

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: November 3, 2020**

REGULAR X CONSENT _____ EFFECTIVE DATE _____ N/A _____

DATE: October 23, 2020

TO: Public Utility Commission

FROM: Michael Dougherty

THROUGH: Michael Grant and Bryan Conway **SIGNED**

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF:
(Docket No. UM 2114)
Investigation into the Effects of the COVID-19 Pandemic on Utility Customers.

STAFF RECOMMENDATION:

The Public Utility Commission of Oregon (Commission or PUC) should approve the Stipulated Agreement on the Effects of COVID-19 Pandemic on Energy Utility Customers.

DISCUSSION:

Issue

Whether the Commission should approve the Stipulated Agreement on the Effects of COVID-19 Pandemic on Energy Utility Customers.

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's regulatory authority is further specified in ORS Chapters 756, 757 and 759, as relevant here. The Commission has adopted administrative rules relevant to the matters discussed herein in OAR Chapter 860, Divisions 21, 34 and 36.

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 have been issued, and the state of emergency is currently extended to November 3, 2020.² In a related executive order, the Governor explains that COVID-19 is a global pandemic that is causing a significant economic downturn in Oregon, imposing sustained economic hardship on many Oregonians in the form of lost wages and an inability to pay basic household expenses.³ Oregonians were directed to stay home to the greatest extent possible and a number of government offices and retail businesses were closed.⁴ Phased re-opening has begun but is not complete, and the restrictions may be re-imposed based on changing conditions.⁵

Analysis

Background

On June 9, 2020, the Commission conducted a Special Public Meeting on the topic of “*Impact to Utility Customers during the COVID-19 Pandemic and Future Economic Recovery.*” During this public meeting, the Commission heard from investor-owned energy, water, and telecommunications utilities, as well as customer groups, and other stakeholders on the impacts of the COVID-19 pandemic, including actions taken by utilities and additional actions needed to protect customers during this pandemic.

Prior to the meeting, investor-owned energy utilities had already taken voluntary actions to suspend disconnections of residential and non-residential accounts, stop sending late and final notices, stop assessing late fees, offering more and flexible payment arrangements, and other actions to assist customers impacted by COVID-19.

On September 24, 2020, the Commission authorized Staff, and the affected energy utilities and stakeholders, to execute three stipulations incorporating the three term sheets (Energy, Water, and Telecommunications) that were 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 developed a Stipulated Agreement on terms and conditions to assist customers and utilities during the current COVID-19 pandemic and the aftermath of the pandemic. This Stipulated Agreement is attached as Attachment A.

¹ EO 20-03 (March 8, 2020).

² EO 20-24 (May 1, 2020); EO 20-30 (June 30, 2020); EO 20-38 (September 1, 2020).

³ See EO 20-11 (March 22, 2020).

⁴ EO 20-12 (March 23, 2020).

⁵ See EO 20-27 (June 5, 2020).

Among other refinements, the Stipulated Agreement clarifies conditions on the length of Time Payment Arrangements; and clarifies that the arrearage management program of at least 1 percent of each utilities' Oregon retail revenues (approximately \$39 million combined total for all utilities) is a one-time funding amount.

The Stipulated Agreement has been endorsed by Portland General Electric (PGE), NW Natural (NWN), Pacific Power (PAC), Avista, Idaho Power (IPC), Cascade Natural Gas (Cascade), Staff, Oregon Citizens' Utility Board (CUB), Community Action Partnership of Oregon (CAPO), Northwest Energy Coalition (NWECC), Verde, and Multnomah County (MCo).

Stipulated Agreement

Major features of the Stipulated Agreement include:

- Disconnects for small commercial customers would not start until December 1, 2020, and only after certain proactive customer notifications are made.
- Disconnect notices to residential customers will not be sent until April 1, 2021, and only after certain proactive customer notifications are made. Utilities will provide that its notices are accessible to customers that are not English speakers based on languages relevant to that utility's customers.
- During the COVID-19 pandemic, Time Payment Arrangements (TPAs) will be offered up to 24 months for residential customers and up to six months to small commercial customers. Utilities must offer extended TPAs until October 1, 2022, under the terms of this paragraph. Parties agree to confer in good faith on or about October 1, 2021, to determine whether to request that the Commission modify the October 1, 2022, end date. Any future adjustments to the length and end dates of TPAs will be a subject of discussion in the workshops conducted under paragraph 29.
- Residential and small commercial customers who seek to renegotiate a TPA may do so one time under the same terms of the original agreement.
- Utilities will continue to offer levelized payments in accordance with OAR 860-021-0415 to customers that have outstanding arrearage balances. When the levelized payment plan is established, Utilities will inform customers of Equal Payment Plans described in OAR 860-021-0414.
- Utilities will waive new deposit requirements associated with late or non-payment, arrearages, or credit related issues for new or existing residential

customers, through October 1, 2022 (or later if separately extended outside the provisions of this Term Sheet).

- Utilities may apply existing residential and small commercial customer deposits to the associated residential account as of April 1, 2021, and small commercial customer account as of December 1, 2020, for purposes of reducing the arrearage.
- Prior to November 15, 2020, each Utility will reconnect those residential customers that request reconnection and who were disconnected for nonpayment between January 1, 2020 and March 13, 2020, except for circumstances related to unsafe conditions, tampering or theft.
- Utilities will not apply service disconnection and reconnection fees to residential customers until October 1, 2022. Parties agree to confer in good faith on or about October 1, 2021, to determine whether to request that the Commission modify the October 1, 2022 end date.
- Utilities will not accrue and collect late payment fees, interest, and penalties for all residential customers retroactive to the date of the start of the utility's disconnect moratorium and through October 1, 2022. Parties agree to confer in good faith on or about October 1, 2021, to determine whether to request that the Commission modify the October 1, 2022 end date.
- Utilities will continue their current practices of not reporting late payments and nonpayment for active customers to credit bureaus and reporting agencies.
- Under most circumstance, service disconnections for non-payment will be limited between the hours of 8:00 am and 2:00 pm to facilitate responsive, same-day reconnection of service through December 1, 2021.
- Utilities will not use third parties to collect past due charges for active customers.
- Utilities will allow initial self-certification of customer medical certificates when a medical certificate is required and allow customers two months to submit confirming certification from a qualified medical professional through October 1, 2022. Parties agree to confer in good faith, on or about October 1, 2021, to determine whether to request that the Commission modify the October 1, 2022, end date.

- Each Utility, prior to resuming disconnections, will establish a program to identify and manage residential customer arrearages associated with the pandemic to prevent bad debt accumulating on utility accounts. The program may identify and waive residential arrearages at an initial one-time amount of at least 1 percent of each utilities' Oregon retail revenues (approximately \$39 million combined total for all utilities), not to be increased without prior Commission approval.
- Utilities and Customer groups will jointly petition the Joint Legislative Emergency Board for additional taxpayer funded energy bill payment assistance payment funding (\$30 - \$50 million request if federal funds become available).
- Utilities and Customer groups agree to jointly petition the Oregon Legislature to increase the "Low Income Assistance" charge on residential customers' electric bill from \$0.69 to \$1.00. Additionally, gas utilities will, in accordance with legislative action, proportionately increase their public purpose charge to raise funds for low-income gas bill payment assistance.
- If a Utility does not already have a voluntary program where customers can choose to "round-up" their bill to the next whole dollar or other voluntary customer program to provide bill assistance, the Utility will explore creating such a program. This will include studying the costs and benefits of such a program.
- Energy Utilities with decoupling (e.g. PGE, Avista, Cascade, and Northwest Natural) will continue to explore the possibility of excluding decoupling surcharges from customer bills for 2021, and to defer such surcharge amounts for later amortization in customer rates, no earlier than July 2022.
- Commission Staff and CAPO will recommend closure of UM 2058, Low-Income Investigation; and AR 637, Review of OAR 860-021-0405.
- Staff will review energy customer rules (OAR 860, Division 21) and request a rulemaking no later than December 1, 2020, if changes need to be made, including temporary rulemaking if necessary. After the initial review is completed, Staff will notify utilities if a waiver of a rule is required to meet the terms and conditions in the stipulation.
- Staff will recommend approval of the Energy Utilities' applications for deferred accounting of COVID-19 related costs and benefits. Recovery of those amounts deferred will be subject to a future Commission prudence review proceeding to assure deferrals are either directly related to this stipulation or are related to

other increased costs due to COVID-19. The deferrals will be accrued at a lower cost of capital.

- Energy utilities will provide to Commission Staff enhanced reporting for twelve quarters (three years) starting January 20, 2021 (for the previous quarter, October to December) and such reports will be provided on a quarterly basis after the end of the reporting quarter. Certain reporting requirements will be submitted on a monthly basis and by zip code (with additional four digits) starting November 20, 2020 for the month of October.
- Commission Staff shall convene an advisory committee to focus on low-income customers' energy burden and related social inequities. The Commission's Diversity, Equity, and Inclusion Director shall staff the advisory committee for the Commission. Other Low Income, Social Justice, and Environmental Justice initiatives include:
 - Staff will convene workshops on arrearage management including examining the potential of including Deferred Payment Plans⁶ as an additional tool to assist customers.
 - Staff will work with stakeholders to prioritize the investigation and implementation of policies to mitigate differential energy burdens, and other inequities of affordability, including rate design as the Commission moves forward with EO 20-04 implementation.
 - Staff will work with stakeholders to propose exceptions to cost effectiveness tests and leverage other funding sources to increase availability of no-cost low-income weatherization, smart thermostats, manufactured home replacements, and other energy efficiency savings solutions such as ductless heat pumps.
 - Staff will work interested stakeholders to examine ways to leverage federal and other funds to bring down the cost of Community Solar Program subscription fees for low-income customers; and reduce the contributing cost of roof top solar for low-income customers.
 - Staff will work with interested stakeholders to determine effective ways to streamline enrollment in low-income programs.
 - Staff in partnership with the Utilities and OHCS, will examine opportunities to perform geospatial analysis of Utility data. The analysis should include risk factors associated with race, income, and other social factors, as available.

⁶ Deferred Payment Plans allow a customer to make payments on the current amount due, while deferring an amount in arrears for payment over time or at a later time.

Staff has begun its review of the relevant administrative rules and offers the following comments. As a result of the Stipulated Agreement's impact on implementation of the following rules, energy utility action may be required.

OAR 860-021-0126, Late Payment Charge – Action may be required by PAC. The rule itself allows utilities to act consistent with the Stipulated Agreement. It appears that conforming changes to the language in PacifiCorp's Schedule 300 will need to be filed.

OAR 860-021-0200, Establishing Credit for Residential Service/Deposits – Action may be required by PGE. The rule itself allows utilities to act consistent with the Stipulated Agreement. It appears that conforming changes to the language in PGE's Rule E will need to be filed.

OAR 860-021-0330, Reconnection Fee for Utility Service – Action may be required by IPC, NWN, CNG, and Avista. The rule itself allows utilities to act consistent with the Stipulated Agreement. It appears that conforming changes to the language to IPC's Rule F, NWN's Rule 11, Cascade's Schedule 200 and Avista's Rule 11 will need to be filed.

OAR 860-021-0410, Emergency Medical Certificate for Residential Electric and Gas Service – Action required by all utilities. Under OAR 860-021-0410(2), a medical certification to the utility must be confirmed in writing within 14 days by the qualified medical professional prescribing medical care. This rule differs from the requirements of paragraph 16 of the Stipulated Agreement, which allows for two months to submit the confirming certification. Because this paragraph will be in effect until October 1, 2022, a temporary rule would not be appropriate. Each utility will need to request a temporary waiver of the rule through October 1, 2022, unless and until any permanent changes may be made to this rule.

OAR 860-021-0415, Time-Payment Agreements for Residential Electric and Gas Service – Under sections (2) and (3) of this rule, payment plans are limited to 12-month periods and a down payment is required. Under section (4), "The energy utility and customer may agree in writing to alternate payment arrangement, provided the utility first informs the customer of the availability of the payment terms in sections (2) and (3) of this rule." Paragraph 5 of the Stipulated Agreement requires each utility to offer up to 24 months to residential customers with no down payment through October 1, 2022. Each utility may wish to request a temporary waiver of sections (2) and (3) of this rule through October 1, 2022, unless and until any permanent changes may be made to this rule.

Staff will continue to engage with the utilities and stakeholders on its review of the Commission's rules under the terms of the Stipulated Agreement.

Conclusion

Staff finds the Stipulated Agreement meets the goals of the Commission's investigation in Docket No. UM 2114 and provides necessary protections and benefits to energy utility customers affected by the COVID-19 pandemic.

PROPOSED COMMISSION MOTION:

Approve the Stipulated Agreement on the Effects of COVID-19 Pandemic on Energy Utility Customers.

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 2114

In the Matter of)	
)	STIPULATED AGREEMENT
INVESTIGATION INTO THE EFFECTS)	ON EFFECTS OF COVID-19
OF THE COVID-19 PANDEMIC)	PANDEMIC ON ENERGY UTILITY
ON UTILITY CUSTOMERS)	CUSTOMERS
)	

PARTIES

This Stipulated Agreement is entered into by and between Staff of the Public Utility Commission of Oregon (“Staff”), Avista Corporation dba Avista Utilities (“Avista”), Cascade Natural Gas Company (“Cascade”), Community Action Partnership of Oregon (“CAPO”), Idaho Power Company (“Idaho Power”), Multnomah County, Northwest Natural Gas Company (“NW Natural”), NW Energy Coalition (“NWEC”), Oregon Citizens’ Utility Board (“CUB”), PacifiCorp dba Pacific Power (“PacifiCorp”), Portland General Electric Company (“PGE”), and Verde, as set forth below to settle and resolve all issues in the above-captioned proceeding. Avista, Cascade, CAPO, Idaho Power, Multnomah County, NW Natural, NWEC, CUB, PacifiCorp, PGE, Verde and Staff (collectively “the Parties”) request that the Commission enter an Order approving this Stipulated Agreement.

BACKGROUND

On March 8, 2020, Oregon Governor Kate Brown declared a statewide state of emergency due to the public health threat posed by the novel infectious coronavirus, COVID-

1 19.¹ Several extensions of that order have been issued, and the state of emergency is currently
2 extended to November 3, 2020.²

3 Between March 20, 2020 and March 26, 2020, each of the Utilities filed a deferral
4 application, requesting that the Commission authorize the filing utility to defer for later
5 ratemaking treatment purposes costs from the COVID-19 public health emergency. On March
6 20, 2020, PacifiCorp filed its deferral application, docketed as UM 2063. Also, on March 20,
7 2020, PGE filed its deferral application, docketed as UM 2064. On March 24, 2020, Idaho Power
8 filed its deferral application, docketed as UM 2067, and NW Natural filed its deferral
9 application, docketed as UM 2068. On March 25, 2020, Avista filed its deferral application,
10 docketed as UM 2069. And on March 26, 2020, Cascade filed its deferral application, docketed
11 as UM 2072.

12 On June 9, 2020, the Commission held a Special Public Meeting on the impacts of
13 COVID-19. As a result of the Special Public Meeting, the Commission opened an investigation
14 into the effects of COVID-19, which would later be docketed as UM 2114. The purpose of the
15 investigation was to:

- 16 A) Develop and share relevant information concerning actions taken by utilities concerning
17 COVID-19;
- 18 B) Ensure the PUC takes an integrated, timely approach to COVID-19 related issue, and that
19 all relevant aspects of the challenge are considered;
- 20 C) Ensure stakeholder engagement, input, and awareness; and
- 21 D) Provide information that will inform other, related dockets and Commission process.

22 Staff conducted a thorough investigation that included six general workshops, two data-
23 focused workshops, one workshop dedicated to issues concerning water utilities, and two

¹ EO 20-03 (March 8, 2020).

² EO 20-24 (May 1, 2020); EO 20-30 (June 30, 2020); EO 20-28 (September 1, 2020).

1 workshops dedicated to issues concerning telecommunications utilities from the period of June
2 30, 2020 to September 15, 2020. Staff developed a survey that canvassed various participants
3 and others interested in proposed solutions to assist customers and utilities during the current
4 COVID-19 pandemic and the aftermath of the pandemic. Additionally, a Commission
5 Workshop and Commission Public Meeting were held on this subject. These efforts lead to the
6 creation of an Energy Term Sheet representing agreement in principle by the Parties. On
7 September 24, 2020, the Commission held a Special Public Meeting, at which the Commission
8 authorized the Parties to execute the Stipulated Agreement, which incorporates the Energy Term
9 Sheet.³

10 The intent of this Stipulated Agreement is to:

- 11 A) Memorialize the customer protections that electric and natural gas utilities, specifically
12 Avista, Cascade, Idaho Power, NW Natural, PacifiCorp, and PGE (collectively the
13 “Utilities”) subject to the jurisdiction of the Public Utility Commission of Oregon
14 (“Commission”) have voluntarily put in place during the COVID-19 pandemic;
- 15 B) Obtain an order from the Commission directed to each participating utility approving the
16 stipulation and memorializing the public process that led to the stipulation;
- 17 C) Establish additional customer protections for residential and small commercial customers
18 to mitigate the resumption of utility service disconnections and late fees; and
- 19 D) Establish regulatory certainty for incremental net costs that Utilities have incurred and
20 will incur as a result of the COVID-19 pandemic, including but not limited to all costs
21 associated with the topics of this Stipulated Agreement.

22 **AGREEMENT**

23 The Parties agree as follows:

24 ///

25 ///

26 ///

³ Docket No. UM 2114, Order No. 20-324.

1 **Suspension of Utility Disconnections and the Imposition of Late Fees**

2 1. Due to the COVID-19 pandemic, on or about March 13, 2020, the Utilities initiated a
3 voluntarily suspension of disconnecting customers for non-payment and the imposition of
4 late fees on past due bills.

5 2. All utilities will continue notifying customers of arrearages and flexible payment options
6 with no threat of disconnection until such time that disconnection notices are allowed as
7 specified in paragraph 4.

8 3. All Utilities have engaged and will continue to engage in proactive customer outreach
9 throughout the COVID-19 pandemic. In addition to this outreach, each Utility must notify
10 its customers with past due balances at least 30 days before issuing a 15-day notice of
11 disconnection of: 1) the resumption of utility service disconnections and late fees, and 2) all
12 flexible payment options that are available to avoid disconnection as specified below.

13 a. For small commercial customers with past due balances, the notice must include
14 information on the time payment arrangement (“TPA”) as described below, and
15 how to enroll in each flexible payment option.

16 b. Each Utility is responsible for providing that its notices are accessible to
17 customers that are not English speakers based on languages relevant to that
18 utility’s customers.

19 c. For residential customers with past due balances, the notice must include all
20 information in paragraph 3(a). In addition, the notice must also outline other
21 programs that may provide financial assistance to the customer, such as the Low-
22 Income Home Energy Assistance Program (“LIHEAP”) and a program to identify
23 and address bad debt on utility accounts as described in paragraph 18.

24 d. For all other commercial and industrial customers, each utility may resume
25 normal billing operations upon approval of this Stipulated Agreement.

26 All information that a Utility provides pursuant to this paragraph will also be made available
27 on its website.

1 4. For small commercial customers, the Utilities may resume imposing late fees (in accordance
2 with OAR 860-021-0126) and disconnecting service for non-payment (in accordance with
3 OAR 860-021-0505) on December 1, 2020. For residential customers, the Utilities may
4 resume the 15-day disconnection notice (in accordance with OAR 860-021-0405) on April
5 1, 2021. The Commission will have ongoing oversight to determine whether to extend the
6 April 1, 2021 date to a later date based on ongoing economic and pandemic conditions.
7 Commission Staff will schedule a workshop early in 2021 to review the COVID-19
8 situation to determine if additional actions should be taken. Once a Utility resumes
9 disconnections as authorized under this paragraph, a Utility may disconnect a customer for
10 non-payment only after the following has occurred:

- 11 a. The Utility has provided notice to the customer subject to disconnection as
12 provided in paragraph 3.
- 13 b. The Utility has provided notice to the customer subject to disconnection as
14 specified in applicable regulations and the Utility's tariff;⁴
- 15 c. The Utility has made a good faith effort to contact the customer to inform the
16 customer of flexible payment options, financial assistance programs, and any
17 other means to avoid disconnection. These efforts must be documented by the
18 Utility; and
- 19 d. The requisite period of time specified in the Utility's tariff for the customer to
20 enter into an arrangement to avoid disconnection has passed.

21 **Additional Customer Programs and Initiatives**

22 5. Each Utility currently offers TPAs of various durations. Each Utility will offer TPAs up to
23 24 months for residential customers and up to six months for small commercial customers.
24 Utilities may provide additional flexibility on the duration of the TPA that could go beyond
25 24 months for residential customers or six months for small commercial customers based on

⁴ Oregon Administrative Rules 860, Division 21.

1 the circumstances of a customer's ability to pay. For residential customers, no down
2 payment is required. For small commercial customers, a minimum 10% down payment is
3 required. For natural gas utilities, TPAs under this paragraph are not available to
4 transportation customers.⁵ Utilities must offer extended TPAs until October 1, 2022 under
5 the terms of this paragraph. Parties agree to confer in good faith on or about October 1, 2021
6 to determine whether to request that the Commission modify the October 1, 2022 end date.
7 Any future adjustments to the length and end dates of TPAs will be a subject of discussion
8 in the workshops conducted under paragraph 29.

9 6. During the term of the TPA, a residential customer or small commercial customer whose
10 financial condition changes during the term of a TPA, or a residential customer or small
11 commercial who defaults on a TPA and who seeks to renegotiate payment arrangements,
12 may do so at least one time under the same terms specified above.

13 7. Utilities will continue to offer levelized payments in accordance with OAR 860-021-0415 to
14 customers that have outstanding arrearage balances. When the levelized payment plan is
15 established, Utilities will inform customers of Equal Payment Plans described in OAR 860-
16 021-0414.

17 8. Each Utility shall waive new deposit requirements associated with late or non-payment,
18 arrearages, or credit related issues for new or existing residential customers, through
19 October 1, 2022 (or later if separately extended outside the provisions of this Stipulated
20 Agreement). Utilities may include associated costs in deferral tracking as described below.

21 9. Utilities may apply existing residential and small commercial customer deposits to the
22 associated residential and small commercial customer account that is in arrears as of April 1,

⁵ "Transportation customer" refers to a customer that acquires its own natural gas and utilities the gas utility's distribution system to move the natural gas to the customer's ultimate receipt point.

- 1 2021, for residential customers, and as of December 1, 2020, for small commercial
2 customers, for purposes of reducing the arrearage.
- 3 10. Prior to November 15, 2020, each Utility will reconnect those residential customers that
4 request reconnection and who were disconnected for nonpayment between January 1, 2020
5 and March 13, 2020; except for when reconnection could compromise safe operations, the
6 Utility has proof that the customer benefitted from theft or tampering, or the premises are
7 vacant or unoccupied. Reconnections will only be offered for the same service address that
8 was previously disconnected for nonpayment, and each Utility shall waive any fees for
9 reconnections provided under this paragraph.
- 10 11. Utilities will not apply service disconnection and reconnection fees to residential customers
11 until October 1, 2022. Utilities may include associated costs in deferral tracking as
12 described below. Parties agree to confer in good faith on or about October 1, 2021 to
13 determine whether to request that the Commission modify the October 1, 2022 end date.
- 14 12. Utilities will not accrue and collect late payment fees, interest, and penalties for all
15 residential customers retroactive to the date of the start of the Utility's disconnect
16 moratorium and through October 1, 2022. Utilities may include associated costs in deferral
17 tracking as described below. Parties agree to confer in good faith on or about October 1,
18 2021 to determine whether to request that the Commission modify the October 1, 2022 end
19 date.
- 20 13. Service disconnections for non-payment will be limited between the hours of 8:00 a.m. and
21 2:00 p.m. to facilitate responsive, same-day reconnection of service through October 1,
22 2022. Utilities will endeavor to reconnect customers on the same day of disconnections if
23 opportunity and time allows for same day reconnections. Parties agree to confer in good

- 1 faith on or about October 1, 2021 to determine whether to request that the Commission
2 modify the October 1, 2022 end date.
- 3 14. Utilities will continue their current practices of not reporting late payments and nonpayment
4 for active customers to credit bureaus and reporting agencies.
- 5 15. The Utilities will not use third parties to collect past due charges for active customers.
- 6 16. The Utilities will allow initial self-certification of customer medical certificates when a
7 medical certificate is required and allow customers two months to submit confirming
8 certification from a qualified medical professional through October 1, 2022. The Parties
9 agree to confer in good faith on or about October 1, 2021 to determine whether to request
10 that the Commission modify the October 1, 2022 end date.
- 11 17. The Utilities will provide relevant credit and collections data to the Commission. A list of
12 such data was developed in discussion with the signatories to the Stipulated Agreement.
13 These discussions included weighing the costs and benefits of providing such data and the
14 underlying purpose in collecting it. Attachment A includes the timing and a list of reporting
15 requirements that will be required under the Stipulated Agreement.
- 16 18. Each Utility, prior to resuming disconnections, will establish a program to identify and
17 manage residential customer arrearages associated with the pandemic to prevent bad debt
18 accumulating on utility accounts. The program may identify and waive residential
19 arrearages at an initial one-time funding amount of at least 1 percent of each utility's 2019
20 Oregon retail revenues (approximately a \$39 million combined total for all utilities), not to
21 be increased without prior Commission approval. Eligibility and funding amounts for each
22 Utility will be specified in addendums to this Stipulated Agreement. On or before October
23 1, 2022, Parties can propose a process to address any unspent funds if the Utility program

1 covers arrearage forgiveness in accordance with the Utility’s funding addendums and funds
2 are remaining. Utilities may include program costs and uncollectible expense identified in
3 deferral tracking as described below.

4 19. The Utilities and CAPO, Multnomah County, NWECC, CUB, and Verde (collectively
5 “Customer Groups”) will jointly petition the Joint Legislative Emergency Board for
6 additional taxpayer funded energy bill payment assistance payment funding (\$30 - \$50
7 million request if federal funds become available).

8 20. The Utilities and Customer Groups agree to jointly petition the Oregon Legislature to
9 increase the “Low Income Assistance” charge on residential customers’ electric bill from
10 \$0.69 to \$1.00. Additionally, gas utilities will, in accordance with legislative action,
11 proportionately increase their public purpose charge to raise funds for low-income gas bill
12 payment assistance.

13 21. If a Utility does not already have a voluntary program where customers can choose to
14 “round-up” their bill to the next whole dollar or other voluntary customer program to
15 provide bill assistance, the Utility will explore creating such a program. This will include
16 studying the costs and benefits of such a program.

17 22. Energy Utilities (PGE, Avista, Cascade, and Northwest Natural) will continue to explore the
18 possibility of excluding decoupling surcharges from customer bills for 2021, and to defer
19 such surcharge amounts for later amortization in customer rates, no earlier than July 2022.
20 Parties will continue to hold discussions on the interactions of decoupling with these
21 programs and this Stipulated Agreement in a prompt manner.

22 23. Commission Staff and CAPO will recommend closure of Docket UM 2058, Low-Income
23 Investigation; and Docket AR 637, Review of OAR 860-021-0405, as these dockets were

1 adequately addressed during the COVID-19 workshops, rules review, and future actions
2 included in “Low Income, Social Justice & Environmental Justice” portions of this
3 Stipulated Agreement.

4 24. Commission Staff will review the Commission’s current administrative rules and request to
5 open a rulemaking to revise the following (and other applicable) rules, if changes are
6 required, no later than December 1, 2020 and recommend temporary rulemaking when
7 necessary. The permanent rulemaking process will include both informal and formal stages.
8 Staff will convene workshops as part of the informal process to allow focus on low-income
9 issues.

- 10 a. OAR 860-021-0125, Due and Payable Period
- 11
- 12 b. OAR 860-021-0126, Late Payment Charge
- 13
- 14 c. OAR 860-021-0200, Establishing Credit for Residential Service
- 15
- 16 d. OAR 860-021-0205, Deposit Payment Arrangements for Residential Service
- 17
- 18 e. OAR 860-021-0210, Interest on Deposits for Residential and Nonresidential
- 19 Service by Rate-Regulated Utilities
- 20
- 21 f. OAR 860-021-0215, Refund of Deposits
- 22
- 23 g. OAR 860-021-0305, Grounds for Involuntary Disconnection
- 24
- 25 h. OAR 860-021-0326, Disconnection of Gas or Electric Service to Tenants
- 26
- 27 i. OAR 860-021-0328, Reconnection of Residential Energy Utility Service
- 28
- 29 j. OAR 860-021-0330, Reconnection Fee for Utility Service
- 30
- 31 k. OAR 860-021-0405, Notice of Pending Disconnection of Residential Electric or
- 32 Gas Service
- 33
- 34 l. OAR 860-021-0410, Emergency Medical Certificate for Residential Electric and
- 35 Gas Service
- 36

- 1 m. OAR 860-021-0414, Equal-Payment Plans for Residential Electric and Gas
2 Service
- 3
- 4 n. OAR 860-021-0415, Time-Payment Agreements for Residential Electric and Gas
5 Service (Nonmedical Certificate Customers)
- 6
- 7 o. OAR 860-021-0505, Disconnection Procedures for All Commercial Electric and
8 gas Utility Customers
- 9

10 After the initial review is completed, Staff will notify utilities if a waiver of a rule is
11 required to meet the terms and conditions in this Stipulated Agreement.

12 **Utility Costs Resulting from COVID-19**

13 25. The signatory parties agree that the Utilities' applications for deferred accounting of
14 COVID-19 related costs and benefits should be submitted with an approval recommendation
15 to the Commission and recovery of those amounts deferred will be subject to a future
16 Commission prudence review as specified in paragraph 25(g). The prudence review
17 proceeding will assure deferrals are either directly related to this Stipulated Agreement or
18 are related to other increased costs due to COVID-19. The signatory parties recommend
19 that the applications for deferred accounting be approved at the first or second public
20 meeting following the approval of this Stipulated Agreement. These COVID-19 related
21 deferrals shall consist of the following:

- 22 a. Direct costs for reasonable measures taken by the Utility in response to the
23 COVID-19 pandemic, including, but not limited to: incremental personal
24 protective equipment, cleaning supplies and services, contact tracing, medical
25 testing, financing costs to secure liquidity including carrying costs associated with
26 TPAs, information technology updates and administration needed to enact the
27 stipulation, and equipment needed for remote work options. Direct costs are net of
28 credits, payments, direct cost savings, or other benefits received by the Utility
29 from a federal, state, or local government that are directly related to a COVID-19
30 direct cost, including federal, state, or local tax credits or benefits. Due to the
31 unprecedented nature of the COVID-19 pandemic, not all costs may be known at
32 this time. Utilities are not limited to deferring costs that are expressly enumerated
33 above; provided, however, that all such costs are subject to a future Commission
34 prudence review proceeding.

- 1 b. The amount of late payment fees not assessed to 1) small commercial customers
2 between March 1, 2020 and December 1, 2020, 2) large commercial and
3 industrial customers between March 1, 2020 and the date the Utility resumes
4 normal billing operations pursuant to paragraph 3(d), and 3) residential customers
5 between March 1, 2020 and October 1, 2022, or a different date identified
6 pursuant to paragraph 12. The amount of deferred late fees recorded in any year,
7 including any late payment fees that were assessed prior to any suspension in that
8 year if applicable, shall not exceed the amount of late payment fees included in
9 the Commission's final order from the utility's last general rate case.
- 10 c. For bad debt expense, the amount that is currently being collected from customers
11 for bad debt, as determined in its last general rate proceeding, would be the
12 baseline. Any amount of bad debt expense incurred above this baseline, in 2020,
13 2021, and 2022 would be deferred for later recovery.
- 14 d. For reconnections and field visits that occur between April 1, 2021 and October 1,
15 2022, the amount of forgone reconnection charges and field visits that do not
16 result in disconnection and field connection charges not assessed to customers.
- 17 e. The amount of forgone reconnection charges incurred through November 15,
18 2020 related to customers that may have been disconnected prior to the March 13,
19 2020 suspension of disconnects. Forgone reconnection fees shall not exceed the
20 amount equal to one reconnection fee per customer who was reconnected to
21 service without charge, pursuant to paragraph 10. The reconnection fee shall be
22 calculated using the applicable reconnection fee available in the Utility's tariff for
23 reconnection during regular working hours for the reconnected customer.
- 24 f. All costs to fund a COVID-19 arrearage management program, as described in
25 paragraph 18, including arrearage amounts waived and associated program costs.
- 26
- 27 g. The Parties agree that the deferral balance will be reviewed for prudence on an
28 annual basis. The specific timing of the annual prudency review will be
29 established in each Utility's docket requesting deferred accounting. The timing of
30 the amortization and the amortization period will be determined as part of the
31 prudency review process.

32 The deferral balance, whether being accrued (pre-prudence), found to be prudent
33 in an annual prudency review (pre-amortization), or being amortized, shall accrue
34 the same interest rate, equal to the blended Treasury rate plus 100 basis points.
35 To the extent the amortization of the deferral is more than two years for a Utility,
36 that Utility may request that the Commission authorize a larger basis point spread.
37 For regulatory and ratemaking purposes, the financing of the deferral will not be
38 included in the capital structure of the utility.

1
2 26. Each Utility shall provide the Commission with reports that itemize the utility costs,
3 savings, and benefits resulting from COVID-19 described in paragraph 25. The first report
4 will be for the period between March 1, 2020 and September 30, 2020, and shall be filed by
5 November 1, 2020. Thereafter, reports will be due 30 days after the close of each quarter
6 and shall include information from previous quarter. Each Utility shall file a Report for
7 every quarter until the quarter ending December 31, 2023, unless waived by the
8 Commission.

9 **Low Income, Social Justice & Environmental Justice**

10 27. All Parties agree to recommend that the Commission open an investigation and begin a
11 discussion to improve utility service for low income customers and develop a framework to
12 analyze utility proposals and other proposed commission actions through the lens of
13 environmental and social justice. The investigation and discussion will not be focused on the
14 specific impacts of COVID-19 and will not alter the commitments made in the paragraphs
15 above. The investigation and discussion will be open to all interested stakeholders.

16 28. Commission Staff shall convene an advisory committee to focus on low-income customers'
17 energy burden and related social inequities. The Commission's Diversity, Equity, and
18 Inclusion Director shall staff the advisory committee for the Commission. The advisory
19 committee shall, among other responsibilities, make policy recommendations on dockets, as
20 appropriate, and shall include participation from community-based and other non-profit
21 organizations, and other interested customer advocates, particularly those organizations and
22 entities representing impacted communities.

23 29. Commission Staff will host a series of workshops to identify arrearage management best
24 practices for energy and water utilities:

- 1 a. Working with customers to avoid disconnections.
 - 2 b. Working with customers to provide timely reconnections.
 - 3 c. Working with community-based organizations, including but not limited to
4 Community Action Agencies, to coordinate bill management, and bill payment
5 assistance.
 - 6 d. By December 15, 2020, Parties will discuss the possibility of implementing
7 Deferred Payment Plans (DPPs) to assist customers. Utilities will commence
8 examination of the costs, barriers, and benefits of this program to enable
9 discussions of possibly going forward with DPPs on April 1, 2021.
- 10 30. As the PUC moves forward with implementation of EO 20-04, Commission Staff, in
11 cooperation with OHCS, will work with the Commission to prioritize the investigation and
12 implementation of policies to mitigate differential energy burdens, and other inequities of
13 affordability, including rate design and other programs to mitigate energy burden – this will
14 include low-income discounts and differential rate options; as well as the effects of these
15 programs on other residential ratepayers.
- 16 31. All interested stakeholders will work with the PUC and Energy Trust (or program
17 administrators) to propose exceptions to cost effectiveness tests and leverage other funding
18 sources to increase availability of no-cost low-income weatherization, smart thermostats,
19 manufactured home replacements, and other energy efficiency savings solutions such as
20 ductless heat pumps. The Commission’s Energy Efficiency Staff shall convene and schedule
21 these meetings.
- 22 32. All interested stakeholders will work with the PUC and program administrators to examine
23 ways to leverage federal and other funds to bring down the cost of Community Solar
24 Program subscription fees for low-income customers; and reduce the contributing cost of
25 roof top solar for low-income customers. The Commission’s Community Solar Program
26 Staff shall convene and schedule these meetings.

1 33. All interested stakeholders will work together to determine effective ways to streamline
2 enrollment in low-income programs. The Commission’s Low Income Roundtable Staff shall
3 convene and schedule these meetings.

4 34. Commission Staff, in partnership with the Utilities and OHCS, will examine opportunities to
5 perform geospatial analysis of Utility data provided under Attachment A of this Stipulated
6 Agreement. The analysis should include risk factors associated with race, income, and other
7 social factors, as available.

8 **General Terms and Conditions**

9 35. The Parties recommend that the Commission issue an order adopting this Stipulated
10 Agreement. The Parties voluntarily and without duress waive any right to hearing on or
11 appeal of a Commission order adopting this Stipulated Agreement.

12 36. No Party shall be deemed to have approved, admitted, or consented to the facts, principles,
13 methods, or theories employed by any other Party in arriving at the terms in this Stipulated
14 Agreement. No Party shall be deemed to have agreed that any provision of the Energy
15 Term Sheet and this resulting Stipulated Agreement is appropriate for resolving issues in
16 any subsequent proceeding, except for purposes of carrying out the provisions of the
17 Stipulated Agreement, in the subsequent dockets necessary to effectuate this Stipulated
18 Agreement.

19 37. Each Party acknowledges that they are signing this Stipulated Agreement in good faith and
20 that they intend to abide by the terms of the Stipulated Agreement unless and until it is
21 rejected or adopted only in part by the Commission. If the Commission rejects all or any
22 material part of this Stipulated Agreement or adds any material condition to any final order

1 material part of this Stipulated Agreement or adds any material condition to any final order
2 that is not consistent with the Stipulated Agreement, each Party reserves its right to
3 withdraw from the Stipulated Agreement.

4 38. Definitions of "small commercial" customers for purposes of implementing this Stipulated
5 Agreement will be provided by each of the Utilities based on each utility's applicable tariffs.

6 39. This Stipulated Agreement sets forth the entire agreement between the Parties and
7 supersedes any and all prior communications, understandings, or agreements, oral or
8 written, between the Parties pertaining to the subject matter of this Stipulated Agreement.

9 40. This Stipulated Agreement will be submitted to the Commission for approval at a public
10 meeting. The Parties agree to support this Stipulated Agreement before the Commission,
11 respond to the Commission's questions on the Party's position as may be appropriate and
12 support the Commission's adoption of this Stipulated Agreement.

13 41. This Stipulated Agreement may be executed in counterparts and each signed counterpart
14 shall constitute an original document. The Parties further agree that any electronically-
15 generated Party signatures are valid and binding to the same extent as an original signature.

16 42. This Stipulated Agreement may not be modified or amended except by written agreement
17 among all Parties who have executed it.

18 This Stipulated Agreement is entered into by each Party on the date entered below such Party's
19 signature.

20 AVISTA CORPORATION

21 
22
23
24 By: _____

25 Patrick Ehrbar

26 Date: 10-23-2020
27

STAFF OF THE PUBLIC UTILITY
COMMISSION OF OREGON

By: _____

Johanna Riemenschneider

Date: _____

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19 AVISTA CORPORATION

STAFF OF THE PUBLIC UTILITY
COMMISSION OF OREGON

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23 By: _____
24 Patrick Ehrbar

By: /s/ Johanna Riemenschneider
Johanna Riemenschneider

25
26 Date: _____

Date: October 26, 2020

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CASCADE NATURAL GAS COMPANY

By: 
Michael Parvinen

Date: 10.23.20

COMMUNITY ACTION PARTNERSHIP
OF OREGON

By: _____
Keith Kueny

Date: _____

IDAHO POWER COMPANY

By: _____
Tim Tatum

Date: _____

MULTNOMAH COUNTY

By: _____

Name: _____

Date: _____

NORTHWEST NATURAL GAS COMPANY

By: _____
Zackary Kravitz

Date: _____

NW ENERGY COALITION

By: _____
Jeff Bissonette

Date: _____

PACIFICORP

By: _____
Etta Lockey

Date: _____

PORTLAND GENERAL ELECTRIC
COMPANY

By: _____
Jay Tinker

Date: _____

VERDE

By: _____
Oriana Magnera

Date: _____

OREGON CITIZENS' UTILITY BOARD

By: _____
Michael Goetz

Date: _____

1 CASCADE NATURAL GAS COMPANY

COMMUNITY ACTION PARTNERSHIP
OF OREGON

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4 By: _____
5 Michael Parvinen

By: Keith Kueny
Keith Kueny

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7 Date: _____

Date: 10/26/2020

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10 IDAHO POWER COMPANY

MULTNOMAH COUNTY

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13 By: _____
14 Tim Tatum

By: _____
Name: _____

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17 Date: _____

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19 NORTHWEST NATURAL GAS COMPANY

NW ENERGY COALITION

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By: _____
Jeff Bissonette

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Jay Tinker

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IDAHO POWER COMPANY

MULTNOMAH COUNTY

By: 

Tim Tatum

By: _____
Name: _____

Date: _____

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NORTHWEST NATURAL GAS COMPANY

NW ENERGY COALITION

By: _____
Zackary Kravitz


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Jeff Bissonette

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PORTLAND GENERAL ELECTRIC
COMPANY

By: 

Etta Lockey

By: _____
Jay Tinker

Date: 10/23/2020

Date: _____

VERDE

OREGON CITIZENS' UTILITY BOARD

By: _____
Oriana Magnera

By: _____
Michael Goetz

Date: _____

Date: _____

OF OREGON

By: _____
Michael Parvinen

By: _____
Keith Kueny

Date: _____

Date: _____

IDAHO POWER COMPANY

MULTNOMAH COUNTY

By: _____
Tim Tatum

By: Katherine Thomas

Name: Katherine Thomas

Date: _____

Date: October 28, 2020

NORTHWEST NATURAL GAS COMPANY

NW ENERGY COALITION

By: _____
Zackary Kravitz

By: _____
Jeff Bissonette

Date: _____

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PORTLAND GENERAL ELECTRIC
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Etta Lockey

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Jay Tinker

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OREGON CITIZENS' UTILITY BOARD

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Date: _____

IDAHO POWER COMPANY

By: _____
Tim Tatum

Date: _____

NORTHWEST NATURAL GAS COMPANY

By: /s/ Zachary Kravitz
Zachary Kravitz

Date: _____

PACIFICORP

By: _____
Etta Lockey

Date: _____

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By: _____
Oriana Magnera

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MULTNOMAH COUNTY

By: _____

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Jeff Bissonette

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By: _____
Jay Tinker

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Michael Goetz

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Tim Tatum

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Oriana Magnera

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MULTNOMAH COUNTY

By: _____

Name: _____

Date: _____

NW ENERGY COALITION

By:  _____
Nancy Hirsh

Date: October 27, 2020_

PORTLAND GENERAL ELECTRIC
COMPANY

By: _____
Jay Tinker

Date: _____

OREGON CITIZENS' UTILITY BOARD

By: _____
Michael Goetz

Date: _____

1 CASCADE NATURAL GAS COMPANY

COMMUNITY ACTION PARTNERSHIP
OF OREGON

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5 Michael Parvinen

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Keith Kueny

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10 IDAHO POWER COMPANY

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32 Etta Lockey

By: /s/ Jay Tinker
Jay Tinker

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Date: 10/23/2020

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OREGON CITIZENS' UTILITY BOARD

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IDAHO POWER COMPANY

MULTNOMAH COUNTY

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OREGON CITIZENS' UTILITY BOARD

By:  _____
Oriana Magnera

By: _____
Michael Goetz

Date: 10/27/2020

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IDAHO POWER COMPANY

MULTNOMAH COUNTY

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NORTHWEST NATURAL GAS COMPANY

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VERDE

OREGON CITIZENS' UTILITY BOARD

By: _____
Oriana Magnera

By:  _____
Michael Goetz

Date: _____

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Attachment A
Energy Utilities Reporting Requirements

3 The Utilities will provide the enhanced reporting for 12 quarters (three years) starting
4 January 20, 2021 (for the previous quarter, October 2020 to December 2020) and such
5 reports will be provided on a quarterly basis, except that Subparagraphs a, b, c, d, j, l, and
6 m will be submitted on a monthly basis and by zip code starting November 20 for the
7 month of October:

- 8 a. The number of customers, by customer class;
- 9 b. The number of customers, by customer class, assessed late payment fees or
10 charges during the period;
- 11 c. The number of customers, by customer class, enrolled in a current Time Payment
12 Agreement (TPA);
- 13 d. The number of customers enrolling in a new TPA;
- 14 e. The number of customers completing a TPA during the period;
- 15 f. The number of customers, by customer class, renegotiating TPAs during the
16 period;
- 17 g. The number of customers taking service at the bill payment assistance program
18 developed in this Term Sheet;
- 19 h. The number of customers taking service at the beginning of the period under
20 existing medical payment arrangements;
- 21 i. The number of customers enrolling in new medical payment arrangements during
22 the period;
- 23 j. Total number of residential customers and small commercial (based on Utilities'
24 tariffs) with arrearage balances, segmented by 30-60 days; 61-90 days; 91+ days.
25 Reports will include total arrearages and average arrearages for each segment, and
26 be broken down by zip code;
- 27 k. Total number of disconnection communications delivered by vintage (15-day, 5-
28 day, personal contact);
- 29 l. Total number of service disconnections for non-payment; and
- 30 m. Total number of service reconnections, segmented by 24-hour reconnect, 48-hour
31 reconnect, less than seven-day reconnect, and more than seven-day reconnect.