Includes a new Section 6 concerning low income customers.

(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.

(a) 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 check mailed to the last-known address upon request.

(B) If a low-income residential customer account is current, the deposit will be applied to a customer’s account or returned by check mailed to the last-known address upon request.

(C) For a low-income residential customer that pays the deposit in installments per section (1) above, the energy utility will return the deposit within two billing cycles, after the last installment payment is made.

It is important to note that the new Section 6 would basically become seldom utilized after adoption of these rules as energy utilities will not be collecting deposits from low-income customers pursuant to OAR 860-021-0205(1).

860-021-0305

Grounds for Disconnecting Utility Service

Section (5) specifies calendar days for when utility service may be disconnected by an energy utility or large telecommunications utility:

(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.

The rule also adds a new section (10) that addresses customer load information and damage to the system:

(10) When a customer fails to disclose reasonably accurate customer load information and damage to utility equipment results.

860-021-0320

Disconnection of Service on Weekends and Holidays

Administrative change to reflect that Consumers Services is a Section, not Division.

860-021-0326

Disconnection of Gas or Electric Service to Tenants

Revises and adds clarifying language concerning contacting a tenant:

(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 may 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.**

Section (2) makes an administrative change to reflect that Consumers Services is a Section, not Division.

860-021-0328

Reconnection of Residential Energy Utility Service

Section (2) adds a protection for low-income customers:

(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.

Section (3)(A) adds reference to utility holidays:

(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.

Section (7) adds a reference to OAR 860-021-0330, Reconnection Fee for Utility Service.

860-021-0330

Reconnection Fee for Utility Service

Staff maintained its language concerning reconnection fees; however, adds a new Section (2) that addresses electric utilities that do not have to disconnect remotely:

(1) 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**:

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

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

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

(d) Sections (a) (b), and (c) above do not apply to After Hour Reconnect as described in OAR 860-021-0328(7)(b).

The Joint Utilities stated the following on the two waived fees:

The Joint Utilities recommend waiving the first reconnection fee in a calendar year instead of breaking this out by fuel type. For some electric utilities, the customer does not have a choice to have a remote capable meter so the Joint Utilities do not feel the customer should be treated different based on their meter type.

Staff disagrees with Joint Utilities comments. Remote reconnections are performed easier as compared to rolling a truck; and have minimal incremental costs. Additionally, joint utilities recognize notification difference (OAR 860-021-0405) for customers that can be disconnected remotely.

Joint Advocates state:

We are concerned that the 1-2 cap on annual reconnection fee waivers per eligible customer in the proposed 860-021-0330(1) and (2) may be arbitrary. For that reason, we call for a more data driven determination of the appropriate cap. Specifically, we encourage Staff to request data from the utilities about the number of reconnections for customers that would be eligible for these protections (i.e. using the number of reconnections for energy assistance recipients as a proxy). That data would help us determine a potentially more appropriate cap on annual reconnection fee waivers.

Additionally, we encourage Staff to amend language excluding after-hours reconnections from the waiver in the proposed 860-021-0330(3). After-hour reconnections should be eligible for waiver at least in a limited set of circumstances, like when the customer has a medical certificate or other vulnerability factor, when severe weather or poor air quality are on the horizon, or in the context of wildfires.

Staff believes that the revised rule offers adequate protections to low-income customers without placing extraordinary additional costs to the system. Staff will send out data requests on energy assistance customers and disconnects.

Concerning after hours reconnections, the utilities already handle medical certificate customers with extra care. Severe weather or poor air quality reconnections are addressed in OAR 860-021-0406 and 0407.

An important aspect of disconnections is that disconnections cannot occur on holidays, weekend, and for the most part on Fridays. There are costs associated with after hour connections that should not be placed on the system.

Additionally, active participation by the customer with the utility concerning the reconnect situation, should alleviate many after hour reconnections.

860-021-0335

Refusal of Utility Service

Section (1) adds a reference to OAR 860-021-0330, Reconnection Fee for Utility Service as a condition for not refusing service.

(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.

Section (2) specifically states that a low-income customer will not be required to pay a deposit; restores the one-half payment of overdue charges as recommended by the joint utilities; and changes the interval period from 30 days to subsequent billing periods to better align with utilities' billing practices concerning the balance of the overdue balance.

(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 shall not require a deposit 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.

Section (5) has minor clarifying changes:

(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; **and**

~~(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~~

(b) 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.

860-021-0405

Notice of Pending Disconnection of Residential Electric or Gas Utility Service

Staff draft rules changes the 15-day notice to a 20-day notice throughout the rule. The rule also allows for electronic transmittal of notices in addition to notices by mail.

Although the utilities request to maintain the 15-day, and correctly point out:

“...currently provide anywhere from 38-66 days, compared to the OAR’s required 32 days, from billing to when disconnection for nonpayment may occur. Further, with the customer protections currently in place, customers can prevent receiving a notice or being disconnected through a myriad of ways such as setting up a TPA, seeking energy assistance, etc.”

A big take from the focus groups is that they sometimes needed a little more time based on pay cycles. As Staff points out in the December 16, 2021 Public Meeting (December 7, 2021 Staff Report):

“As an alternate solution, Staff discussed the possibility of proposing that the five-day notice of disconnection should follow the 15-day late notice. This change will add five days to the days from billing to disconnection. This change is significant as it will allow more time (one week) for low-income customers to pay past due bills. As a result, the shortest turn-around (Avista) would increase to 43 days (six weeks). This change will increase the Portland area utilities disconnect timeline to seven to eight weeks allowing customers more time to obtain energy assistance.”

Staff recommended the 20-day notice in lieu of having separate notices with a longer time for low-income customers based on the utilities’ concern over the burden to implement and maintain two different time frames.

Section (9)(b)(B) clarifies noticing when a utility has the capability of remote disconnection.

(B) **Where the service address has remote disconnect capability installed, 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).~~

Although considered unnecessary by the Joint Utilities because of Staff's edits, Staff maintained its changes to Section 11.

(11) When the energy utility makes personal contact under this rule, **and subject to the energy utility's payment collection polices,** the utility's representative making contact is empowered to accept reasonable partial payment of the overdue balance under the time-payment provisions of OAR 860-021-0415.

Lead Staff firmly believes that collecting money at the door should be a utility decision and not required by the Commission. Staff contends that:

- Three utilities (PGE, PAC, and Cascade NG) have Commission approved waivers.
- Utilities have established multiple means of paying bills. As an example, Cascade Natural Gas utilizes online payments, customers can set-up automatic payments or electronic checking transfers, use CNG's 3rd party card payment processor Speedpay, mail or drop off payment, and pay in person at convenience pay locations or western union (both that take cash).
- The PUC's Consumer Services cannot locate any instances of receiving complaints about customers not being able to pay at the door.
- In a quick look by Cascade Natural Gas, the company has received a total of nine complaints from 2018 to date about this issue.
- Staff has been told on numerous occasions that customers in arrears avoid answering phone calls and opening bills. This hesitancy to transact with a utility at the door would appear to be also plausible, resulting in a probably infrequent means of transacting. (*Staff will data request this.*)
- Lead Staff believes it is an unsafe practice to place an employee in a situation where they are asked to carry large sums of money. If a utility believes otherwise, Section (11) allows them to continue this process.

860-021-0406

Wildfire Displacement Protection

Added both level 2 (Joint Advocates) and level 3 (Joint Utilities) to evacuation notice. In Section (1) added “best effort” based on Joint Utilities” comments:

“The Joint Utilities are concerned about if or how we will know about all evacuation orders. The joint utilities ask flexibility to this language in the event the utility is unaware of an evacuation order.”

In Section (3), Staff also added, “Upon request from a customer” based on Joint Utilities comments:

“The joint utilities would like to reconnect at the request of the customer in the event the customer has moved out or does not wish to have service put back in their name.”

(1) An energy utility must 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 must make best effort to put into effect a moratorium on the disconnection of residential and commercial service for nonpayment on any day of 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 must make best efforts to reconnect the customer. An energy utility shall notify the Commission’s Consumer Services Section when the utility determines that reconnects are not possible due to adverse geographic and weather conditions.

860-021-0407

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

In Section (1), Staff clarified “Winter Storm Warning.” According to the National Weather Service:

“Snow, sleet, or ice expected. Take Action! Confidence is high that a winter storm will produce heavy snow, sleet, or freezing rain and cause significant impacts.”

In Section (3), Staff accepted Joint Utilities’ revisions that clarified the rule.

(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.

Staff removed, Based on Joint Utilities’ input, the added Section (6) as it is clear in Section (3b)

(6) For purposes of section (3) of this rule, an energy utility must base the need for a moratorium on data available from AirNow.gov or a similar air quality reporting service that may be designated by the utility.

Revised Section (9) to state. This adds a similar provision to the new Wildfire Rule, which has the customer requesting reconnection.

(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. Reconnection fees stated in OAR 860-021-0330 may apply to any reconnection. An energy utility shall notify the Commission’s Consumer Services Section when the utility determines that reconnects are not possible due to weather or air quality conditions.

860-021-0408

Disconnect Reporting Rule

SBUA requested small commercial customers to be included in the reporting requirement.

Staff added "*small commercial*" to the rule. As a result of UM 2114, energy utilities are reporting small commercial disconnects and Staff does not consider this to be an onerous burden to report.

860-021-0410

Emergency Medical Certificate for Residential Electric and Gas Service

The Joint Utilities requested that the current 14-day certification remains and not require the UM 2114 Stipulated Agreement change to 60 days.

"The Joint Utilities ask to keep the current language of 14-days. The 60-day period was provided during the pandemic when it might have been difficult to see a Qualified Medical Professional, but the Joint Utilities do not think this is a reasonable amount of time as a standard."

Staff agrees that the pandemic is over, but believes a customer needs more than 14-days to work with a medical provider and **revised the 60 days to 30 days**.

In Section (5)(b), Staff accepted the Joint Utilities recommendation of removing "*at least once during the duration of the time-payment agreement;*" As pointed out,

"The Joint Utilities do not think this addition is necessary as the provision allows for renegotiation of the TPA."

As a result, there are no changes to Section (5)(b), maintaining the current language.

(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;

860-021-0415

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

In the revised draft, **Staff changed the 24 month TPA to 18 months.** Joint Utilities' requested that the rules maintain the current 12 months stating that utilities can offer greater length TPAs on an individualized basis. Joint Utilities' state:

“Defaulting to 24-month TPAs will not be a benefit to all customers. There is data to suggest customers may be more likely to default or feel overwhelmed when they are on a longer TPA. Instead, the Joint Utilities ask that their customer service teams have the flexibility to work with the customer and set them up on a plan that makes the most sense given their situation, which could include a TPA up to 24-months in duration. For this reason the Joint Utilities do not support establishing a default rule-required TPA duration of 24 months, but rather keep the default TPA duration at 12-months as currently required while allowing for longer TPAs to be offered on an individualized basis.”

Joint Advocates request that Staff maintains the 24-months.

“We support Staff’s proposed changes to 860-021-0415 extending the maximum length of a time payment agreement from 12 to 24 months. If Staff settles on language that would not set the 24 months as the default, the 860-021-0415 should outline that utility customer representatives must inform customers that they can have up to 24 months to repay their arrears.”

As a result, Staff revised Section (4) of the rules to include plans of longer duration (based on a recommendation of Joint Utilities) and notice to customers of longer duration up to 24 months (based on input from Joint Advocates):

(4) The energy utility and customer may agree in writing to alternate payment arrangement, **including plans 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. **An energy utility may inform customers of longer durations, up to 24 months, based on the individualized need of the customer.**

Because the pandemic is over, but realizing there will be ongoing effects of the pandemic on residential customers based on the level of residential customer 90-day

arrears, Staff settled in the middle at **18-months** for TPA duration. Utilities can still offer TPAs at a longer length based on the language in Section (4).

Staff maintained new Section (5), which allows for renegotiation of a TPA, stating:

(5) During the term of the time-payment arrangement, a customer whose financial condition changes during the term of a time-payment arrangement who defaults on a time-payment arrangement and who seeks to renegotiate payment arrangements, may do so at least one time under the same terms specified above.

In Staff's revision, Staff removed the requirement of utilities to offer TPAs to small commercial customers. This requirement was pandemic based; and is no longer necessary based on the end of the pandemic and data on arrearages. Below is a comparison between January 2021 and January 2022.

	January 2021	January 2022
Customers in Arrear	17,130	15,652
Total Arrears	\$8,758,268	\$6,030,275
Average 30+ Day Arrears	\$278.59	\$286.02
Average 60+ Day Arrears	\$425.75	\$356.84
Average 90+ Day Arrears	\$863.73	\$666.67

Additionally, small commercial customers have other options for funding, and energy utilities should not have to be a source of funding for small commercial customers through the use of TPAs.

Small businesses have options not available to residential customer such as Small Business Administration Loans: <https://www.sba.gov/funding-programs/loans?msclkid=38ed5f5fa64011ecbcd9c27264ab6620>, bank line of credits, and programs through Business Oregon, [Business Oregon : Welcome : Fund a Business : State of Oregon](#).

860-021-0420

Field Visit Charge

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 to low-income residential customers.**

In this draft, Staff accepted Joint Utilities deletion of “eligible,” as the new language is consistent with the definition of low-income residential customers.

Waiving of the field visit charge was viewed as a positive to Joint Advocates.

860-021-0505

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

Staff removed the previously added section referring to low-income residential customers as it was not relevant to the rule and inadvertently added.

The rule also adds “electronically” to be consistent with other rules and the means that a utility can communicate with customers.

JOINT ADVOCATES COMMENTS

The following addresses Joint Advocates bulleted comments.

- *Update **860-021-0180(1)** to ensure that all minimum wage earners can access Division 21 protections.*

Joint Advocates are correct that certain minimum wage earners will not be eligible for energy assistance as they will earn above the Maximum Income Level for energy assistance. These minimum wage earners are single person households that are full-time workers that will receive the Portland Metro area \$14.75 per hour wage effective July 1, 2022. Households over 2 persons will be eligible for energy assistance.

With this said, the low-income definition in OAR 860-021-0180 includes

(b) The customer is enrolled in any of the utility’s income-qualified energy assistance programs, including discounted rates offered by a utility pursuant to 2021 House Bill 2475.

A minimum wage earner may not be low-income based on other factors, including, but not limited to, other sources of income. Also, minimum wages vary in Oregon and are subject to change in July 2023.

Based on how utilities structure its low-income rates, it is plausible that these minimum wage earners and other disconnection sensitive customers will fall into the definition in OAR 860-021-0180(1)(i).

Staff does not recommend adding “minimum wage earners” to the Division 21 rules.

- *Consider the conversations regarding income verification and re-enrollment that have taken place in the context of HB 2475 and of PGE's HB 2475 proposal.*

Staff believes this is covered by the updated version of OAR 860-021-0180.

(b) The customer is enrolled in any of the utility's income-qualified energy assistance programs, including discounted rates offered by a utility pursuant to 2021 House Bill 2475.

And (emphasis is revised to state "may"):

(2) 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.

- *Expand eligibility for Division 21 protections to households with Functional and Access Needs/At-Risk Populations like households with children and elderly residents.*

The Division 21 rules were written for low-income protections that were established in UM 2114. There are already protections for customers on a medical certificates. Additionally, Staff added protections for wildfire displacement, and protections for air quality exposure.

As stated above, based on how utilities structure its low-income rates, it is plausible that these disconnection sensitive customers will fall into the definition in OAR 860-021-0180(1)(i).

Staff does not agree with any expansion of scope, as the proposed low-income, current and proposed medical protections, time payment arrangements, and added air quality and wildfire rules will help those in *Functional and Access Needs/At-Risk Populations* groups that require enhanced protections. Additionally, not all elderly and medical certificates holders (or eligible holders) and families with children are disconnection sensitive based on income and asset wealth. However, individuals in these groups that are low-income are protected in the proposed rules.

- *Expand the re-enrollment period beyond one year, especially for people on a fixed income.*

Staff believes this is covered by the updated version of OAR 860-021-0180 that revises "must" to "may."

- *Expand eligibility for Division 21 protections to people with medical certificates.*

Staff believes there are significant protections in place for customers on a medical certificate. Rules that offer expanded protections include:

- 860-021-0010, Information for Utility Customers and Applicants
- 860-021-0334, Transfer Billings
- 860-021-0405, Notice of Pending Disconnection of Residential Electric or Gas Utility Service
- 860-021-0408, Disconnect Reporting Rule
- 860-021-0410, Emergency Medical Certificate for Residential Electric and Gas Service

Additionally, Staff is recommending that self-certification is maintained at 30 days. Medical certificate customers that are low income will be eligible for the proposed low-income protections.

- *Explore whether to do away with deposit requirements for all customers.*

The revised rules eliminate the deposit requirement for low-income customers. *OAR 860-021-0200, Establishing Credit for Residential Utility Service*, includes various means to not having to pay a deposit. These include:

- 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.
- 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.
- 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.
- 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.
- 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.

- An energy or large telecommunications utility may file a tariff that contains less stringent deposit requirements than those specified in in OAR 860-021-0200.

Additionally, 860-021-0205, Deposit Payment Arrangements for Residential Energy Utility Service, allows for installment payments to lessen the burden of a deposit for those required to pay a deposit.

- *Determine a data-driven cap for annual reconnection fees.*

Staff points out that reconnection fees are approved by the Commission and are listed in utilities' tariffs; and are intended to be cost-based. To place a cap on the amount of reconnection fees a utility may collect has the potential to result in discriminatory service when this cap is reached. Customers prior to the cap would pay a fee, customers after the cap would not be required to pay the fee.

- *Allow a fee waiver for after-hour reconnections for customers with medical certificates or other vulnerability factors, when severe weather or poor air quality events are occurring or forecasted, or in the context of wildfires.*

Although this is ripe for discussion, Staff sees two problems with this:

- Because of potentially hazardous night conditions, utilities may not be able to safely access the property.
- Medical or other vulnerabilities may not affect a customer's ability to pay; and should not be a system cost.

- *Explore more health protective triggers for cold-weather-based severe weather moratoria.*

With the addition of the winter storm warning, Oregon has one of the strongest protections based on NAEDA data [Winter and COVID-19 Utility Shut-off Moratoriums - NEADA.ORG](#). The current / revised rule language provides sufficient protection. Staff does not believe additional changes are necessary.

- *Add local government extreme or severe weather emergency declaration to the list of triggers for severe weather moratoria.*

There is a National Weather Service in Portland, which is the government expertise on weather. Adding additional sources would be redundant and harder for utilities to administer, potentially resulting in a rule violation. These events are rare and should be administered in a consistent fashion. The current / revised rule language provides sufficient protection. Staff does not believe additional changes are necessary.

- *Add forecasted severe weather or air quality events as triggers for moratoria on disconnections.*

The rule language refers to forecasts:

(1) Except as set forth in section (~~811~~) 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.**

Forecasts decrease in accuracy as they go further out in days. The current / revised rule language provides sufficient protection. Staff does not believe additional changes are necessary.

- *Add language requiring utilities to engage in outreach to people facing severe weather events while disconnected for non-payment.*

Energy utilities perform a significant amount of outreach already, and Staff does not see the added value to this. A customer who is disconnected knows they are disconnected, and an energy should not become a weather reporting service for customers.

- *Consider comments and conversations taking place in the context of the wildfire protection plans.*

Staff that is involved in wildfire protection plans are part of the review process for these rules.

- *Require that utilities prioritize low-income customers and medically vulnerable customers in their outreach related to protections to customers impacted by wildfires.*

Energy utilities may not have all the timely information involving wildfires, and to place a requirement that they may not be able to meet is unreasonable. Customers are better aware of their particular status than the energy utility would be. Section (3) of the rule, OAR 860-021-0406, *Wildfire Displacement Protection*, allows customers to request reconnection:

(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 must attempt to reconnect the customer. An energy utility shall notify the Commission's Consumer Services Section when the utility determines that reconnections are not possible due to adverse geographic and weather conditions.

- *Require that utilities report on how their vulnerable customers were affected (or not) by disconnections during wildfires and other severe weather events.*

This is a questionable expansion of an energy utilities' responsibilities and likely a duplication of effort that is more relevant to state agency reporting (OEM, OHA, DHS, and ODOT). As previously mentioned, Customers are better aware of their particular status than the energy utility would be.

- *Specify that the moratorium on disconnections due to wildfire evacuations in 860-021-0406(1) is triggered by Level 2 and 3 evacuation orders.*

This is included in Section (1) of the rule, OAR 860-021-0406 *Wildfire Displacement Protection*:

(1) An energy utility must make best effort 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.

Level 2 – Be set to evacuate on a moment's notice. Level 3 – Leave immediately.

- *Explore how customers would be notified of their need and ability to call the utility to seek reconnections under 860-021-0406(3).*

The language in section (3) is clear:

(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 must attempt to reconnect the customer. An energy utility shall notify the Commission's Consumer Services Section when the utility determines that reconnections are not possible due to adverse geographic and weather conditions.

There are multiple ways to contact an energy utility that are clear on each utility's website, bills, etc. The rule does not need to be over-prescriptive.

- *Require utility to play a more active role in areas impacted by wildfires, including by being more proactive regarding resiliency solutions for vulnerable customers like those with medical certificates.*

AR 638 has placed substantial requirements on energy utilities. These requirements, plus OAR 860-021-0406 Wildfire Displacement Protection, and additional rules including:

- 860-021-0010, Information for Utility Customers and Applicants
- 860-021-0334, Transfer Billings
- 860-021-0405, Notice of Pending Disconnection of Residential Electric or Gas Utility Service
- 860-021-0408, Disconnect Reporting Rule
- 860-021-0410, Emergency Medical Certificate for Residential Electric and Gas Service

allow for significant protections to customers on medical certificates.

- *Add customers with medical certificates to the list of people eligible for Division 21 protections.*

As previously highlighted, there are significant protections for Medical Certificate customers:

- 860-021-0010, Information for Utility Customers and Applicants
- 860-021-0334, Transfer Billings

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- 860-021-0405, Notice of Pending Disconnection of Residential Electric or Gas Utility Service
- 860-021-0408, Disconnect Reporting Rule
- 860-021-0410, Emergency Medical Certificate for Residential Electric and Gas Service

Medical certificate customers that are also low-income, will be eligible for low-income protections.

- *Explore additional protections for customers with medical certificates, such as no disconnections.*

Both utilities and the PUC's Consumer Services handle medical certificate customers with special care. Disconnections are rare, but they do happen. Having a medical certificate does not necessarily equate to low-income; however, medical certificate holders who are low-income are afforded enhanced protections in the revised rules.

- *If Staff modifies draft 860-021-0415 language adopting 24-month time-payment agreements as default, require that utilities inform customers that they can have up to 24 months for their TPA.*

Included in revised rules:

(4) The energy utility and customer may agree ~~in writing~~ to alternate payment arrangement, **including plans 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. **An energy utility may inform customers of longer durations, up to 24 months, based on the individualized need of the customer.**

Note that Staff is recommending 18-months TPAs in the revised rules.

- *Consider expanding changes to 860-021-0405(3) and adopting a longer period for customers eligible for Division 21 protections.*

Staff settled on 20-days as utilities had already stated that having different notice timelines for low-income and non-low-income customers was administratively and

technologically difficult. The extra five days also address the Focus Group concern of needing a little extra time.

- *Include language in **860-021-0009(4)** regarding demographic data collection, and modify to clarify that customers can refuse to provide such data.*

In Staff's revised rules, this section was removed. As Joint Utilities point out:

*"The joint utilities do not believe this addition is necessary **as there is no rule advising the utilities, they can't collect this data.** Currently, this is data the utilities do not plan or wish to collect as it is expensive to collect and protect and there is no business need for it."*

- *Abandon changes to **860-021-0405(11)** that would effectively eliminate the requirement that a utility seeks a waiver before refusing to accept "cash at the door."*

Despite a request from Joint Utilities to eliminate Section (11), Staff maintained the revised language of:

(11) When the energy utility makes personal contact under this rule, **and subject to the energy utility's payment collection polices,** the utility's representative making contact is empowered to accept reasonable partial payment of the overdue balance under the time-payment provisions of OAR 860-021-0415.

As explained previously:

- Three utilities (PGE, PAC, and Cascade NG) have Commission approved waivers.
- Utilities have established multiple means for customers to pay bills. As an example, Cascade Natural Gas utilizes online payments, customers can set-up automatic payments or electronic checking transfers, use CNG's 3rd party card payment processor Speedpay, mail or drop off payment, and pay in person at convenience pay locations or western union (both that take cash).
- The PUC's Consumer Services cannot locate any instances of receiving complaints about customers not being able to pay at the door.
- In a quick look by Cascade Natural Gas, the company has received a total of nine complaints from 2018 to date about this issue.
- Staff has been told on numerous occasions that customers in arrears avoid answering phone calls and opening bills. This hesitancy to transact with a

utility at the door would appear to be also plausible, resulting in a probably infrequent means of transacting. (*Staff will data request this.*)

- Lead Staff believes it is an unsafe practice to place an employee in a situation where they are asked to carry large sums of money. If a utility believes otherwise, Section (11) allows them to continue this process.

SBUA COMMENTS

- **OAR 860-021-0008(3)** - “Customer”—refers to “person”. This could be revised to include the “Small commercial customer” using the UM 2114 Stipulation definition: *Small commercial customer: The definition of small commercial is the definition provided by a utility on its applicable tariff.*

Staff does not recommend any revision to this definition. Throughout the rules, the rules identify different classes of customers (residential, small commercial).

- **OAR 860-021-0009**—Appears to apply to all customers, however, the requirements of the rule do not seem to fit entity customers. For example, how are the questions in (3) and (5) answered when the customer is an entity?

Section (3) of the rule states:

An energy or large telecommunications utility **may** require an applicant to provide the following information when applying for service.

Energy utilities are required to file tariffs schedules and rules. As an example PGE’s Rule D, Application for Electricity Service: [Portland General Electric Company \(ctfassets.net\)](http://ctfassets.net) states:

B. Nonresidential Applicants

Sole proprietors must provide the identification required under (2)(A) of this rule as well as meet the credit requirements as established in Rule E. All other Nonresidential Applicants must provide the following information for the person(s) responsible for payment of the account:

- 1) Company name and, if applicable, name used for Doing Business As (DBA);
- 2) Service address;
- 3) Preferred mailing address;
- 4) State of incorporation;
- 5) Name of an officer or other responsible employee;

- 6) A current, valid telephone number(s) where the officer or other employee named for C5) may be reached; and
- 7) A Federal Tax Identification Number.

As a result, Staff does not recommend a change to the rule.

- **OAR 860-021-0010** - *Generally, this could be revised so as to include small commercial customers. Change language to avoid pronoun limitation of "him/her".*

Staff changed "him/her" to "the customer."

- **OAR 860-021-0021 (3)** - *Consider changing "at the residence" to "at the location of service" in order to include the location of commercial customers.*

The rule states towards the end states:

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.

"Affected premise" would include a commercial location. The second part of the sentence ensures an adult, and not a child is contacted at a personal residence.

- **OAR 860-021-0045(4)** - *Change language to avoid pronoun limitation of "his/her" expense.*

Staff made this change.

- **OAR 860-021-0120 - Meter readings and bill forms**
*Please explain the terminology "Proper constant".
SBUA suggests more input generally from small commercial customers on how the bill forms read.*

"Proper constant" refers to a fixed value that is used when converting meter readings to actual energy use. Because the current rule states:

(2) All bills must display:

- (a) The total consumption for the billing period;

- (b) The beginning and ending meter readings for the billing period, where available;
- (c) The beginning and ending dates of the billing period;
- (d) The number of units of service supplied;
- (e) The schedule number under which the bill was computed; and
- (f) Any other information needed to compute the bill. Each bill will specify the delinquent date of the bill. When there is good reason for so doing, the energy utility may submit estimated bills. The energy utility will clearly note on the bill when total consumption is estimated for more than twenty-four hours in one billing period.

Staff is unsure what other input is needed for bill accuracy.

- **OAR 860-021-0126(2) Late payment charge**
*Include small commercial in this rule.
Consider the continued use of late fees per Kermode, supra footnote 2, and include a provision that late payments will not be included as lost revenue. Id.*

The rule contains an added provision for residential customers. As Mr. Kermode points out, *“it is best to recognize that small businesses are a unique class of their own.”*

Mr. Kermode’s suggestions on late fees relate more to ratemaking, than rulemaking.

- **OAR 860-021-0180 - Verification of eligibility for Low-Income Residential Customer or Applicant**
*Consider this provision that would enable certain small commercial customers to receive treatment similar to residential customers eligible for low income treatment.
“(5) A small commercial applicant whose owner is eligible for low income residential customer treatment shall receive treatment as Low Income Small Commercial Customer.”*

This is not the intent of the rule. The owner of a small commercial business that qualifies as a low-income customer will be eligible for low-income treatment in their place of residence if they meet the criteria the definition.

- **OAR 860-0210-0205(5) - Consider eliminating deposits; alternatively apply similar treatment to eligible small commercial.**

In addition to deposit requirements stated above, all utilities have rules in place for establishing credit and paying a deposit. As an example, PGE: [Microsoft Word - Rule E -20-44 Eff Jan 1.2021 \(ctfassets.net\)](#)

As a result, there is no need to eliminate small commercial deposit requirements.

- **OAR 860-021-0210** - *Add to Staff's (4): "An energy utility will apply interest to deposits submitted by an eligible low-income residential or small commercial customers or applicant for the time period that the deposit is being held by the utility."*

The rule is labeled, 860-021-0210, Interest on Deposits for Residential and **Nonresidential** Utility Service, As such, there is no need for additional clarification.

- **OAR 860-021-0330** - *Reconnection fee for Utility Service
See Kermode regarding accounting of reconnection fees.*

This is a ratemaking and not rulemaking issue.

- **OAR 860-021-0408** - *Disconnection Reporting Rule
Rule should be generally applicable, apply to all customers or at least also to small commercial customers.
Add: (3)(A) should read "Number of active residential and small commercial accounts".*

Staff added this suggestion to the rules.

- **OAR 860-021-0414** - Equal-Payment Plans

In its comments, SBUA stated:

SBUA recommends that Equal-Payment Plans for Energy services be expanded to include small commercial. The use of EPP for small commercial would be exceptionally helpful to small business allowing them to budget for utility service rather than continually estimating changes in seasonal energy use. It would be a win for both the small business and the utility. Far from being a radical idea, many of Canada's largest energy companies currently provide Equal-Payment Plans to small commercial customers (e.g., FortisBC, Hydro Ottawa, Enbridge).

Without sufficient knowledge on the history of the rule, Staff is not opposed to this change, and it should be a subject of the April 6, 2022, Rule Workshop. In the interim, Staff is trying to gather data on this subject from other states.

Alaska - Statutes and regulations do not provide equal payments for non-residential-Alaska regulations (3 AAC 52.440) only provide for leveled billing for residential for electric customers. <http://www.akleg.gov/basis/aac.asp#3.52.440>

Two utilities (Chugach and Enstor) do offer equal payments to small general service customers.

Arkansas (CenterPoint Energy) – Pursuant to the provisions of Section 3A.3, residential customers and small commercial customers having less than 500 MMBtu annual usage may have the option of participating in the "Levelized Payment Plan" (LPP) for billing purposes as opposed to the normal billing procedure.

Delaware - Delaware natural gas and electric utilities offer "budget billing" which allows bills to be broken into equal payments for small commercial customers. Below are the usage requirements and links to the tariffs.

Chesapeake Utilities Gas

Any Customer using gas for commercial and/or industrial purposes with an annual consumption of less than four thousand (4,000) Ccf. -
<https://chpkgas.com/wp-content/uploads/2022/03/DE-Tariff-Update-3.18.22.pdf> Leaf No. 25

Delmarva Power Gas

Non-Residential, Firm Sales Customers whose maximum monthly use is less than 2,000 MCF. -
<https://www.delmarva.com/SiteCollectionDocuments/GAS%20Master%20Tariff%20eff%2001-01-22%20filed%2012-22-21%20DSIC.pdf> Leaf 10a

Delmarva Power Electric

Non-Residential Customer whose monthly maximum measured demand is less than 300 kW -
<https://www.delmarva.com/SiteCollectionDocuments/Master%20tariff%20eff%2001-01-2022%20filed%2003-10-2022%20EE%20Approved%20as%20Final.pdf> Leaf No. 15

Florida - While Florida does not have any programs specifically referred to as "Equal Payment Plans," certain IOUs do offer an annualized "Budget Billing" option. Florida Power & Light Company, Duke Energy Florida, and Tampa Electric Company each offer a version of this program to non-residential (GS-1/GSD-1) customers via their budget billing tariffs.

Kentucky - Kentucky regulations require budget payment plans be offered to residential customers. In addition, the regulations allow such plans to be offered to other classes of customers. The applicable regulation is 807 KAR 5:006, Section 14(2)(a). [Title 807 Chapter 5 Regulation 006 • Kentucky Administrative Regulations • Legislative Research Commission](#)

Section 14(2) requires utilities to negotiate and accept reasonable partial payment plans at the request of residential customers who have received a termination notice for failure to pay a bill. There is no requirement to provide or prohibition against providing partial payment plans to small commercial customers who have received a termination notice for failure to pay a bill.

There are several utilities that do offer their budget payment plans to small commercial customers. Most have a provision that they can revoke the plan if the customer fails to pay their bills.

Maine - The rules do not address this except for instances where there is a past-due amount. In that situation, a non-residential customer can have a levelized payment plan pursuant to Chapter 815 of the Maine Commission's rules. <https://www.maine.gov/mpuc/legislative/laws-rules> Staff interprets this as a TPA

Maine's largest electric utility was silent on this issue when asked by Maine Staff.

Michigan – Allows for Equal Payment Plans for Small Commercial defined as; (i) *"Small nonresidential customer" means a nonresidential customer with usage of less than 300 Mcf of natural gas per year or less than 30,000 kWh of electric usage per year, including schools and centrally metered apartment buildings.*

"A utility shall establish a policy to allow a residential or small nonresidential customer the opportunity to enter into a minimum of 2 documented payment plans for an amount owed to the utility that is not in dispute, if a customer claims an inability to pay in full."

Missouri - Does not allow equal payments (budget billing) for Missouri commercial customers. Residential customers are the only class allowed to budget bill.

- *OAR 860-021-0415 Time-Payment Agreements*
SBUA recommends that 60-021-0415 be modified to include mostly the same equal-pay arrearage plan provisions for small commercial customers that is provided residential customers. However, assuming the acceptance of our recommendation for the inclusion of small-commercial in Equal-Payment Plans (OAR 860-021-0414) SBUA does not propose the inclusion of the leveled payment plans for small commercial.

As highlighted above, Staff removed the requirement of utilities to offer TPAs to small commercial customers. This requirement was pandemic based; and is no longer necessary based on the end of the pandemic and data on arrearages. Below is a comparison between January 2021 and January 2022.

	January 2021	January 2022
Customers in Arrear	17,130	15,652
Total Arrears	\$8,758,268	\$6,030,275
Average 30+ Day Arrears	\$278.59	\$286.02
Average 60+ Day Arrears	\$425.75	\$356.84
Average 90+ Day Arrears	\$863.73	\$666.67

Additionally, small commercial customers have other options for funding, and energy utilities should not have to be a source of funding for small commercial customers through the use of TPAs.

Small businesses have options not available to residential customer such as Small Business Administration Loans: <https://www.sba.gov/funding-programs/loans?msclkid=38ed5f5fa64011ecbcd9c27264ab6620>, bank line of credits, and programs through Business Oregon, [Business Oregon : Welcome : Fund a Business : State of Oregon](#).