ITEM NO. RM1

PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: May 27, 2025

REGULAR **X** **CONSENT** ____ **EFFECTIVE DATE** **Upon filing with Sec. of State**

DATE: May 19, 2025

TO: Public Utility Commission

FROM: Michelle Scala and Kate Ayres

THROUGH: Caroline Moore and Scott Gibbens **SIGNED**

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF:
(Docket No. AR 670)
Temporary Rules Related to Protections Against Disconnection.

STAFF RECOMMENDATION:

Staff recommends that the Oregon Public Utility Commission (Commission) adopt the proposed temporary rule amendments to OAR 860-021-0330, OAR 860-021-0407, and OAR-860-021-0635 related to residential customer protections against disconnection in Attachment A, effective upon filing with the Secretary of State.

Staff further recommends the Commission direct the Electric Utilities to file a report providing monthly data points for each of the metrics related to the temporary rules as described in this memo. The report should be filed with this Commission under this docket, AR 670, no later than December 21, 2025.

DISCUSSION:

Issue

Whether the Oregon Public Utility Commission should adopt Staff's proposed temporary rule amendments related to residential customer protections against disconnection, effective upon filing with the Secretary of State; and further direct the Electric Utilities to provide a report at the end of the temporary rules period containing monthly data reflecting impacts of these temporary rules.

Applicable Law

Pursuant to ORS 756.060, the Commission "may adopt and amend reasonable and proper rules and regulations relative to all statutes administered by the commission…." The Oregon Administrative Procedures Act sets forth the process for adoption and amendment of administrative rules and allows for the adoption or amendment of temporary rules for a period of up to 180 days in appropriate circumstances. Under ORS 183.335(5), an agency may adopt, amend, or suspend a rule without the notice or hearing required for a permanent rulemaking if the agency prepares a written statement that includes:

> (a) A statement of its findings that its failure to act promptly will result in serious prejudice to the public interest or the interest of the parties concerned and the specific reasons for its findings of prejudice;
> (b) A citation of the statutory or other legal authority relied upon and bearing upon the promulgation of the rule;
> (c) A statement of the need for the rule and a statement of how the rule is intended to meet the need; and
> (d) A list of the principal documents, reports or studies, if any, prepared by or relied upon by the agency in considering the need for and in preparing the rule, and a statement of the location at which those documents are available for public inspection.

ORS 756.040(2) vests the Commission with power and jurisdiction to supervise and regulate every public utility in this state, and to do all things necessary and convenient in the exercise of such power and jurisdiction.

Pursuant to ORS 757.035, the Commission has the authority to adopt and enforce safety rules and regulations "…and to require the performance of any other act which seems to the commission necessary or proper for the protection of the health or safety of all employees, customers or the public."

ORS 757.230, as amended by House Bill (HB) 2475, provides the Commission authority to take certain considerations into account when determining a comprehensive classification of service for each public utility; including, inter alia, differential energy burdens on low-income customers and other economic, social equity or environmental justice factors that affect affordability for certain classes of utility customers.

ORS 757.695, codifying HB 2475's Section (7)(1), provides that the Commission may address the mitigation of energy burdens through bill reduction measures or programs that may include, but need not be limited to, demand response or weatherization.

OAR 860-021 outlines the rules governing customer rights and utility responsibilities related to service disconnections, reconnections, billing, and customer protections in

Oregon. It specifies conditions under which utilities may disconnect service for nonpayment, establishes timelines and notice requirements, and sets standards for reconnection, including fee limitations and exceptions. The rule also includes provisions for severe weather protections.

Analysis

Background
Effective January 1, 2022, HB 2475 expanded language under ORS 757.230 to allow the Commission to consider "differential energy burdens on low-income customers and other economic, social equality or environmental justice factors that affect affordability for certain classes of utility customers" when establishing classifications, rates, and programs. Following the establishment of this authority, Commission Staff opened Docket No. UM 2211 and initiated a phased implementation effort of the Energy Affordability Act.

In the first phase of implementation, Staff worked with utilities and stakeholders to develop interim income-qualified bill discount programs. The programs have been designated as interim due to the intentionally accelerated development and adoption, while subsequent phases allow for a slower paced, data-informed investigation into energy burden mitigation strategy more broadly. As of October 15, 2024, all of the Oregon Investor-Owned utilities (IOUs) have implemented a bill discount program under the authority of HB 2475.

Phase two of Staff's HB 2475 implementation effort focused on:

- Energy Burden Data collection.
    - Establishing a reporting framework (Energy Burden Metrics Report-EBMR).
    - Developing a proposal for permanent rules requiring the EBMR.[1]
- Identifying near-term opportunities to improve Energy Trust of Oregon-administered low-income weatherization and energy efficiency programs.
- Addressing customer harms associated with arrearages and disconnections.
    - Investigating regulated utility arrearage and disconnection trends.
    - Developing a proposal for temporary rule amendments to Division 21 in advance of the 2024-2025 winter heating season.[2]

UM 2211 is now in Phase three of implementation and has the following focus areas:

- Continued efforts to address customer harms associated with arrearages and disconnections.
    - Developing a proposal for temporary rule amendments to Division 21 in advance of the summer cooling season.

[1] See AR 668, https://apps.puc.state.or.us/edockets/DocketNoLayout.asp?DocketID=24354.
[2] See AR 667, https://apps.puc.state.or.us/edockets/DocketNoLayout.asp?DocketID=24347.

    - Developing a proposal for permanent rule amendments to Division 21, effective January 1, 2026.
- Differential Rate Fact Finding.
- Procedural Equity Report.
- Continual progress with energy burden data reporting and transparency efforts.

As communicated in the Phase 3 work plan, Staff proposes that the Commission adopt temporary rule amendments to Division 21 in advance of the summer cooling season as a bridge to permanent updates to the Commission's customer protection rules under development in 2025. Staff notes that its filing is also intended to be responsive to Commissioner work session comments delivered at the November 26, 2024 public meeting on Staff's UM 2211, Phase two proposal for interim protections against disconnection.[3]

Justification for Temporary Rules
In UM 2211, Phase 2, Staff pursued a limited investigation into residential arrearages and disconnections in response to agency and stakeholder concerns with how rising trends may be impacting customers' health and safety. During this investigation, Staff assessed historical disconnection rates across all six IOUs and endeavored to review the available arrearage data, which at that time and prior, had not been a consistently reported measure. In general, Staff was concerned that for many of the regulated utilities where arrears data was available, average and 90+ day arrears levels were persistently elevated post-COVID-19 pandemic conditions. These trends, along with the higher rates and counts of residential non-payment disconnection recorded in 2024, were particularly concerning among the regulated electric utilities. In bringing forward interim protections, particularly targeting severe weather and vulnerable communities, Staff sought to mitigate the level of danger and potential for harm associated with disconnection and amplified by the state of energy insecurity during such time. As Staff has previously written on this context:

> *It is widely known and evidenced that the health and financial consequence of an energy shut off can be significant. Research has shown energy insecurity is linked to poor respiratory health, poor sleep, food insecurity, and adverse mental health outcomes. The economic impacts of a customer's inability to pay and resulting disconnection can also lead to evictions, foreclosures, low credit scores, the inability to establish future service accounts, and children being removed from their parent's care.*[4]

Further, extreme heat presents a serious and increasing risk to the health, safety, and well-being of Oregon residents. The 2021 heat dome resulted in over 100 heat-related

[3] Oregon Public Utility Commission Regular Public Meeting, November 26, 2024 at 1:45:30. Available at: https://oregonpuc.granicus.com/player/clip/1423?view_id=2&redirect=true.
[4] See UM 2211 - Staff Report for the November 26, 2024 Public Meeting.

deaths statewide, many of which occurred inside people's homes. As the climate warms, such events are projected to occur with greater frequency and severity, particularly affecting those without adequate access to cooling. By mid-century, the average number of days over 90 degrees Fahrenheit in Oregon may more than triple, escalating both the risk of heat-related illness and the energy demand required to remain safe at home.[5]

These impacts are not distributed evenly. Much like the fact that risks associated with disconnection and energy insecurity in general are heightened for certain communities, many of these same groups face disproportionate burdens due to compounding vulnerabilities. Households in manufactured homes, publicly supported multifamily housing, residential RVs, and dwellings with aging infrastructure are significantly more likely to lack permanent and/or functional cooling systems. Residents in these housing types, particularly in rural areas, experience high energy burdens, poor insulation, and limited access to programs or emergency resources. Low-income households, communities of color, older adults living alone, individuals with disabilities, and those with chronic health conditions are at especially high risk. Language barriers, digital illiteracy, and fear of engaging with government systems further restrict access to energy and weatherization assistance. Without enhanced protection against disconnection, residents who rely on cooling equipment for safety during extreme heat events may face life-threatening conditions if they are unable to access power.

It is also important to note that the length of time it can take to recover from heat-related illness or exhaustion typically takes 24 to 48 hours but can vary depending on the severity of the episode and the length of time the individual experiences it. For example, proximity to heat stroke can extend this timeline to a week or more, as can factors such as age, weight, exposure, medications, or underlying health conditions. Further still, recovery from heat-related illness includes a period of increased sensitivity to heat and the need to avoid hot weather until that sensitivity has been meaningfully resolved.

These findings underscore the urgent need for strengthened disconnection protections during severe weather. As such, Staff is recommending the adoption of temporary rules in response to an emergency condition: namely, the ongoing and escalating risk to public health and safety due to rising trends in residential arrearages and disconnections among Oregon's electric IOUs, and the compounding effects of severe weather events. Staff believes enhancements to Division 21 protections, first through immediate consideration of temporary rules and followed by a similarly framed permanent rulemaking, are necessary to ensure utility practices are responsive to the elevated risks posed by economic precarity and extreme weather conditions.

Materials relied upon, in compliance with ORS 183.335(5)(d):

- Stakeholder comments on Staff's Updated Draft Proposal:

[5] Oregon Department of Energy, Oregon Cooling Needs Study, 2023.

  - Joint Electric Utilities,[6]
  - Energy Justice Advocates.[7]
- Staff's Updated Draft Proposal for Temporary Rules.[8]
  - A public workshop to engage stakeholders on this updated proposal was held May 1, 2025.[9]
- Stakeholder comments on Staff's Initial Draft proposal for Temporary Rules:
  - NW Natural,[10]
  - Idaho Power,[11]
  - Portland General Electric (PGE),[12]
  - PacifiCorp,[13]
  - Energy Justice Advocates.[14]
- Staff's Initial Draft Proposal for Temporary Rules.[15]
  - A public workshop to engage stakeholders on this initial proposal was held on April 16, 2025.[16]
- Other documents and data sources consulted:
  - Oregon Department of Energy (ODOE) 2023 Oregon Cooling Needs Study.[17]
  - ODOE Interactive Heat Vulnerability Index.[18]
  - Resources and archived event records available through the National Oceanic and Atmospheric Administration's (NOAA) National Weather Service (NWS).[19]
  - Oregon Health Authority (OHA), ODOE and Oregon Housing and Community Service (OHCS) interagency consultations
  - OHA report on Climate and Health in Oregon.[20]
  - OHA resources on Extreme Heat.[21]

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[6] Docket No. UM 2211, Joint Utility Comments, May 14, 2025, https://edocs.puc.state.or.us/efdocs/HAC/um2211hac336777026.pdf.
[7] Docket No. UM 2211, Energy Justice Advocate Comments, May 14, 2025, https://edocs.puc.state.or.us/efdocs/HAC/um2211hac336778026.pdf.
[8] Docket No. AR 670, Staff's Proposed Rules, April 30, 2025.
[9] Docket No. AR 670, Summary of Comments on Temporary Rulemaking, May 12, 2025.
[10] Docket No. UM 2211, NW Natural Comments, April 22, 2025.
[11] Docket No. UM 2211, Idaho Power Comments, April 25, 2025.
[12] Docket No. UM 2211, PGE Comments, April 25, 2025.
[13] Docket No. UM 2211, PacifiCorp Comments, April 25, 2025.
[14] Docket No. UM 2211, EJ Advocates Comments, April 25, 2025.
[15] Docket No. UM 2211, Phase 3(1a): Staff's Draft Proposal for 2025 Summer Cooling Season Temporary Rulemaking, April 11, 2025.
[16] Docket No. UM 2211, Staff Notes from Temporary Summer Rulemaking Workshop #1, April 22, 2025.
[17] Oregon Department of Energy, Oregon Cooling Needs Study, 2023.
[18] Oregon Department of Energy, Interactive Heat Vulnerability Index, 2023.
[19] NWS, https://www.weather.gov/.
[20] Oregon Health Authority, Climate and Health in Oregon, 2023.
[21] Oregon Health Authority, Extreme Heat, December 2, 2024.

  - Weather outlook for the Summer Season 2025.[22]
  - A 2021 study on how households cope with disconnections.[23]
  - A 2003 Study on the relationship between cold weather, heating expenses, and nutrition expenses.[24]
- Related filings and Staff resource citations[25] provided in UM 2211 and AR 667.

Summary of Rules
Staff's proposal for temporary rules is designed to provide limited, but targeted and meaningful protections against elevated risks from disconnection. Staff believes it to be a reasonable culmination to an accelerated process that has included Staff-led workshops, office hours, robust research, iterative draft proposals, and multiple rounds of stakeholder feedback. The timing and nature of temporary rule making procedures oblige Staff to narrow the scope of objectives and eligibility more than should be expected in the forthcoming permanent rulemaking. That said, Staff is confident that in this setting, its proposal has struck a practical balance between meaningful and feasible near-term enhancements to Division 21 protections against disconnection. These protections are intended to be additional and expansive to existing rules and should not be interpreted in any instance to narrow or limit customer protections provided by permanently established OAR. The proposed language to amend and add language to Division 21 is detailed in Attachment 1 and summarized as both a list and table in the sections below.

For **ALL** regulated IOUs: **Portland General Electric, PacifiCorp, Idaho Power Company, Northwest Natural, Avista, and Cascade Natural Gas**, the temporary rules would:

- Prohibit utilities from requiring customers to pay upfront costs as a prerequisite for reconnection under OAR 860-021-0407(10).

- Ensure customer service representatives are trained on any applicable new and existing disconnection protections.

For regulated **electric** IOUs: **Portland General Electric, PacifiCorp, and Idaho Power Company,** the temporary rules would:

- Expand residential severe weather disconnection moratorium qualified alerts to include NWS published extreme heat watches, extreme heat warnings, and heat

[22] Alix Martichoux, "Hot start to summer predicted for Oregon, Washington; map shows where it'll be warmest" from KOIN, April 18, 2025.
[23] Diana Hernández and Jennifer Laird, "Surviving a Shut-Off: U.S. Households at Greatest Risk of Utility Disconnections and How They Cope," in American Behavioral Scientist, Volume 66 (7), May 8, 2021.
[24] Jayanta Bhattacharya et al., "Heat or Eat? Cold-Weather Shocks and Nutrition in Poor American Families," in American Journal of Public Health, Volume 93 (7), July 2003.
[25] See UM 2211 - Staff Report for the November 26, 2024 Public Meeting.

advisories.

- Extend heat alert related residential disconnection moratorium by a minimum of 48 hours after qualifying conditions have ended.

- Extend air quality related residential disconnection moratorium by a minimum of 24 hours after qualifying conditions have ended.

- Extend the severe weather/air quality reconnection request window in OAR 860-021- 0407(10) from 72 hours to seven days for recently disconnected med-cert or utility bill discount participating customers.

- Waive all reconnection charges for, at minimum, utility monthly bill discount participating customers earning between 0-10 percent State Median Income (SMI) and med-cert accounts where the customer indicates an inability to pay.

- Provide sufficient noticing and outreach related to available disconnection and arrearage protections, to at a minimum, the Staff identified critical touch points: Community Action Agencies, the utility's website, and utility customer service staff.

Table 1. Staff's Final Proposal for Temporary Rules

Proposed Temporary Rule	Relevant OAR	Recommended Exemptions
Severe Weather/ Air Quality Protections		
1a. Electric utilities shall be prohibited from disconnecting residential customers for non-payment where the National Weather Service (NWS) has activated an extreme heat warning, extreme heat watch, or heat advisory for the area in which the residential account is served.	OAR 860-021-0407(3), (4), and (5)	Natural gas utilities
1b. Electric utilities shall be prohibited from disconnecting residential customers for nonpayment at any time prior to 48 hours after qualifying heat alert(s) and/or conditions have ended.	OAR 860-021-0407(3) and (5)	Natural gas utilities
1c. Electric utilities shall be prohibited from disconnecting residential customers for nonpayment at any time prior to 24 hours after qualifying air quality index conditions have ended.	OAR 860-021-0407(4) and (5)	Natural gas utilities
Reconnection Policies		
2a. Upon request from a med-cert or utility bill discount participating customer who has been disconnected for nonpayment within the previous **seven days** of qualifying heat or air quality alert(s) and/or conditions as described by OAR 860-021- 0407 sections (3), (4), and any expanded qualifiers adopted through this rulemaking, an energy utility must make best efforts to reconnect service. The energy utility may apply reconnection fees authorized in OAR 860-021-0330 to the reconnection except where the customer qualifies for a waiver.	OAR 860-021-0407(10)	Natural gas utilities
2b. Waive all reconnection fees for, at minimum, 1) utility monthly bill discount participating customers earning between 0-10% State Median Income (SMI) and 2) med-cert accounts where the customer indicates an inability to pay.	OAR 860-021-0330	Natural gas utilities
2c. Utilities may not require customers pay reconnection fee(s) as a prerequisite for reconnection under OAR 860-021- 0407(10), inclusive of the proposed expansion described in 2(a) of this table.	OAR 860-021-0407(10)	NONE
Noticing and Outreach		
3a. Notify customers of available disconnection protections during key touch points.	Temporary rule: 860-021-0650	Natural gas utilities
3b. Notify Community Action Agencies of available disconnection protections.	Temporary rule: 860-021-0650	Natural gas utilities
3c. Post information on available disconnection protections on website.	Temporary rule: 860-021-0650	Natural gas utilities
3d. Ensure customer service representatives are trained on all new and existing disconnection protections applicable to the utility.	Temporary rule: 860-021-0650	NONE

Summary of Stakeholder Engagement and Feedback
On April 7, 2025, Staff provided UM 2211 stakeholders the following schedule of engagement events, comment periods, and process deadlines related to the Temporary rulemaking process:

- **April 11:** Staff releases a draft action plan[26] identifying proposed temporary rules.
- **April 16:** Staff workshop[27] on temporary rule action plan.
- **April 25:** Comment deadline for feedback on Staff's draft action plan.
- **April 30:** Staff releases updated proposal[28] for temporary rules and redline
- **May 1:** Staff workshop[29,30] on updated proposal.
- **May 8:** Staff hosts optional office hours (opportunity to get clarification and/or provide verbal feedback).
- **May 14:** Final opportunity to provide written comments for consideration prior to Staff's final recommendation to the Commission.
- **May 19:** Staff finalizes recommendations for temporary rules.
- **May 27:** Staff brings temporary rules to the Commission for decision with the intent of having rules in place June 1, 2025.

Consistent with this schedule, Staff circulated two iterative drafts of proposed temporary protections with UM 2211/AR 670 stakeholders prior to the final proposal included in this memo. Supplementing the draft proposals and virtual engagement opportunities, Staff provided comment summaries and direct feedback on issues and concerns elevated by stakeholders. Through the engagement and filed comments, Staff received valuable input and considerations that contributed to the development of Staff's final proposal to the Commission. The list below summarizes key themes and concerns articulated across the comment period.

[26] UM 2211 Phase 3(1a): Staff's Draft Proposal for 2025 Summer Cooling Season Temporary Rulemaking, https://edocs.puc.state.or.us/efdocs/HAH/um2211hah336081026.pdf.
[27] UM 2211 Staff Notes from Temporary Summer Rulemaking Workshop No. 1, https://edocs.puc.state.or.us/efdocs/HAH/um2211hah336353026.pdf.
[28] UM 2211, Staff's Updated Proposed Temporary Rules, https://edocs.puc.state.or.us/efdocs/HAH/um2211hah336500055.pdf.
[29] UM 2211 Staff's Presentation from the May 1, 2025 Workshop, https://edocs.puc.state.or.us/efdocs/HAH/um2211hah336630026.pdf.
[30] UM 2211 Summary of Comments on Temporary Rulemaking Workshop No. 2, https://edocs.puc.state.or.us/efdocs/HAH/um2211hah336715055.pdf.

Utility Stakeholders[31] *(Portland General Electric, PacifiCorp, Idaho Power Company):*

- Prefer service-territory-wide application for heat alerts and post-event moratoria to avoid administrative burden and customer confusion from census tract-based rules.
- Support reconnection and fee waivers for bill discount and med-cert customers; appreciate flexibility in applying income thresholds.
- Committed to outreach at key touchpoints; request clarity and consistency to minimize confusion.
- Caution against growing arrears from extended moratoria; urge consideration of cost, complexity, and broader customer impacts.

Energy Advocates *(Community Energy Project, Multnomah County Office of Sustainability, Coalition of Communities of Color, NW Energy Coalition, and Oregon Citizens' Utility Board):*

- Advocate for statewide heat alert protections and broader targeting of vulnerable areas using Exposure and Sensitivity indices only.
- Support reconnection without prerequisite fees; request expansion to all disconnected customers, not just those enrolled in programs.
- Recommend waiving reconnection fees for all low-income and medically vulnerable households.
- Request clearer, multilingual communication and better public access to rules.
- Emphasize disconnection protections as critical but incomplete without addressing underlying energy affordability.

Staff Review

The temporary rules before the Commission today represent the third iteration of Staff's proposal. We have thoughtfully considered the materials listed earlier in this memo, including the valuable feedback and suggested changes provided by stakeholders. The sections below provide summary insights on Staff's thinking behind the final proposal.

- **Severe Weather/Air Quality Protections:**

1a. This rule expands the list of severe heat alerts that trigger a disconnection moratorium to include not only National Weather Service (NWS) and locally issued heat advisories, but also NWS extreme heat watches and extreme heat warnings.[32] These

[31] Natural gas utilities (NW Natural, Avista, and Cascade) participated in AR 670 engagement opportunities, provided responses to Staff questions, and submitted comments to the initial draft proposal expressing agreement around exemptions for natural gas utilities. The companies also indicated to Staff that they had no objection to prohibiting upfront payment of reconnection fees under OAR 860-021- 0407(10) as that was consistent with current practices.

[32] A **Heat Advisory** is issued for dangerous heat conditions that are not expected to reach warning criteria. Highlights special weather conditions that are less serious than a warning. They are for events

additional alerts are used to indicate more severe and prolonged heat conditions and provide earlier notice, which is especially important for households with limited mobility, underlying health conditions, or barriers to relocating. In earlier drafts, Staff proposed applying this protection only in counties with above average heat vulnerability, based on the Overall Heat Vulnerability Index (OHVI) as a way to align with the emergency nature of temporary rules and demonstrate a measured, risk-based approach. However, feedback from both utilities and advocates noted that NWS alerts are already localized and design to reflect meaningful risk thresholds. Staff agrees with these concerns and that further restricting protections based on geographic vulnerability would add complexity without improving targeting, and that the risks associated with these alert levels are serious enough to warrant action across all areas. The final rule applies these protections universally to ensure clarity, consistency, and alignment with the public health purpose of the moratorium.

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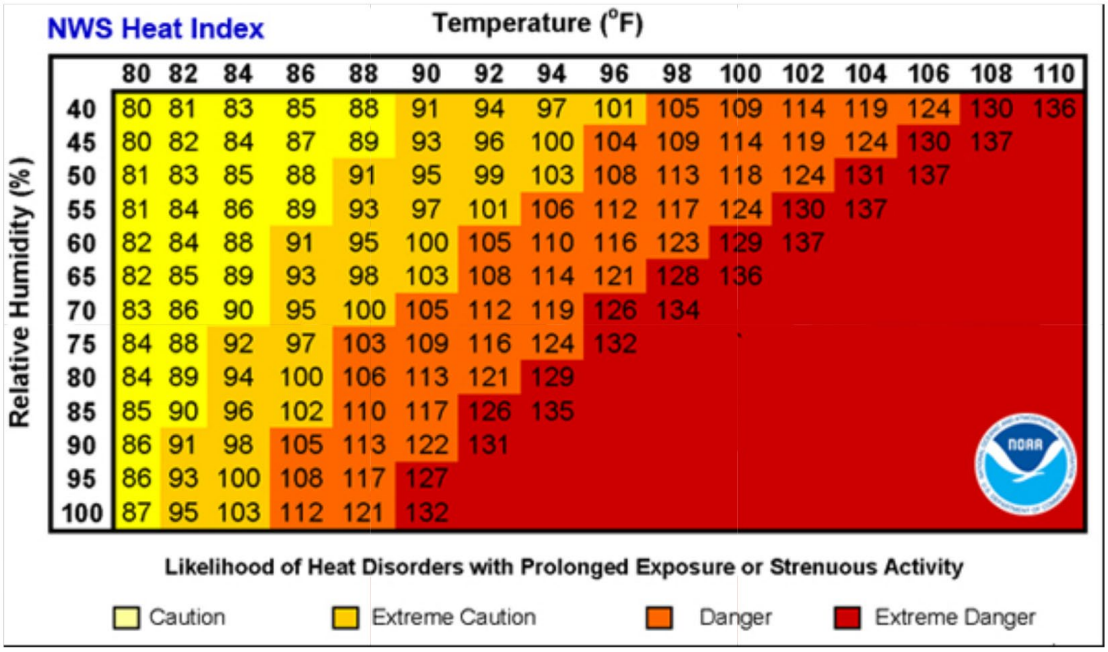
that may cause significant inconvenience, and if caution is not exercised, it could lead to situations that may threaten life and/or property. **Extreme Heat Watches** are issued when conditions are favorable for an extreme heat event in the next 24 to 72 hours. A Watch is used when the risk of a heat wave has increased but its occurrence and timing is still uncertain. An **Extreme Heat Warning** is issued within 12 hours of the onset of extremely dangerous heat conditions. The general rule of thumb for this Warning is when the maximum heat index temperature is expected to be 105° or higher for at least 2 days and nighttime air temperatures will not drop below 75°; however, these criteria vary across the country, especially for areas not used to extreme heat conditions. If you don't take precautions immediately when conditions are extreme, you may become seriously ill or even die.
https://www.weather.gov/media/safety/Heat-brochure17.pdf;
https://tidesandcurrents.noaa.gov/ofs/nws_forecastinfo.html.

Figure 1. National Weather Service Heat Index[33]



1b. This rule prohibits disconnections for 48 hours after a qualifying heat alert ends, effectively extending the (existing)[34] disconnection moratorium *during* qualifying heat alerts. In earlier drafts, post-alert protections were limited to certain counties or census tracts based on vulnerability indexes, but stakeholders raised concerns about both the clarity and fairness of that approach. Applying the post-event buffer universally ensures a consistent response and acknowledges the compound risks customers may face once a heat alert is lifted. These include returning to overheated homes, spoiled food, or delayed symptoms of heat-related illness. A fixed recovery window provides a critical safeguard when power access remains essential, even after the official alert has expired. While utility stakeholders have recommended a shorter (24 hour) window, Staff's review of the research on severe heat related environmental and health conditions, better support the 48-hour post-condition window.

1c. This rule prohibits disconnections for 24 hours following the end of qualifying air

[33] NWS Heat Index (aka Apparent Temperatures): Measure of what the temperature feels like to the human body when relative humidity is combined with the air temperature. Some limitations of the Heat Index to consider include that it is not the best indicator of heat impacts in areas with low humidity, not an accurate measure of heat impacts on active individuals; and the Heat Index is calculated for shaded areas, so exposure to *full sunshine* can increase heat index values by up to 15°F; https://www.weather.gov/media/safety/Heat-Tools-Reference-Sheet4-18-2024.pdf.

[34] OAR-860-021-0407(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.

quality conditions, effectively extending the (existing)[35] disconnection moratorium required *during* qualifying conditions for electric IOUs. Though different in nature, wildfire smoke and high-pollution events can pose severe respiratory risks, particularly for medically vulnerable customers. Utilities supported a shorter fixed post-alert period, and stakeholders emphasized the need to avoid disconnections while homes are still unsafe to occupy. This brief buffer ensures continuity of service during recovery and maintains alignment with the health-focused intent of the rules.

- **Reconnection Policies**

2a. This rule directs utilities to make best efforts to reconnect service upon request from a bill discount or medical certificate customer who was disconnected within the previous seven days of a qualifying heat alert or air quality index. While utility stakeholders expressed concern with extending the currently approved 72-hour window to seven-days, non-utility stakeholders argue that the longer window should be applied more broadly. Staff is not inherently opposed to extending this protection to apply across all residential customers, but has ultimately not made that recommendation at this time. Based on a review of utility reconnection rates from the filed disconnection reports (RO 12), it appears the percentage of customers reconnecting increases significantly by seven days post-disconnection than within the first 24 hours (Table 2).

Table 2. Electric Utility Reconnection Rates

Utility	Reconnection (0-1 days)	Reconnection (7 days)
PGE	76.6%	82.9%
PAC	42.3%	90.9%
IPC	76.5%	82.9%

Staff does not have information as to why customers are able to reconnect at a higher rate within the 7-day window, however we expect that it is related to the time needed to access the resources and/or touch points required to reconnect. With this in mind, Staff proposed to provide the additional space for certain vulnerable groups to reconnect, particularly on the cusp of dangerous weather conditions and without the need to access resources upfront.

2b. This rule requires utilities to waive reconnection fees for, at a minimum, any bill discount participating customer with household incomes (adjusted for HH size) at or below ten percent state median income (SMI) or medical certificate customer who indicates they are unable to pay. Staff selected this minimum standard to ensure that protections are accessible to the most vulnerable households, while maintaining

[35] OAR-860-021-0407(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.

flexibility for utilities with broader discount program structures. Comments from stakeholders emphasized how even modest fees can delay reconnection, compounding health risks during extreme weather and requested this protection apply more broadly. Again, while not inherently opposed, Staff believes that a broader application of reconnection waivers requires potential policy and rate impact considerations that have not been sufficiently explored in this specific proceeding. That said, we do see this protection as a priority that can be expeditiously applied to protect uniquely vulnerable groups without further workshopping.

2c. This rule prohibits utilities from requiring payment of reconnection fees as a pre-condition of restoring service during or after a qualifying heat or air quality event. Although many utilities already separate fee collection from service restoration, this clarification ensures consistency across providers and reinforces the principle that cost should not delay reconnection when safety is at stake.

- **Noticing and Outreach**

3a–3c. To support the effectiveness of these protections, utilities will be required to incorporate notification about enhanced summer disconnection rules into existing communication channels. This includes posting information on utility websites, including language in past-due and disconnection notices, and coordinating with community action agencies. Feedback highlighted that many customers remain unaware of current protections. Improving visibility through direct and accessible communication is essential to ensuring customers can take timely action to maintain service during severe weather. Staff recommends utilities meet with Staff, energy advocates, and CAP agencies to ensure the accuracy and effectiveness of measures taken to comply with these rules.

Reporting

In order to properly evaluate the effects of the temporary rules across customer benefits, ratepayer impacts, and overall effectiveness, Staff has included a reporting component to its recommendation. Specifically, Staff recommends that the Commission direct each of the electric utilities to provide a report at the conclusion of the temporary rules period that provides the following metrics for each month in which the temporary rules are in place:

- The count of local and NWS extreme heat watch, extreme heat warning, and heat advisory alerts triggering a disconnection moratorium.
- The duration of each heat-related disconnection moratorium.
- The count of AQI events triggering a disconnection moratorium.
- The duration of each AQI-related disconnection moratorium.
- The count of cancelled/rescheduled disconnections impacted by heat- or AQI-related moratorium.
    - Sub-total energy assistance accounts;
    - Sub-total med-cert accounts.

- The count of waived reconnection charges due to OAR 860-021-0330:[36]
  - Sub-total OAR 860-021-0330(1)(a) and (b),
  - Sub-total OAR 860-021-0330(4),
  - Sub-total OAR 860-021-0407(12), excluding counts that were included in sub-totals for 860-021-0330(1) and (2).
- The total dollar amount of reconnection costs waived due to OAR 860-021-0330:
  - Sub-total OAR 860-021-0330(1)(a) and (b),
  - Sub-total OAR 860-021-0330(4),
  - Sub-total OAR 860-021-0407-(12), excluding counts that were included in sub-totals for 860-021-0330(a) and (b).
- The count of requested reconnections under OAR 860-021- 0407(12):
  - Sub-total: 1) fulfilled requests from customers disconnected within the previous 72 hours of a severe weather or air quality condition; 2) fulfilled requests from customers disconnected prior to the previous 72 hours of a severe weather or air quality condition

Additional Considerations

Permanent Rule Timeline
With the proposal for the temporary rules in AR 670 having an effective date of June 1, 2025, these protections would conclude November 28, 2025. [37] Staff's current procedural schedule for the informal and formal rulemaking phases of the Division 21 permanent rulemaking is anticipated to conclude with rules effective no sooner than January 1, 2026. As such, it is likely that there will be a gap between the termination of rules adopted in this proceeding and the implementation of permanent rules. Developing impactful, durable rules will require time for data driven analysis and engagement, but Staff will endeavor to move as quickly as practicable in the informal stage to minimize any gaps in coverage. Staff is also committed to being clear about the opportunities that utilities and stakeholders will have to influence the draft rules prior to bringing them forward for formal rulemaking so that the process can be as constructive as possible from the outset.

Conclusion

Staff finds that the proposed temporary rule amendments discussed in this memo and outlined in Attachment A are a necessary and appropriate response to the ongoing emergency conditions associated with elevated arrearages and increased rates of disconnection, and the compounding risks presented by extreme heat and poor air

[36] Note that these rule citations reflect section numbers and sub-section letters as proposed by Staff in this memo.
[37] Temporary rules (i.e., emergency rules) may only be in effect for a maximum of 180 days; Oregon State Archives, File a Temporary Rule.

quality events. The final proposal from Staff reflects a focused and feasible set of protections developed through iterative drafting, stakeholder engagement, and a review of the relevant research and utility data. The proposed amendments strengthen existing Division 21 protections and are designed to mitigate immediate threats to health, safety, and well-being. As such, Staff recommends the Commission adopt the proposed temporary rules in Attachment A, effective upon filing with the Secretary of State.

PROPOSED COMMISSION MOTION:

Adopt the proposed temporary rule amendments to OAR 860-021-0330, OAR 860-021-0407, and additional new temporary rule, OAR 860-021-0635, related to residential customer protections against disconnection in Attachment A, effective upon filing with the Secretary of State.

Approve Staff's recommendation to direct the Electric Utilities to file a report providing monthly data points for each of the metrics related to the temporary rules described in Staff's memo. The report should be filed with this Commission under this docket, AR 670, no later than December 21, 2025.

Attachment 1

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:
(~~1~~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.
(~~2~~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.
(~~3~~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.

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

(3) An energy utility may not require customers to pay any reconnection fee as a prerequisite for reconnection pursuant to OAR 860-021-0407 sections (11) and (12).

(4) Electric utilities must waive all reconnection fees for a customer that:
(a) Participates in the utility's income qualified bill discount program and earns between 0-10% of the State Median Income; or
(b) Holds a medical certificate pursuant to OAR 860-021-0410 and indicates an inability to pay for the reconnection.

Statutory/Other Authority: ORS 183, ORS 756.040, ORS 756.060, ORS 757.035 & ORS 759
Statutes/Other Implemented: ORS 757.035, ORS 757.230 & ORS 757.695
History:
PUC 9-2024, temporary amend filed 12/18/2024, effective 12/18/2024 through 05/18/2025
PUC 10-2022, amend filed 09/30/2022, effective 09/30/2022
PUC 16-2001, f. & cert. ef. 6-21-01
PUC 11-1998, f. & cert. ef. 5-7-98
PUC 16-1990, f. 9-28-90, cert. ef. 10-1-90 (Order No. 90-1105)
PUC 5-1983, f. 5-31-83, ef. 6-1-83 (Order No. 83-284)

OAR 860-021-0407
Severe Weather Moratorium on Involuntary Disconnection of Residential and Small Commercial

(1) Except as set forth in section (10) of this rule, an energy utility must put into effect a moratorium on the disconnection of residential service for nonpayment from November through March on any day a temperature of less than 32 degrees Fahrenheit is forecasted by the applicable weather reporting service or a winter storm warning indicating weather conditions pose a threat to life or property is issued by the applicable weather reporting service.
(2) An electric utility must put into effect a moratorium on the disconnection of residential service for nonpayment on any day ~~a local Heat Advisory is issued by the applicable weather reporting service.~~ during which the National Weather Service has issued an Extreme Heat Warning, Extreme Heat Watch, or Heat Advisory.
(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.
(4) Any moratorium activated as a result of section (1)~~, (2), or (3)~~ of this rule must remain in effect at least through the start of the next business day.
(5) Any moratorium activated by an electric utility as a result of section (2) of this rule must remain in effect for at least 48 hours after the qualifying heat event.
(6) Any moratorium activated by an electric utility as a result of section (3) of this rule must remain in effect for at least 24 hours after the qualifying air quality index event.
(~~5~~ 7) For purposes of section~~s~~ (1) ~~and (2)~~ of this rule, an energy utility must base the need for a moratorium on data available from the National Weather Service or another weather reporting service that may be designated by the utility.
(~~6~~8) An energy utility need only apply a moratorium to the geographic area that meets the conditions in sections (1) to (3) of this rule.
(~~7~~9) The energy utility must obtain the required forecast data no later than 8:00 a.m. each business day.
(~~8~~10) For purposes of implementing sections (1) and (3) of this rule, ~~E~~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~~11) 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~~.~~ except where the customer qualifies for a waiver.
(12) Upon request from an electric utility's customer who is either a medical certificate holder under OAR 860-021-0410 or a participant in the utility's income qualified bill discount program, and who was disconnected within the previous seven days under sections (2) or (3) of this rule, the electric utility must make best efforts to reconnect service. The electric utility may apply reconnection fees authorized in OAR 860-021-

0330 except where the customer qualifies for a waiver.
(~~10~~ 13) The temperature threshold specified in section (1) of this rule does not apply if an energy utility offers a Commission-approved winter protection program.
Statutory/Other Authority: ORS 756.060
Statutes/Other Implemented: ORS 756.040
History: PUC 9-2024, temporary amend filed 12/18/2024, effective 12/18/2024 through 05/18/2025
PUC 10-2022, amend filed 09/30/2022, effective 09/30/2022
PUC 4-2017, f. & cert. eff. 5-30-17

OAR 860-021-0635
Notification of Enhanced Protections

(1) Electric utilities must notify customers of the availability and terms of applicable enhanced protections and programs under the following circumstances:
(a) Upon customer enrollment in the utility's income-qualified bill discount program.
(b) When the customer contacts the utility regarding bill pay assistance.
(c) Upon issuance of a disconnection notice for nonpayment.
(d) Within 24 hours of a customer being disconnected for nonpayment.
(e) Upon a customer's request for reconnection following a disconnection for nonpayment.

(2) Electric utilities must:
(a) Notify partnering community action agencies of available protections for qualifying customers and provide digital or paper reference materials to assist with outreach efforts.
(b) Include accessible, up-to-date information on their websites regarding the availability and terms of disconnection protections and other related programs.

(3) Energy utilities must train their customer service representatives to offer and discuss applicable programs and provide accurate information on eligibility and enrollment procedures.

(4) The requirements in sections (1) and (2) of this rule do not apply to energy utilities with Commission-approved notification and outreach plans.

Statutory/Other Authority: ORS 183, ORS 756.040, ORS 756.060 & ORS 757.035
Statutes/Other Implemented: ORS 757.035, ORS 757.230 & ORS 757.695
History: