ITEM NO. RM1

PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: June 9, 2022

REGULAR X CONSENT ____ EFFECTIVE DATE N/A

DATE: May 23, 2022

TO: Public Utility Commission

FROM: Melissa Nottingham, Ezell Watson, and Michael Dougherty

THROUGH: Bryan Conway **SIGNED**

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF:
(Docket No. AR 653)
Request to issue notice of proposed rulemaking on Oregon Administrative Rules Chapter 860, Division 21 to strengthen energy utility customer low-income protections.

RECOMMENDATIONS:

Issue notice of proposed rulemaking on Oregon Administrative Rules Chapter 860, Division 21 to update and improve the rules in this Division, including but not limited to changes that strengthen energy utility customer protections concerning disconnections.

DISCUSSION:

Issue

Whether the Commission should issue a notice of proposed rulemaking in Oregon Administrative Rules Chapter 860, Division 21.

Applicable Law

ORS 756.040 describes the general powers and duties of the Commission in supervising and regulating public utilities and telecommunications utilities, which include representing the customers of any public utility or telecommunications utility and the public generally in all controversies respecting rates, valuations, service, and all matters of which the Commission has jurisdiction. The Commission is authorized under ORS 756.060 to adopt and amend reasonable and proper rules relative to all

statutes administered by the Commission. The Oregon Administrative Procedures Act sets forth the process for administrative rulemaking.

The Commission's regulatory authority is further specified in ORS Chapters 756 and 757, as relevant here. Under ORS 756.090, a utility must keep and maintain records as required by the Commission. The Commission may require a utility to furnish information to carry into effect the provisions of ORS chapters 756, 757, 758, and 759, per ORS 756.105.

The Commission has adopted certain administrative rules relevant to the matters discussed herein in OAR Chapter 860, Divisions 21.

Analysis

Background
On March 8, 2020, Governor Brown declared a statewide state of emergency due to the public health threat posed by the novel infectious coronavirus, COVID-19.[1] Several extensions of that order were issue.[2] On March 17, 2022, Governor Brown issued Executive Order (EO) 22-03,[3] which rescinded EO 20-03, EO 21-36,[4] and EO 21-29.[5]

On September 24, 2020, the Commission authorized Staff and the affected investor-owned energy utilities and stakeholders to execute a stipulation that was developed during the Commission's Investigation into the Effects of the COVID-19 Pandemic on Utility Customers.

During the timeframe between September 24, 2020 and October 23, 2020, Parties refined the Energy Term Sheet and Stipulated Agreement on terms and conditions to assist customers and utilities during the current COVID-19 pandemic and the aftermath of the pandemic.

Parties include (though are not limited to): energy utilities, Clackamas County Social Services, Community Action Partnership of Oregon (CAPO), Community Action

[1] EO 20-03 (March 8, 2020), https://www.oregon.gov/gov/eo/eo_20-03.pdf.
[2] EO 20-24 (May 1, 2020); EO 20-30 (June 30, 2020); EO 20-38 (September 1, 2020); EO 20-67 (December 17, 2020), EO 21-05 (February 25, 2021), EO 21-10 (April 29, 2021), EO 21-15 (June 25, 2021), and EO 21-36 (December 21, 2022).
[3] EO 22-03, https://www.oregon.gov/gov/eo/eo_22-03.pdf.
[4] Extension of EO 20-03 that was issued December 21, 2022, https://www.oregon.gov/gov/eo/eo_21-36.pdf.
[5] COVID-19 Vaccination Requirement for State Executive Branch, https://www.oregon.gov/gov/eo/eo-21-29.pdf.

Agency of Washington County, Community Energy Project (CEP), Multnomah County Office of Sustainability, Northwest Energy Coalition (NWEC), Oregon Citizens' Utility Board (CUB), and Verde.

At its public meeting on November 3, 2020, the Commission approved the UM 2114 Stipulated Agreement. See Order No. 20-401, https://apps.puc.state.or.us/orders/2020ords/20-401.pdf.

At its special public meeting on February 23, 2021, the Commission extended the April 1, 2021, date on which the energy utilities may resume providing a 15-day late notice for residential customers before disconnection to June 15, 2021. The Commission also directed Staff to report back to the Commission in the middle of May regarding the moratorium and whether additional changes should be considered. See Order No. 21-057, https://apps.puc.state.or.us/orders/2021ords/21-057.pdf.

At its public meeting on March 23, 2021, the Commission approved the Arrearage Management Plans of Avista, Cascade Natural Gas, NW Natural, Idaho Power, and PacifiCorp. The Commission previously approved Portland General Electric's AMP on February 11, 2021.

At its special public meeting on May 23, 2021, the Commission took the following actions, as memorialized in Order No, 21-164, https://apps.puc.state.or.us/orders/2021ords/21-164.pdf:

- Extended the date to send disconnection (late) notices to customers until July 16, 2021.

- Directed Staff to work with stakeholders to possibly supplement arrearage management plans.

- Directed Staff to consult with the parties to develop recommendations for specific characteristics to identify customers that should receive special protection against energy disconnections, and the circumstances under which such protections should be provided. Further directed Staff, if a joint recommendation cannot be presented, to outline the various characteristics and circumstances considered, and provide a description of the reasons why such characteristics and circumstances were proposed, and were deemed reasonable or unreasonable by Staff.

- Directed Staff, within 30 days following Commission action on recommendations for characteristics and circumstances to be used to protect

certain customers against disconnections of energy service, to propose rulemaking or other process that would have the effect of preventing the disconnection of such customers for a defined period of time.

- Directed the Diversity, Equity, and Inclusion (DEI) Director to report to the Commission no later than the August 24, 2021, Public Meeting, with a status report, and any findings and recommendations that may exist at that time concerning the workshops convened under Paragraph 28 of the UM 2114 Stipulated Agreement.

At its Special Public Meeting on July 13, 2021, the Commission, amongst other directives, directed Staff and the DEI Director to further examine these and other circumstances recommended by stakeholders during workshops convened under Paragraph 28 of the Stipulated Agreement to analyze and discuss approaches to arrearage management; including, but not limited to, alternatives to disconnections in the post-moratorium period, Commission Order No. 21-236, https://apps.puc.state.or.us/orders/2021ords/21-236.pdf.

At the Commission's August 25, 2021, UM 2114 Special Public Meeting, Staff committed to the following:

- Reviewing, and updating if necessary, severe weather moratorium rules.

- Establishing rules for air quality index (AQI) moratoriums including the right baseline for the moratorium (100 – Unhealthy for Sensitive Groups, 150 – Unhealthy); and processes and references (ex. Oregon Department of Energy Air Quality Advisories, https://oregonsmoke.blogspot.com/, www.airnow.gov) that forecast air quality to implement a moratorium.

- Establishing rules concerning customer displacement due to wildfires.

- Determining what characteristics in Commission Order No. 21-236 should be maintained post-moratorium, including necessary rule changes.

- Partnering with the Energy Trust on low-income energy efficiency opportunities.

- Researching programs with local governments to leverage state and federal funds to help reduce customer arrearages.

- Collecting qualitative research that focuses on the experience of disconnection by utilizing the S.E.L.F.L.E.S.S. (Social Equity Lenses and Framework, Lowering Energy Stress Successfully) committee to host focus groups that center the voices of customers who have experienced disconnection recently (within the 12-24 months preceding the moratorium) and also seeks to center the experience of undocumented persons.

At the Commission's December 16, 2021, UM 2114 Special Public Meeting, Commission Staff requested to open a rulemaking docket to begin an informal phase of reviewing Oregon Administrative Rules Chapter 860, Division 21 to strengthen customer protections concerning disconnections. The Commission issued Order No. 21-483 adopting Staff's recommendation and opening this docket, AR 653.

Workshops
On February 2, 2022, Staff Conducted a *UM 2114 Scoping discussion and initial review of Staff's working draft of Division 21 Rules Workshop.* Prior to the workshop, Staff distributed a draft copy of proposed rule changes to participants of Docket No. UM 2114, Investigation into the Effects of the COVID-19 Pandemic on Utility Customers. At the workshop, Staff draft rule changes were discussed and numerous improvement were recommend by various participants, including Joint Utilities, Joint Advocates, and SBUA.

After the workshop, parties submitted initial comments, which are listed below.

Joint Advocates' Initial Comments
Joint Utilities' Initial Comments
SBUA's Initial Comments

Working with input received at the workshop and in submitted comments, Staff made revisions to its draft rules, including incorporating many of the recommendations discussed at the workshop and through comments. On March 23, 2022, Staff distributed its revised rules and Supplemental Information that described why changes were made or not made. Based on a second round of comments (below), it was clear that various stakeholders still had concerns about the manner in which quite a few issues were addressed.

Joint Advocates' Second Round of Comments
Joint Advocates' Supplemental Comments to Second Round of Comments
Joint Utilities' Second Round of Comments
Joint Utilities' Addition to Second Comments
SBUA's Comments Following Staff Workshop

A second workshop, *UM 2114 Second Division 21 scoping discussion and review of Staff's revised working draft*, was conducted on April 6, 2022. The second workshop, including healthy discussions on the most effective ways to protect customers after the UM 2114 Stipulated Agreement, ends on October 1, 2022.

As a result of comments, Staff revised the draft rule changes a second time, and on May 13, 2022, Staff distributed the revised rule changes and a Second Supplemental Information to parties for review. Staff anticipates additional comments will be filed based on the draft rule changes that are included in this Staff Report.

Lead Staff realizes that not all issues will be resolved to the satisfaction of all interested parties in the third draft of Division 21 rule changes; however, this memo requests only that the rulemaking process commence, which provides the opportunity for public comment on the proposed rule changes. In addition, interested parties should be cognizant that the current protections outlined in the UM 2114 Stipulated Agreement will end on October 1, 2022, if the proposed rule additions and amendments are not adopted with an effective date beforehand.

Staff endeavored to find a strong balance of recommending rules that offer significant protections to low-income customers without placing unnecessary costs on the system. Additionally, Staff attempted to stay true to recommendations submitted at the August 25, 2021, UM 2114 Special Public Meeting and reemphasized at the December 16, 2021, UM 2114 Special Public Meeting, without any increases in scope that could potentially delay final rules being in place prior to October 1, 2022.

With that said, the following are recommended rule changes that offer protections to low-income customers. These rules are discussed in greater detail later on in the memo.

- 860-021-0008 – Added a definition of low-income customer.
- 860-021-0126 – Added a new section that prevents energy utilities from imposing late-payment charges to low-income customers.
- 860-021-0180 – This is a new rule that provides a means for customers to qualify and recertify as a low-income customer, including self-certification.
- 860-021-0200 – Subsection (2)(b) removes the need for a low-income customers to pay a deposit.
- 860-021-205 – Reemphasizes that an energy utility will not require a deposit from a low-income customer.
- 860-021-0215 – Outlines methods to refund a low-income customer if a deposit was previously made.

- 860-021-0328 – Adds a protection for low-income customers to apply as a low-income residential customer instead of paying applicable reconnection charges.
- 860-021-0330 – Allows for fee waivers concerning reconnection charges.
- 860-021-0335 – Adds to Section (1) that protects low-income residential customers concerning reconnections. Section (2) specifically states that a low-income customer will not be required to pay a deposit.
- 860-021-0420 – Waives the first field visit charge to low-income residential customers.

The following are recommended rule changes that offer additional protections to all residential customers. These rules are discussed in greater detail later on in the memo.

- 860-021-0305 – Adds a new section on disconnection times that were included in the UM 2114 Stipulated Agreement. This addition should help reduce the need for after hour reconnections.
- 860-021-0405 – Changes the 15-day late notice to a 20-day notice. In theory, this will allow customers an additional five days before disconnection. Staff also revised Section (11) to allow a minimum of 24 hours for a customer to make payment arrangements to prevent disconnection if contacted by a utility representative at the door.
- 860-021-0406 – Adds a new Wildfire Displacement Protection rule.
- 860-021-0407 – Increases residential and small commercial customer protections during severe weather conditions.
- 860-021-0410 – Allows customers to self-certify for medical certificates and extends the certification timeline from 14- to 30-days.
- 860-021-0415 – Adds specific language that allows energy utilities to offer plans of longer than 12- month duration; and allows a residential customer to renegotiate a payment arrangement at least once.

The following are recommended rule changes that offer additional protections to small commercial customers. These rules are discussed in greater detail later on in the memo.

- 860-021-0406 – Adds a new Wildfire Displacement Protection rule that includes small commercial customers.
- 860-021-0407 – Adds small commercial customers and increases protections during severe weather conditions.
- 860-021-0408 – Adds small commercial customers to the disconnect reporting rule.

- 860-021-0414 – Adds small commercial customers to be eligible for equal payments.

Although included in the UM 2114 Stipulated Agreement, Staff removed the requirement for energy utilities to offer time-payment arrangements to small commercial customers. This requirement was pandemic-based; and is no longer necessary due to the end of the pandemic and recent data on arrearages.

In addition to the expanded disconnection protections, Staff also made numerous administrative changes; and clarified other rules based on actual practices. These rules are discussed in greater detail later on in the memo.

Functional and Access Needs/At-Risk Populations
In its March 7, 2022, comments, Joint Advocates stated that disconnection protections should be added to additional groups of at-risk populations. Joint Advocates state:

> *Importantly, the Joint Advocates encourage Staff to consider broadening eligibility for Division 21 protections to recognize that households are vulnerable to disconnection for reasons other than income. Specifically, we ask that Staff expands eligibility for Division 21 protections to households with "Functional and Access Needs/At-Risk Populations.*
>
> *In addition to economically disadvantaged groups, these populations include youth and the elderly, groups with limited English proficiency, low literacy skills, and hearing/visual difficulties, people with medical conditions or who experience disability, and isolated groups. For example, Staff should consider including in 860-021-0180 households with children under a certain age or with elderly residents, as well as people with medical certificates.*

Staff did not add disconnection protections for *"Functional and Access Needs/At-Risk Populations"* for the following reasons:

- Energy utilities would not have sufficient knowledge to identify all households in these groups.
- Households in these groups will have protections if they meet the definition of low-income customers.
- Certain households in these groups would not need protections based on income and assets.

- Disconnections are a drawn-out process, and customers have the ability to work with utilities to stay connected including discounted rates, partial payments, equal payment plans, and time-payment arrangements.

Detailed Explanation of Rule Changes
860-021-0008
Definitions for Regulation of Utility Services

Added the 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.

Joint advocates suggested an addition to expand the definition. Per Joint Advocates:

We suggest defining "low-income residential customer" in OAR 860-021-0008(7) rather than by reference to OAR 860-021-0180, which deals with verification. Staff states that their goal in simplifying the definition of low-income residential customer is "to include traditional low income (60% of the state median income)." However, this language is not currently included in the proposed rules. Who meets the definition of a residential low-income customer and how they verify eligibility are different things, so having a definition in OAR 860-021-0008(7) is important.

As currently defined, by reference to draft OAR 860-021-0180, a "low-income residential customer" is someone who has received energy assistance or is enrolled in the low-income rate program. This definition risks excluding customers who are not enrolled, who are in the process of enrolling in either program, or who choose to only seek Division 21 protections. We offer the following suggested change to OAR 860-021-0008(7):
"Low-income residential customer" means a customer or applicant whose ~~eligibility has been verified under OAR 860-021-0180.~~ income is at or below 60% Oregon state median income. An energy utility is not limited to this definition and may adopt a broader definition to capture additional low-income residential customers.

Although Staff maintained the stated definition, Staff added the following to OAR 860-021-0180:

(2) An energy utility may allow a customer to self-certify as an eligible low-income residential customer based on income that is at or below

60 percent Oregon state median income or participation in other low-income assistance programs offered in Oregon.

Throughout the definitions, Staff removed references to "his/her," changes Consumer Services "Division" to "Section," and makes other small administrative changes.

860-021-0009
Applications for Utility Service from an Energy or Large Telecommunications Utility

Removed Staff's previously proposed revision that would allow 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.

Joint Advocates do not agree with the removal and state:

> *We recommend that Staff reincorporates the language allowing utilities to collect demographic data. Staff articulated the following reasons for removing this language:*
>
> - *Allowing for consideration of specific information collection requirements as necessary in the future.*
> - *The utilities did not believe it necessary as it is not prohibited and they do not plan to collect the data.*
>
> *Reluctance by the utilities to collect demographic data limits our collective ability to understand how utility and PUC policies and programs are positively or negatively impacting, or failing to impact, specific communities. We cannot address issues that we cannot measure. Hence, the continued efforts by several of the Joint Advocates to encourage utilities to collect demographic data from customers who choose to provide it. This data collection is commonplace for organizations serving impacted communities.*
>
> *Reincorporating language allowing utilities to collect demographic information seems especially important in light of utilities expressing in the past that they were not sure that they could collect that data.*

Staff believes that this is an issue that requires more investigation including cooperation and collaboration with Oregon Housing and Community Services (OHCS). OHCS currently publishes an energy burden map, *Energy Use Intensity in Residential Housing in Oregon:*

https://osugisci.maps.arcgis.com/apps/webappviewer/index.html?id=189e21ea4f694168ad519a18ef99ef60.

Energy burden, more than other demographic data, is a key variable in utilities being able to focus programs and outreach. As a result, Staff continues to recommend that a clause in the rules allowing energy utilities to collect demographic data be omitted at this point in time.

No changes are proposed for this rule.

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 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 that the PUC's Consumers Services is a Section and not Division; and changes "him/her" to "the customer," adds "where applicable" in realization that not all utilities have local offices, and makes other administrative changes such as striking out references to telephone directories being distributed annually.

860-021-0011
Multilingual Notices

Changes to this rule (amongst others) include changing "consumer" to "customer" for consistency throughout Division 21. Also changes "mail" to "send" to account for differing methods to transmit information to customers based on customer preference.

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

In Section (2), Staff added "employees" when considering safety aspects.

Staff maintained, with additional edits, the Joint Utilities' request that Staff revise its original revision on section (3) 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.*

In its second round of comments, Joint Advocates stated:

> *We are concerned about customers experiencing disconnection for more than 21 days and are curious about how the Commission plans on utilizing the information that it will gather during this notification process. We understand that in some circumstances, such as in a natural disaster scenario, it may be difficult and dangerous to reconnect a customer. However, the inquiry should not end here. In a more general situation, 21 days is a long time to be without power. We believe too long.*
>
> *At the very least, the PUC should not only be notified that a customer is without power for more than 21 days but should disallow it unless there are good reasons. We urge Staff to go back to its original proposed language. We do not understand what the Commission would do with simple notification from utilities when they are unable to reconnect a customer for more than 21days. We also suggest that this topic is flagged for discussion at the April 6, 2022 workshop.*

As a result of both Joint Utilities and Joint Advocates comments, Staff added additional language clarifying what information should be provided to the Commission.

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

Section (4) addresses efforts that an energy utility is required to make to contact customers.

It is also important to note that the rule states in Section (5):

> (4**5**) In addition to the requirements above, electric utilities shall comply with OAR 860-023-008~~0~~**1** through 860-023-016~~0~~**1**, which set additional requirements for electric service reliability and reporting.

The additional requirements (860-023-0161, Major Event Filing by Electric Companies) address certain aspects of Joint Advocates comments.

“Electronically” was also an option for utilities to notify customers in Section (4).

860-021-0126
Late-Payment Charge

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

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

In its comments submitted April 25, 2022, SBUA suggests that “*late fees be reduced or perhaps be eliminated accordingly.”*

Utilities are required to list late payment charges in their tariffs; and the rule currently places certain boundaries on the imposition of late fees including not being applied to time payment arrangements and equal pay plans. Staff does not recommend that late fees be eliminated.

SBUA also requests that certain rules should add *"small commercial customer"* where indicated by the headings. In the rules cited by SBUA (-0126, -0326, -0330), the rules have certain distinction for residential customers that neither apply to nor were intended for small commercial 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

This is a new rule that allows customers to qualify as a low-income customer. In section (1), Staff took Joint Advocates suggestion of rewording (1)(b). Staff also added a new Section (2) from the original draft, to allow customer self-certification.

(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 any program offered by a utility to residential customers based on differential energy burdens based on factors that affect affordability pursuant to ORS 757.230(1).

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

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

As mentioned above, Staff added a new section (2) that allows for self-certification based on "*income at or below 60 percent Oregon state median income or participation in other low-income programs offered in Oregon.*" This change allows self-certification resulting in possible alignment with discounted bill programs offered by the utilities.

In comments submitted on April 1, 2022, Joint Advocates state their belief that disconnect protections should be extended to *Functional and Access Needs/At Risk Populations* and state:

> *We appreciate Staff's perspective that the Division 21 rules were written for low-income protections. We offer that energy burden, energy poverty, low-income and financial vulnerability do not begin at 60% of SMI. Many low-income people at risk of disconnection, and who live with energy burden and energy poverty, will not be protected by Division 21 protections or maybe even by the programs that emerge from HB 2475 implementation. Some of them will be Functional and Access Needs/At-Risk Populations. While this rulemaking may not be the forum where the PUC chooses to address this reality, we must center it in our work in utility regulation.*

Staff continues to believe that the current focus should be low-income protections. With the exception of low-income and medical certificates, utilities do not have the ability to identify customers that may fall into *Functional and Access Needs/At Risk Populations.* Staff believes that there is a measure of subjectivity in trying to determine if a customer that is not low-income requires additional protections.

Staff also believes it is important to note that disconnections are a drawn-out process, and customers have the ability to work with utilities to stay connected including discounted rates, equal payment plans, partial payments, and TPAs.

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

Section (4) 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 refunds to 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.

(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.

(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 which results in damage to utility equipment.**

Staff also added a new section (12) of disconnection times that were included in the UM 2114 Stipulated Agreement. This addition should help reduce the need for after hour reconnections.

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

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 when there is a possible disconnection:

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

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.

Joint Advocates asked for clarification on the amount of days that a utility would not need to reconnect a customers based on Section (3) of the rule. Based on the circumstance, the disconnection could be less than a day or greater than three days depending on if a holiday begins on Friday.

860-021-0330
Reconnection Fee for Utility Service

Staff maintained original draft language concerning waiving of reconnection fees; however, Staff added a new Section (1)(b) 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 may 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 may 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 may 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 more easily as compared to rolling a truck, and have minimal incremental costs. Additionally, Joint Utilities also 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.*

Responses from utility data requests indicate that a relatively low number of low-income residential customers were reconnected twice (14 non-remote; 9 remote) and only two (remote) reconnected more than twice from the period of August 1, 2021 to January 31, 2021.

Joint Advocates go on to say:

> *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.*

And:

> *We reiterate our request that customers be granted some fee waivers for after-hours reconnections, at least for customers with specific circumstances. Accordingly, we are concerned about the prohibition on fee waivers for after-hour reconnections. We understand that there may be some concern when reconnection is not safe due to hazardous occurrences like wildfires; however, this does not justify an outright ban on fee waivers for after hour disconnections.*

Staff believes that the revised rule offers adequate protections to low-income customers without placing additional costs to the system. Data received from utilities (August 2021 through January 2022) demonstrate that after-hour reconnections for low-income residential customers are low (98) in comparison to total customer counts; consisting of approximately 10 percent of low-income residential customer reconnections. Of these 98, 29 were remote reconnections by PGE.

Concerning special case after hour 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.

The addition to OAR 860-021-0305 should maintain after hour reconnections at a relatively low level as it gives customers time to request same day reconnection during hours of operation.

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

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; maintains 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 may not require a deposit to be paid by a low-income residential customer.** The customer shall pay the balance of the amount owed to the energy utility within ~~30~~ **two subsequent billing cycles** of the date service is initiated. Upon failure to pay, the energy utility may disconnect service after providing a five-day notice to the customer. The notice shall contain the information set forth in OAR 860-021-0405(2)(a), (b), (c), (d)(A) and (D) and shall be served as required by 860-021-0405(5). If a customer or applicant whose service was terminated applies for service within 20 days of the termination, the provisions of this rule apply.

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;

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

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

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

Staff draft rules change 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.

The Joint Utilities request to maintain the 15-day notice, 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.*

However, 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, one for low-income customers, another for all other residential customers.

Joint Utilities continue to maintain the position that the notice should not be extended from 15-days to 20 days. As PGE states:

> *Changing the notice timeframe will not provide customers additional time to make payment prior to disconnection as each utility currently provides more than the OAR's required 32 days between the time of billing to when disconnection for nonpayment may occur. This change would instead provide customers earlier notification of the past due balance and PGE has alternative notifications already in place such as past due text and email alerts which would not require additional costs. Our efforts should stay focused on bill affordability and arrearage assistance.*

Staff appreciates the efforts utilities have made to keep customer connected. Staff also recognizes the current time frame from billing date to disconnection (38 – 66 days). However, as noted above, focus-group participants requested a little more time to pay a bill. From Staff's perspective, customers paying bills and staying connected are a benefit to utilities.

Joint Advocates stated:

> *We would also like to better understand and explore at the April 6 workshop the challenges to implementing different notice timelines for low-income customers when utilities are already going to be implementing different policies for this group.*

Based on responses to data requests, utilities state varying costs ($11,000 to $250,000) and timelines to implement a change due to programming and other IT initiatives; PAC (late 2023), PGE (Q2 of 2023), Idaho Power (six to 11 weeks), and Cascade (Q4 of 2022). If the Commission approves the change, utilities can request a waiver of the rule until system modifications are made.

NW Natural brings up an interesting point about its process including 3-day call notification. Staff believes that NW Natural can continue this process that would occur on day 17 as opposed to the current day 12.

With that said, Staff recognizes that each utility has different steps and procedures in their disconnect processes; and that the change to a 20-day notice may not result in an additional five full days extension to disconnection. However, Staff also believes that energy utilities will continue to work hard and smart to keep customers connected.

Joint Advocates state:

> *We would like to learn about the implications of the changes in OAR 860-021-0405(9)(b)(B) from Staff and the utilities at the April 6 workshop.*

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

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

The change reduces the amount of calls, but maintains the requirement to call at least once and leave a message if an answering machine (or service) is available. Staff has been previously told on numerous occasions that customers in arrears avoid answering phone calls and opening bills. To inundate the customer with repeated calls probably does not add value to the system.

Concerning collection at the door, OAR 860-021-405(11), Lead Staff continues to believe that collecting money at the door should be a utility decision and not required by the Commission. Lead Staff continues to contend that:

- Three utilities (PGE, PAC, and Cascade) have Commission-approved waivers.
- Utilities have established multiple means of paying bills. As an example, Cascade Natural Gas utilizes online payments, and customers can set-up automatic payments or electronic checking transfers, use Cascade'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.

Joint Advocates comment on collecting money at the door:

> *In fact, we believe that it is reasonable for a utility to have to accept some payment at the door to prevent a customer from experiencing disconnection when utility staff is there to disconnect. Recognizing the need to keep utility staff safe, and balancing that interest with that of its customers, we think a possible middle ground solution is to put a cap on the amount of money to be tendered at the door to prevent service disconnection. This balance would both heighten utilities' staff safety and ensure that customers are not disconnected from an essential service.*

Staff believes that the problem with this approach is that a person with mal-intent would not know how much money a utility personnel is holding. Smaller monetary collections would not necessarily result in utility personnel being safer.

However, as a result of discussions during the April 6, 2022, workshop, Staff added language that will delay the disconnection by at least 24 hours to allow customers multiple means to make payments to prevent disconnection. The change also allows utilities to continue collections at the door if they choose to maintain this practice.

The changes to Section (11) that Staff made, state:

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

Staff notes that from the period of August 1, 2021 to January 31, 2022, only three utilities collected money at the door, for a total of $462,511, including $4,063 that was collected from 21 low-income residential customers. Staff believes that the above changes work to address both Joint Utilities and Joint Advocates concerns.

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

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

Staff also added a new Section (4) to the original draft, concerning energy utility outreach based on Joint Advocates comments that:

We recommend that Staff, utilities, and advocates take the time to explore a balance that can work for various circumstances and that takes advantage of broad communication strategies. That conversation could begin at the April 6 workshop. Regardless of what the process is for reconnection after evaluation notices, customers must be aware of this process immediately after implementation. This means requiring outreach methods for utilities to ensure proper dissemination of information, such as local news coverage, radio advertisements in various languages, outreach to community-based organizations and school districts, and more.

There are various circumstances that can prevent someone from knowing the proper steps to take to be reconnected (lack of access to the internet, no bill records, no power, digitally illiterate, non-English speaking, disabled, etc.). Simply stating that the utility can be contacted because their number is on the internet and on the utility bills is incognizant as it disregards the multiple realities people face. How people are made aware is important, and that low-income customers, medically vulnerable customers, and other Functional and Access Needs/At-Risk Populations are prioritized in that outreach about the protections that these Division 21 rules warrant them is crucial.

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

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

Staff added small commercial customers to the rule.

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 (1), Staff also struck out the word “high” to clarify that when the temperature is under 32 degrees at any point of the day, a moratorium would be in effect.

Although Joint Advocates believe this is an improvement, in Supplemental Comments, Joint Advocates state:

> *OAR 860-021-0408(1) triggers a severe weather moratorium when the forecasted high temperature is lower than 32, and the Second Draft adds a winter storm to the severe weather moratorium triggers. However, symptoms of hypothermia and respiratory symptoms can occur at temperatures well above 32°F, sometimes in the mid 50s.*

Joint Advocates go on to state:

> *A moratorium at 32°F is likely to reduce harm, but will not fully protect against health impacts from cold weather. At the April 6 workshop, Staff expressed interest in exploring modifications to OAR 860-021-0408(1) that would trigger a severe weather moratorium when the temperature is forecasted to be below 32°F (instead of the current forecasted high of 32°F). While that change to OAR 860-021-0408(1) would be a significant improvement from the current severe weather moratorium rule, and is likely to reduce harm, it will not fully protect against health impacts from cold weather.*

Staff believes that with the changes made, including striking out “~~high~~,” Oregon has one of the strongest severe weather moratorium conditions as compared to other states.[6]

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 previously added Section (6) as it is clear in Section (3(b):

[6] https://neada.org/wintercovid19moratoriums/.

(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.

Staff also revised the draft Section (9) to state:

(9) Upon request from a customer who has been disconnected for nonpayment within the previous 72 hours of a severe weather or air quality condition outlined in sections (1), (2), and (3) of this rule, an energy utility must make best efforts to reconnect service. The energy utility may apply reconnection fees authorized in OAR 860-021-0330 to any reconnection.

This adds a similar provision to the new Wildfire Rule, which has the customer requesting reconnection.

Joint Advocates continued to believe that the proposed changes are not adequate and state:

We continue to ask for a deeper conversation on more health protective triggers for cold weather based severe weather moratoria. Our March 7 comments outline why the current triggers are not sufficient, and why the proposed triggers still have room for improvement. We described specific events in our region and how they would not have triggered a moratorium under the current rules or the rules as staff proposed to amend them, even though temperatures were extremely cold. Our Mach 7 comments also outlined our concerns regarding the inequitable impacts of having to face cold weather while disconnected. People who are at risk of disconnection because they cannot afford their energy bill are also likely to be the same people who live in poorly weatherized homes. As you can infer, this leads to higher bills and places these individuals at higher risk due to low indoor temperatures. With this in mind, we respectfully disagree with Staff's sentiment that the current or the revised rules provide sufficient protection and that no additional changes are necessary.

While we continue to advocate for having a human health and safety centered conversation on this issue, we restate our proposal that local government's extreme or severe weather emergency declarations be included to the list of triggers. Local governments generally collaborate with utilities in situations of high risk to human health and safety, like severe weather events, so utilities are likely to be informed of these local alerts. While the National Weather

> *Service is indeed a source of government expertise on weather, local governments respond to protect life and health in severe weather events and best understand the needs and vulnerabilities of their communities. Staff would be remiss to dismiss local government expertise in this process.*

As previously stated, the added protections in this rule result it being one of the strongest in the country. Utilities serve many different jurisdictions (cities, counties, etc.) and for utilities to try to track and incorporate different local government declarations would be difficult. As an example, the City of Salem, including incorporated areas, falls under multiple jurisdictions (City, Polk County, Marion County, State Lands).

Joint Advocates continue to request that utility outreach to disconnected customers be added to the rules:

> *We restate our request that Staff include in subsequent drafts of the Division 21 rules a requirement that utilities engage in outreach to disconnected customers during severe weather events. Further conversation on the basis of Staff's discomfort with our request revealed Staff's concern that our request would ask the utility to engage in a social service function that Staff considers outside the realm of utilities' work. To this end, we want to emphasize that, as far as we are aware, a utility is the only entity that knows that a particular household is disconnected due to inability to pay during a severe weather event. A person or family facing a severe weather event without utility service is especially vulnerable to the impacts of that event.*

Staff continues to believe that contacting disconnected customers about weather events and social services offered during extreme weather events is not a utility function. Even without power or natural gas, customers would still have access to other resources through their phone, family, friends, and neighbors.

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.

Joint Advocates believe that the 60-day certification in the UM 2114 Stipulated Agreement should be maintained:

> *The Joint Advocates supported the original 60-day period to submit documentation after someone has self-certified as being medically vulnerable. We are not comfortable with decreasing it to 30 days, let alone 14 days, without a broader conversation grounded on the realities of the process and time it takes to obtain confirmation from a medical professional. Not only is this process entangled with healthcare accessibility issues, but it is dependent on third-party (medical professional) availability, which we know is increasingly scarce. Allowing a longer period to obtain confirmation is necessary for offering realistic and workable protections through these rules. In sum, we support the 60-day period, and strongly oppose going below Staff's current 30-day period.*

Staff understands that working with medical professionals is not always easy; however, the rule allows for initial oral certifications from a medical provider prior to receiving the necessary documentation. As such, 30 days is over twice the time period in existing rules.

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 Subsection (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;

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

Based on input from SBUA, Staff added Small Commercial customers to be eligible for Equal Payments. PGE noted that it already provides equal payment plans to small commercial customers.

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

The 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 maintain the 24-months authorized under the Stipulated Agreement.

> *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.*

In the revised draft, Staff removed the extension of TPAs, based on information received from data requests.

The completion rate for TPAs longer than 12 months ranges from 3.0 percent (Avista) and 31.90 percent (NW Natural). In the case of NW Natural, the default rate can potentially increase as numerous TPAs are still active. Concerning 12-month TPAs, the completion rate ranges from 5.0 percent (Avista) to 47.60 percent (NW Natural). Data also indicates that for the most part, the lower the TPA duration, the higher the completion rate. With that said, PGE has a completion rate of 11.30 percent for less than six months, and a 13.50 percent for six months.

As such, Staff did not add to the current twelve months that is in rules. Utilities maintain payment histories for its customers and should continue to have the flexibility to work with customers based on this historical information. As previously mentioned, it is advantageous to utilities to work with customers to secure payments.

As a result, Staff revised Section (4) of the rules to include language of longer duration plans (based on a recommendation of 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.

Staff also edited the reference to a 20-day late notice, striking out "~~15~~."

Staff maintained the 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.**

The above language is taken from the UM 2114 Stipulated Agreement.

Staff maintained the removal of the requirement of utilities to offer TPAs to small commercial customers. This requirement was pandemic based and is no longer necessary due to the end of the pandemic and data on arrearages. Below is a

comparison of small commercial customer arrears between January 2021 and March 2022.

	January 2021	March 2022
Customers in Arrear	17,130	14,116
Total Arrears	$8,758,268	$5,329,266
Average 30+ Day Arrears	$278.59	$253.21
Average 60+ Day Arrears	$425.75	$318.09
Average 90+ Day Arrears	$863.73	$825.93

Additionally, small commercial customers have other options for funding that are not available to residential customer such as Small Business Administration Loans: https://www.sba.gov/funding-programs/loans, bank line of credits, and programs through Business Oregon, therefore energy utilities should not have to be a source of funding for small commercial customers through the use of TPAs.

860-021-0420
Field Visit Charge

Staff added a protection for low-income customers:

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 maintained 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 change by 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 section added in a previous draft of changes, 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.

Conclusion

Staff realizes that not all issues were resolved to the satisfaction of all parties in the third draft of Division 21 rules. However, Staff endeavored to find a strong balance of recommending rules that offer significant protections to low-income customers without placing unnecessary costs on the system.

Staff appreciates the outstanding participation and thoughtful comments by Joint Utilities, Joint Advocates, and SBUA.

PROPOSED COMMISSION MOTION:

Issue notice of proposed rulemaking on Oregon Administrative Rules Chapter 860, Division 21 to update and improve the rules in this Division, including but not limited to changes that strengthen energy utility customer protections concerning disconnections.

Attachment A - Division 21 Rule Changes

Division 21
UTILITY REGULATION

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.

(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.

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

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

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

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

Statutory/Other Authority: ORS 183, 756, 757 & 759
Statutes/Other Implemented: ORS 756.010, 757.005 & 759.005, 757.230

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 later than when the first bill statement is **sent** ~~mailed~~. Large telecommunications utilities satisfy the annual notification requirement by prominent publication of the information in a telephone directory ~~distributed to their customers annually~~. The summary shall include the text of a summary reviewed and approved by the Commission's Consumer Services ~~Division~~**Section** and describe:

(a) The customer's option to designate a third party to receive bills and notices and the availability of notices in languages other than English;

(b) Applicable financial assistance programs, such as the Energy Assistance Fund for gas utilities and electric companies and Link-Up America for telecommunications utilities;

(c) The availability of medical certificates;

(d) Special payment options such as equal-payment plans. Late-payment charges, if any, shall be explained, along with the availability of any preferred billing date option;

(e) Procedures for conflict resolution, including how to register a dispute with the energy or large telecommunications utility and with the Commission and the toll-free number of the Commission's Consumer Services ~~Division~~**Section**;

(f) Listings of ~~consumer~~**customer** organizations that participate in Commission proceedings, including addresses and telephone numbers, may be requested from the Commission's Consumer Services ~~Division~~**Section**; and

(g) The Commission's telephone solicitation rules (telecommunications utilities only) as ~~defined~~ **set forth** in OAR 860-021-0610~~(1)(a)~~.

(7) When service is initiated, the energy or large telecommunications utility shall inquire whether the customer would like to receive notices in a language other than

English and will inform the customer of the type of notices and translations currently available. If the language chosen is not available, the energy or large telecommunications utility will tell the customer the translated version does not yet exist but the customer's interest will be recorded for the Commission. Each energy or large telecommunications utility shall report to the Commission the number of requests for notices and summaries in non-English languages. The reports shall specify the number of requests for each language.

(8) Each energy or large telecommunications utility shall post notices approved by the Commission in a conspicuous place in each utility office, **where applicable**, where credit matters are transacted, setting forth the rights and responsibilities of customers under these rules. The notices shall be printed in large boldface type and shall be written in language that is easy to understand.

Statutory/Other Authority: ORS 183, 756, 757 & 759
Statutes/Other Implemented: ORS 756.040

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:

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

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;

(b) Mailing address: Public Utility Commission of Oregon, Consumer Services Section, PO Box 1088, Salem, Oregon 97308;

(c) Physical address: Public Utility Commission of Oregon, 201 High Street SE, Suite 100, Salem, Oregon 97301;

(d) Electronic mail address: ~~puc.consumer@state.or.us~~ **puc.consumer@puc.oregon.gov**; and

(e) Website: ~~http://www.puc.state.or.us/consumer/customer%20complaint%20process.pdf~~ . **https://apps.puc.state.or.us/consumer/complaint.asp**.

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

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

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

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

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

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

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

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

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

(A) If the utility files a motion to dismiss, the complainant may file a response within 15 days of the motion. If the complainant responds, the complainant must file the

response with the Filing Center and send a copy to the utility. The Commission may make a decision on the formal complaint based on the information in the complaint, the utility's response and motion to dismiss, and the complainant's response to the utility's motion; or

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

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

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

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

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

(c) ~~When t~~**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

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.

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

(~~3~~**4**) 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~~**5**) In addition to the requirements above, electric utilities shall comply with OAR 860-023-008~~0~~**1** through 860-023-016~~0~~**1**, which set additional requirements for electric service reliability and reporting.

Statutory/Other Authority: ORS 183, 756, 757 & 759
Statutes/Other Implemented: ORS 756.040

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 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

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

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

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

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

Statutory/Other Authority: ORS 183 & 756
Statutes/Other Implemented: ORS 756.040, 757.230

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:

(a) If the date of the error can be determined, the large telecommunications utility must issue a bill credit or refund for the over charge or a corrected bill for the under charge back to such date. If the date of the error cannot be determined, the large

telecommunications utility must refund the over charge or rebill the under charge for no more than six months' usage.

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

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

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

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

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

(4) When a utility issues a bill to collect under-billed amounts, a current or former customer of an energy utility, or current customer of a telecommunications utility, may enter into a time-payment agreement as provided in OAR 860-021-0415. If the utility customer is already on a time-payment plan, the utility must offer to renegotiate the payment plan to include the under-billing error. If the customer and utility cannot agree upon payment terms, the Commission will establish terms and conditions to govern the customers' obligation. This section does not apply if the corrected billing is the result of the conditions listed in section (3) of this rule.

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

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

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

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

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

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

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

Statutory/Other Authority: ORS 183, 756, 757 & 759
Statutes/Other Implemented: ORS 756.040 & 757.250

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 any program offered by a utility to residential customers based on differential energy burdens based on factors that affect affordability pursuant to ORS 757.230(1).

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

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

Statutory/Other Authority: ORS 183, 756, 757 & 759
Statutes/Other Implemented: ORS 757.230

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:

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

(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 residential customer**; or

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

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

(a) Provide the energy or large telecommunications utility a written surety agreement from a responsible party to secure payment in an amount equal to two months' average usage, **which may be transferred to the responsible party's account as established in OAR 860-021-0334.** For purposes of section (3) of this rule, a responsible party is a customer **of**~~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 rounded to the nearest whole dollar. For telecommunications service, applicants eligible for Oregon Telephone Assistance Program (OTAP) funding and who voluntarily elect to receive toll-blocked service, no deposit may be charged. The large telecommunications utility shall make toll blocking available at no charge to all applicants identified in OAR 860-033-0030.

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

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

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

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

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

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

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

Statutory/Other Authority: ORS 183, 756, 757, 759 & Ch. 290 & OL 1987
Statutes/Other Implemented: ORS 756.040 ORS 757.230 & Ch. 290 & OL 1987

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

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

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

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

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

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

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

(7) If disconnection for nonpayment of a deposit occurs, the customer disconnected shall pay the full amount of the deposit, any applicable reconnection fee, late-payment fee, and one-half the past due amount before service is restored. The customer shall pay the balance of the past-due amount within 30 days of the date service is restored. A customer may continue with an existing time-payment agreement by paying all past-due installments, the full deposit, and other applicable fees.

Statutory/Other Authority: ORS 183, 756, 757 & Ch. 290 & OL 1987
Statutes/Other Implemented: ORS 756.040, ORS 757.230 & Ch. 290 & OL 1987

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**~~A~~n energy or large telecommunications utility may continue holding a deposit until credit is satisfactorily established or reestablished. For purposes of this rule, credit shall be considered to be established or reestablished if one year after a deposit is made:

(a) The account is current;

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

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

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

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

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

(6) An energy utility that collects or has collected a deposit from a low-income residential customer must apply or return the deposit as outlined in this section.

(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.

(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.

(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, ORS 757.230 & Ch. 290 & OL 1987

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.

(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 which results in damage to utility equipment.

(1~~0~~**1**) When the Commission approves the disconnection of service.

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

Statutory/Other Authority: ORS 183, 756, 757, 759 & Ch. 290 & OL 1987
Statutes/Other Implemented: ORS 756.040, 757.035, 757.225 & 757.760

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 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

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 must be addressed to "tenant" or "occupant" and must include a statement regarding the impending disconnection of utility service, the earliest date for disconnection and an explanation of the Commission's complaint process and toll-free number.** ~~This requirement is satisfied by serving a notice addressed to "Tenants" in the same manner provided for in 860-021-0405.~~The notice to occupants need not include the dollar amount owing **or the reason for disconnection**.

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

Statutory/Other Authority: ORS 183, 756, 757 & Ch. 290 & OL 1987
Statutes/Other Implemented: ORS 756.040, 757.760 & Ch. 290 & OL 1987

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)**, (11)** or involuntarily disconnected for failure to pay Oregon tariff charges:

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

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

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

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

(b) For a request for reconnection received anytime other than a Business Day: Except as provided under section (6) of this rule, the request for reconnection must

be treated as if it were received at 8:00 a.m. on the next Business Day and service must be restored in accordance with Subsection (3)(a)(A) of this rule.

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

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

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

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

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

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

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

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

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

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

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

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

(a) A documented Force Majeure event;

(b) An action or default by an applicant, customer, or other person outside of the utility's control, including a cancellation of the request made by the applicant or customer;

(c) Major events, such as storms or system outages;

(d) Safety-related issues that preclude the utility from reconnecting service;

(e) The applicant's or customer's facilities cannot be accessed due to circumstances beyond the utility's control;

(f) The utility's equipment or facilities prevent the reconnection from occurring; or

(g) When the Commission approves a waiver.

Statutory/Other Authority: ORS 183 & 756
Statutes/Other Implemented: ORS 756.040 & ORS 757.230

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 may 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 may 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 may not assess a reconnection fee for a 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 & 757.230

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 may not require a deposit to be paid by a low-income residential customer.** The customer shall pay the balance of the amount owed to the energy utility within ~~30~~ **two subsequent billing cycles** of the date service is initiated. Upon failure to pay, the energy utility may disconnect service after providing a five-day notice to the customer. The notice shall contain the information set forth in OAR 860-021-0405(2)(a), (b), (c), (d)(A) and (D) and shall be served as required by 860-021-0405(5). If a customer or applicant whose service was terminated applies for service within 20 days of the termination, the provisions of this rule apply.

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

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

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

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

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

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

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

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

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

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

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

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

Statutory/Other Authority: ORS 183, 756, 757, 759 & Ch. 290 & OL 1987
Statutes/Other Implemented: ORS 756.040, 757.035, 757.225, 757.2390 & Ch. 290 & OL 1987

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

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

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

(a) The reason for the proposed disconnection;

(b) The earliest date for disconnection;

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

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

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

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

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

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

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

(a) At the request of the customer;

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

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

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

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

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

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

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

(a) At the request of the customer;

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

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

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

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

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

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

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

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

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

(B) **Where the service address has remote disconnect capability installed, a**~~A~~ttempt to contact the customer at **least once, two days prior to the expected date of disconnection.**~~a service address where remote disconnect capability is~~

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

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

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

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

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

Statutory/Other Authority: ORS 183, 756, 757
Statutes/Other Implemented: ORS 756.040, 757.760

860-021-0406
Wildfire Displacement Protection

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

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

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

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

Statutory/Other Authority: ORS 183, 756, 757
Statutes/Other Implemented: ORS 756.040, 757.760

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 forecast**ed** 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**~~A~~n 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 section**s** (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.

(~~7~~**8**) Each energy utility must notify the Commission's Consumer Services Section which weather reporting service **and air quality service** it will utilize in each geographic area served by the utility in complying with the requirements of this rule; and the energy utility must notify the Commission's Consumer Services Section upon choosing a different weather reporting service.

(9) Upon request from a customer who has been disconnected for nonpayment within the previous 72 hours of a severe weather or air quality condition outlined in sections (1), (2), and (3) of this rule, an energy utility must make best efforts to reconnect service. The energy utility may apply reconnection fees authorized in OAR 860-021-0330 to any reconnection.

(~~8~~**10**) 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

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.

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

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

(a) On a companywide basis:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Statutory/Other Authority: ORS 756.060
Statutes/Other Implemented: ORS 756.040

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;

(c) An explanation of how the person's health will be significantly endangered by terminating the service;

(d) A statement indicating how long the health condition is expected to last;

(e) A statement specifying the particular type of utility service required (for example, electricity for respirator); and

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

(3) If a medical certificate is not submitted in compliance with sections (1) and (2) of this rule, the energy utility may disconnect service after providing a five-day notice to the customer. The notice shall comply with the requirements of OAR 860-021-0405, except subsection (1)(b), subsection (2)(e), and section (4) of this rule shall not be applicable.

(4) An emergency medical certificate shall be valid only for the length of time the health endangerment is certified to exist, but no longer than six months without renewal for certificates not specifying chronic illnesses and no longer than twelve months for certificates specifying illnesses identified as chronic by a "Qualified Medical Professional" as defined in this rule. At least 15 days before the certificate's expiration date, an energy utility will give the customer written notice of the date the certificate expires unless it is renewed with the utility before that day arrives.

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

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

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

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

(6) If a medical certificate customer fails to enter into a written time-payment agreement within 20 days of filing the certificate, or to abide by its terms, the energy utility shall notify the Commission's Consumer Services Division of its intent to disconnect service and the reason for the disconnection. The energy utility may disconnect service after providing a notice 15 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

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

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

Statutory/Other Authority: ORS 183 & 756
Statutes/Other Implemented: ORS 756.040, 757.750 & 757.760

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 12, and a like payment each month for 11 months thereafter:
(a) The energy utility shall review the monthly installment plan periodically. If needed due to changing rates or variations in the amount of service used by the customer, the installment amount may be adjusted to bring the account into balance within the time specified in the original agreement;

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

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

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

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

(~~5~~**6**) If a customer fails to abide by the time-payment agreement, the energy utility may disconnect service after serving ~~15~~ **20** days' notice. The notice shall comply with

OAR 860-021-0405, except subsection (2)(d) of this rule shall not be applicable. If a medical certificate is in effect, 860-021-0410(6) shall apply.

Statutory/Other Authority: ORS 183, 756, 757 & Ch. 290 & OL 1987
Statutes/Other Implemented: ORS 756.040, 757.750 & 757.760

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.**

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.

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

(a) At the request of the customer; or

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

(3) The notice must be printed in bold face type and must state, in language that is as clear and simple as possible:

(a) The reasons for the proposed disconnection;

(b) The earliest date for disconnection;

(c) The amount to be paid to avoid disconnection of regulated services;

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

(e) An explanation of the availability of an emergency medical certificate for local exchange residential telecommunications service customers under OAR 860-021-0510.

(4) The energy or large telecommunications utility may not send the notice before the due date for payment for the services billed.

(5) The energy or large telecommunications utility must serve the notice of disconnection in person or send it by first class mail**, or electronically,** to the last known addresses of the customer and the customer's designated representative. Service is complete on the date of personal delivery or, if service is by U S Mail, on the day after the U S Postal Service postmark or the day after the date of postage metering.

(6) If a premises visit is required to complete disconnection, the energy or large telecommunications utility must make a good-faith effort to personally contact the customer or a resident at the service address to be disconnected. If the energy or large telecommunications utility's attempt to make personal contact fails, the utility must leave a notice in a conspicuous place at the premises informing the customer that service has been disconnected.

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

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

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

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

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

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

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

Statutory/Other Authority: ORS 183, 756, 757, 759 & 290 & OL 1987
Statutes/Other Implemented: ORS 756.040, 757.750, 757.755, 757.060 & 290 & OL1987