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ARCHIVES DIVISION
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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 860
PUBLIC UTILITY COMMISSION

FILED

06/29/2022 11:28 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: In the Matter of Revisions to Division 21 Rules to Strengthen Customer Protections Concerning Disconnections.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 09/07/2022 4:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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PO Box 1088
Salem, OR 97308

Filed By:
Diane Davis
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 07/21/2022

TIME: 9:30 AM

OFFICER: Sarah Spruce

ADDRESS: By Zoom

See Special Instructions for Zoom Link

Salem, OR 97308

SPECIAL INSTRUCTIONS:

Join Zoom Meeting

<https://opuc-state-or-us.zoom.us/j/84976602383?pwd=2MUOI63zkwQsL5ckOYrSnXoWnPft6A.1>

Meeting ID: 849 7660 2383

Passcode: NZ#2M4XczS

One tap mobile

+19712471195,,84976602383#,,,,*7266428316# US (Portland)

Dial by your location

+1 971 247 1195 US (Portland)

Meeting ID: 849 7660 2383

Passcode: 7266428316

Find your local number: <https://opuc-state-or-us.zoom.us/u/kb9iyhPmN6>

DATE: 09/01/2022

TIME: 1:30 PM

OFFICER: Sarah Spruce

ADDRESS: By Zoom

See Special Instructions for Zoom Link

Salem, OR 97308

SPECIAL INSTRUCTIONS:

Join Zoom Meeting

<https://opuc-state-or-us.zoom.us/j/88325405867?pwd=igJGQeTtTe1324x3pGh0Oq1PZ9r6Wu.1>

Meeting ID: 883 2540 5867

Passcode: ?5Ab1yqDgB

One tap mobile

+19712471195,,88325405867#,,,,*1389248463# US (Portland)

Dial by your location

+1 971 247 1195 US (Portland)

Meeting ID: 883 2540 5867

Passcode: 1389248463

Find your local number: <https://opuc-state-or-us.zoom.us/j/88325405867?pwd=igJGQeTtTe1324x3pGh0Oq1PZ9r6Wu.1>

NEED FOR THE RULE(S)

The rules in this notice are the result of the informal rulemaking phase and the Commission's investigation into the effects of the COVID-19 pandemic on utility customers in Docket No. UM 2114.

The Commission adopted OAR Chapter 860, Division 21 to establish regulations for electric and telecommunications utilities, including requirements for and limitations on disconnections, payment plans, late fees, and deposits. On November 3, 2020, the Commission approved a stipulated agreement between several Oregon energy utilities and other interested stakeholders that governed, among other things, disconnections, deposits, late fees, and levelized payments for residential and small commercial customers during the COVID-19 Pandemic. See In the Matter of the Public Utility Commission of Oregon's Investigation into the Effects of the COVID-19 Pandemic on Utility Customers, Docket No. UM 2114, Order No. 20-041 (Nov. 5, 2020). The stipulated agreement is set to expire on October 1, 2022.

Following adoption of the stipulated agreement, the Commission convened special public meetings regarding many of the issues raised in Docket No. UM 2114 and directed Staff to review and analyze issues including alternatives to disconnections during the post-moratorium period established in the stipulated agreement, approaches to arrearage management, and the severe weather and air quality index moratoriums. Staff requested that the Commission open a rulemaking to begin the informal phase review of OAR Chapter 860, Division 21 to strengthen customer protections concerning disconnections. During the informal phase, Staff proposed several revisions to Division 21 aimed at strengthening customer protections and altered these revisions based on input received from utilities and stakeholders. On June 9, 2022, the Commission opened the formal phase of the rulemaking with proposed rules aimed at updating and improving the rules based on the feedback gathered during the informal phase. The Commission aims to implement these rules ahead of the October 1, 2022 expiration of the stipulated agreement to minimize impacts on customers.

The Commission encourages participants to file written comments as early as practicable in the proceeding so that other participants have the opportunity to consider and respond to the comments before the deadline. Please reference Docket No. AR 653 in comments and attach them to an e-mail to the Commission's Filing Center at PUC.FilingCenter@puc.oregon.gov. Participants who present oral comment at the hearings will be asked to also submit

their comments in writing before the comment period closes September 7 2022, at 4:00 PM.

Zoom Information for July 21, 2022 Hearing:

Join Zoom Meeting

<https://opuc-state-or-us.zoom.us/j/84976602383?pwd=2MUOI63zkwQsL5ckOYrSnXoWnPFt6A.1>

Meeting ID: 849 7660 2383

Passcode: NZ#2M4XczS

One tap mobile

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Dial by your location

+1 971 247 1195 US (Portland)

Meeting ID: 849 7660 2383

Passcode: 7266428316

Find your local number: <https://opuc-state-or-us.zoom.us/u/kb9iyhPmN6>

Zoom Information for September 7, 2022 Event:

Join Zoom Meeting

<https://opuc-state-or-us.zoom.us/j/88325405867?pwd=igJGQeTtTe1324x3pGh0Oq1PZ9r6Wu.1>

Meeting ID: 883 2540 5867

Passcode: ?5Ab1yqDgB

One tap mobile

+19712471195,,88325405867#,,,,*1389248463# US (Portland)

Dial by your location

+1 971 247 1195 US (Portland)

Meeting ID: 883 2540 5867

Passcode: 1389248463

Find your local number: <https://opuc-state-or-us.zoom.us/u/kcgSkV8A0h>

Interested persons may review all filings online at

<https://apps.puc.state.or.us/edockets/DocketNoLayout.asp?DocketID=23161>. For guidelines on filing and participation, please see OAR 860-001-0140 through 860-001-0160 and 860-001-0200 through 860-001-0250 found online at <https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=4089>.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Documents from the Commission's Docket UM 2114 may be found online at <https://apps.puc.state.or.us/edockets/DocketNoLayout.asp?DocketID=22570>.

Documents from this rulemaking, AR 653, may be found online at <https://apps.puc.state.or.us/edockets/DocketNoLayout.asp?DocketID=23129>.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

These proposed rules protect low-income customers from many current utility practices concerning deposit, fees, and disconnections. The new definition of a low-income customer also supports goals in 2021 HB 2475 that expands PUC ratemaking authority to consider “differential energy burdens on low-income customers and other economic, social equity or environmental justice factor that affect affordability for certain classes of utility customers.” BIPOC households are disproportionately represented in low-income communities. To the extent that these racial inequities persist, the proposed rules are expected to provide additional protections across these overlapping customer groups.

Additionally, we sought to advance the notions of distributional justice, by seeking to redistribute the burdens associated with utility disconnection. We seek to alleviate the impacts of disconnections on environmental justice (EJ) communities. The OPUC also hosted listening sessions by working with an established community-based organization that focuses on the needs of BIPOC communities. This helped to inform the rulemaking process while simultaneously welcoming previously muffled voices to regulatory procedural spaces. We sought to model the practice of recognizing the intellectual contribution of underserved communities by offering funding for participation.

FISCAL AND ECONOMIC IMPACT:

Minimal fiscal and economic impact is expected from this rulemaking as these rules continue current practices by affected utilities. There is no fiscal or economic impact for the PUC. The revised rules will not result in incremental resources by the PUC or any other state agency to enforce the rules. Concerning energy utility customers, low-income customers may be able to avoid charges concerning disconnections, reconnections, deposits, and other fees. Charges not recovered by utilities from low-income customers may be included in a utility's general rate case and may result in minimal increases to overall rates. These rules maintain protections that were currently agreed to in a Stipulated Agreement (Docket UM 2114) that is set to expire October 1, 2022.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

1. The Public Utility Commission of Oregon is the only state agency likely to be affected by these rules, and the current staffing levels are anticipated to cover any additional activities. Units of local government are not likely to be economically impacted by these rules. As noted above, members of the public who are eligible to be designated as “low-income residential customers” of the regulated utilities will be provided with strengthened protections from disconnections of service and certain associated reconnection fees. These protections would be carried forward from an agreement with the regulated utilities set to expire October 2022.

2a – There are no small businesses subject to these rules – none of the regulated utilities subject to these rules are small businesses.

2b – There may be minimal additional reporting, recordkeeping and administrative activities and costs associated to comply with these rules. The regulated utilities are already keeping records and reporting data.

2c – There may be minimal additional professional services, equipment, supplies, labor or increased administration costs to comply with these rules. The regulated utilities are currently practicing under an agreement that reflects the changes to these rules.

The Small Business Utility Advocates (SBUA) participated in workshops during the informal phase of this proceeding and provided comments on the proposed rule revisions during the informal portion of this rulemaking. Additionally, SBUA was involved in docket UM 2114, which preceded this rulemaking.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

OPUC hosted two workshops attended by electric companies subject to these rules and other stakeholders. OPUC also held three rounds of informal comments for feedback on earlier draft rule changes.

RULES PROPOSED:

860-021-0008, 860-021-0010, 860-021-0011, 860-021-0015, 860-021-0021, 860-021-0045, 860-021-0126, 860-021-0135, 860-021-0180, 860-021-0200, 860-021-0205, 860-021-0215, 860-021-0305, 860-021-0320, 860-021-0326, 860-021-0328, 860-021-0330, 860-021-0335, 860-021-0405, 860-021-0406, 860-021-0407, 860-021-0408, 860-021-0410, 860-021-0414, 860-021-0415, 860-021-0420, 860-021-0505

AMEND: 860-021-0008

RULE SUMMARY: This rule defines terms used in Division 21.

CHANGES TO RULE:

860-021-0008

Definitions for Regulation of Utility Services ¶¶

(1) "Applicant" means a person who:¶¶

(a) Applies for service with an energy or large telecommunications utility;¶¶

(b) Reapplies for service at a new or existing location after service has been discontinued; or¶¶

(c) Has not satisfied the requirements of OAR 860-021-0205 or 860-021-0335(2) within the required time period, if either rule is applicable.¶¶

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

(3) "Customer" means a person who has applied for, been accepted, and is currently receiving service.

Notwithstanding section (1) of this rule, a customer who voluntarily disconnects service and later requests service with the same utility at a new or existing location within 20 days after disconnection retains customer status.¶¶

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

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

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

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

(8) "OTAP" has the meaning given to "Oregon Telephone Assistance Program" in OAR ~~e~~Chapter 860, ~~d~~Division 033.¶¶

(8) "Registered dispute" means an unresolved issue between a customer or applicant and an energy or large telecommunications utility that is under investigation by the Commission's Consumer Services ~~Divis~~Section but is not the subject of a formal complaint.¶¶

(9) "Regulated charges" means charges for services delivered in Oregon and subject to the jurisdiction and approval of the Commission.¶¶

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

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

Statutes/Other Implemented: ORS 756.010, ORS 757.005, ORS 759.005, ORS 757.230

AMEND: 860-021-0010

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

CHANGES TO RULE:

860-021-0010

Information for Utility Customers and Applicants ¶¶

- (1) Each energy utility and large telecommunications utility shall, upon request, furnish each customer and applicant with such information as is reasonable to permit ~~him~~the customer to secure efficient service and select appliances properly adapted to their service needs. Gas utilities shall, upon request, inspect and adjust customer-owned appliances and facilities for safe and efficient operation.¶¶
- (2) Each energy utility or large telecommunications utility providing metered service shall, upon request, inform its customers and applicants how to read meters, either in writing or by explanation at the utility's offices, where applicable.¶¶
- (3) Each energy utility or large telecommunications utility shall keep on file and open for public inspection at its offices, where applicable, complete rate schedules, contract forms, rules and regulations of the utility, and a copy of the Commission's rules and regulations.¶¶
- (4) Each energy utility or large telecommunications utility shall supply, upon request, a copy of the tariffs applicable to the type or types of service furnished to the customer by the utility.¶¶
- (5) Upon application for new service, or upon later request, the energy or large telecommunications utility shall assist the customer or applicant in selecting the most advantageous rate to meet individual service requirements. The customer or applicant shall be responsible for making the final selection of a rate schedule.¶¶
- (6) When service is initiated and not less than once each year thereafter, every energy or large telecommunications utility shall give its residential customers a written summary of their rights and responsibilities, as they relate to the utility providing service. If service is initiated without a personal visit between the energy or large telecommunications utility and the customer, the utility shall ~~mail~~provide the summary to the customer no later than when the first bill statement is ~~mailed~~sent. Large telecommunications utilities satisfy the annual notification requirement by prominent publication of the information in a telephone directory ~~distributed to their customers annually~~. The summary shall include the text of a summary reviewed and approved by the Commission's Consumer Services ~~Divis~~Section and describe:¶¶
 - (a) The customer's option to designate a third party to receive bills and notices and the availability of notices in languages other than English;¶¶
 - (b) Applicable financial assistance programs, such as the Energy Assistance Fund for gas utilities and electric companies and Link-Up America for telecommunications utilities;¶¶
 - (c) The availability of medical certificates;¶¶
 - (d) Special payment options such as equal-payment plans. Late-payment charges, if any, shall be explained, along with the availability of any preferred billing date option;¶¶
 - (e) Procedures for conflict resolution, including how to register a dispute with the energy or large telecommunications utility and with the Commission and the toll-free number of the Commission's Consumer Services ~~Divis~~Section;¶¶
 - (f) Listings of ~~consu~~customer organizations that participate in Commission proceedings, including addresses and telephone numbers, may be requested from the Commission's Consumer Services ~~Divis~~Section; and¶¶
 - (g) The Commission's telephone solicitation rules (telecommunications utilities only) as ~~defined~~set forth in OAR 860-021-0610(1)(a).¶¶
- (7) When service is initiated, the energy or large telecommunications utility shall inquire whether the customer would like to receive notices in a language other than English and will inform the customer of the type of notices and translations currently available. If the language chosen is not available, the energy or large telecommunications utility will tell the customer the translated version does not yet exist but the customer's interest will be recorded for the Commission. Each energy or large telecommunications utility shall report to the Commission the number of requests for notices and summaries in non-English languages. The reports shall specify the number of requests for each language.¶¶
- (8) Each energy or large telecommunications utility shall post notices approved by the Commission in a conspicuous place in each utility office, where applicable, where credit matters are transacted, setting forth the rights and responsibilities of customers under these rules. The notices shall be printed in large boldface type and shall be written in language that is easy to understand.

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

Statutes/Other Implemented: ORS 756.040

AMEND: 860-021-0011

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

CHANGES TO RULE:

860-021-0011

Multilingual Notices ¶

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

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

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

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

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

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

Statutes/Other Implemented: ORS 756.040 & Chapter 290, OL 1987

AMEND: 860-021-0015

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

CHANGES TO RULE:

860-021-0015

Dispute Resolution ¶¶

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

(a) Thoroughly investigate the matter;¶¶

(b) Promptly report the results of its investigation to the complainant;¶¶

(c) Inform the complainant of the right to have a utility supervisor review any dispute;¶¶

(d) Prepare a written record of the dispute including the name and address of the complainant involved, the date the complaint was received, the issues in dispute, and the disposition of the matter; and¶¶

(e) Retain records of the dispute for at least 36 months after the investigation is closed.¶¶

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

(a) Telephone: 503-378-6600; 1-800-522-2404; TTY 711;¶¶

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

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

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

(e) Website: [https://www.apps.puc.state.or.us/consumer/customer%\(20complaint%20process.pdf\)omplaint.asp](https://www.apps.puc.state.or.us/consumer/customer%(20complaint%20process.pdf)omplaint.asp).¶¶

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Statutes/Other Implemented: ORS 756.040, ORS 756.500, ORS 756.512

AMEND: 860-021-0021

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

CHANGES TO RULE:

860-021-0021

Interruption of Utility Service ¶

- (1) Each energy or large telecommunications utility shall keep a record of any interruption of service affecting its whole system, or a major section thereof, including a statement of the time, duration, and cause of interruption.¶
- (2) Each energy or large telecommunications utility shall make all reasonable efforts to prevent interruptions of service. When such interruptions occur, the energy or large telecommunications utility shall endeavor to reestablish service with the shortest possible delay consistent with the safety of its customers, employees, and the general public.¶
- (3) In cases when the interruption of service lasts longer than 21 days, the utility shall notify the Commission and provide the reasons for the continued interruption, the efforts to that date that the utility has taken to restore service, and what additional events or measures are required to restore service.¶
- (4) Each energy or large telecommunications utility shall make reasonable efforts to notify every customer affected in advance of any scheduled work that will interrupt service, but such notice shall not be required in case of interruption due to emergency repairs or for repairs or maintenance work performed by a telecommunications utility that results in an interruption of less than five minutes. All scheduled interruptions shall be made at a time causing minimum inconvenience to customers. In determining reasonable notice, the energy or large telecommunications utility shall consider the length of the planned interruption, the type and number of customers affected, the potential impact of the interruption on customers, and other surrounding circumstances. Notice may be given in writing, either via US mail, electronically, or a door hanger on the affected premises, or by contact with the customer or an adult at the residence by personal visit or by telephone.¶
- (45) In addition to the requirements above, electric utilities shall comply with OAR 860-023-0080 through 860-023-01601, which set additional requirements for electric service reliability and reporting.
Statutory/Other Authority: ORS 183, ORS 756, 757, ORS 757, ORS 759
Statutes/Other Implemented: ORS 756.040

AMEND: 860-021-0045

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

CHANGES TO RULE:

860-021-0045

Installation of Electric Service ¶¶

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

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

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

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

Statutory/Other Authority: ORS 183, ~~756~~, ORS 756, ORS 757

Statutes/Other Implemented: ORS 756.040

AMEND: 860-021-0126

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

CHANGES TO RULE:

860-021-0126

Late-Payment Charge ¶¶

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

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

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

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

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

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

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

Statutory/Other Authority: ORS 183, ORS 756

Statutes/Other Implemented: ORS 756.040, ORS 757.230

AMEND: 860-021-0135

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

CHANGES TO RULE:

860-021-0135

Adjustment of Utility Bills ¶¶

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Statutes/Other Implemented: ORS 756.040, ORS 757.250

ADOPT: 860-021-0180

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

CHANGES TO RULE:

860-021-0180

Verification of Eligibility for Low-Income Residential Customers

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

(a) The customer is a recipient of energy assistance through the Low-Income Home Energy Assistance Program (LIHEAP) or the Oregon Energy Assistance Program (OEAP) or an energy assistance program offered by an energy utility; or

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

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

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

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

Statutes/Other Implemented: ORS 757.230

AMEND: 860-021-0200

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

CHANGES TO RULE:

860-021-0200

Establishing Credit for Residential Utility Service ¶

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

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

(A) Name(s) of the responsible person(s) on the account;¶

(B) Date of service;¶

(C) A statement that the customer was not disconnected for nonpayment during the final 12 months of service; and¶

(D) A statement that the applicant or customer voluntarily terminated service and timely paid for all services rendered;¶

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

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

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

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

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

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

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

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

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

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

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

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

(5) For large telecommunication utilities, a deposit required under these rules shall be based upon two months'

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

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

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

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

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

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

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

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

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

Statutes/Other Implemented: ORS 756.040 & Chapter 290, OL 1987, ORS 757.230

AMEND: 860-021-0205

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

CHANGES TO RULE:

860-021-0205

Deposit Payment Arrangements for Residential Energy Utility Service ¶¶

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

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

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

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

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

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

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

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

Statutes/Other Implemented: ORS 756.040 & Ch.apter 290, OL 1987, ORS 757.230

AMEND: 860-021-0215

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

CHANGES TO RULE:

860-021-0215

Refund of Deposits for Residential and Nonresidential Utility Service ¶¶

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

(2) ~~Except as provided in section (6) of this rule,~~ an energy or large telecommunications utility may continue holding a deposit until credit is satisfactorily established or reestablished. For purposes of this rule, credit shall be considered to be established or reestablished if one year after a deposit is made:¶¶

(a) The account is current;¶¶

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

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

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

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

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

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

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

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

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

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

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

Statutes/Other Implemented: ORS 756.040 & Ch: apter 290, OL 1987, ORS 757.230

AMEND: 860-021-0305

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

CHANGES TO RULE:

860-021-0305

Grounds for Disconnecting Utility Service ¶¶

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

(1) When the applicant or customer fails to pay a deposit or make payments in accordance with the terms of a deposit payment arrangement.¶¶

(2) When the applicant or customer provides false identification to establish service, continue service, or verify identity.¶¶

(3) When the customer fails to pay Oregon tariff or price-listed charges due for services rendered.¶¶

(4) When the customer fails to abide by the terms of a time-payment agreement.¶¶

(5) When the customer requests the utility to disconnect service or close an account or when a co-customer fails to reapply for service within 20 calendar days after a joint account is closed by the other co-customer, so long as the utility has provided a notice of pending disconnection.¶¶

(6) When the customer does not cooperate in providing access to the meter.¶¶

(7) When facilities provided are unsafe or do not comply with state and municipal codes governing service or the utility's rules and regulations.¶¶

(8) When there is evidence of meter-tampering, diverting service, or other theft of service.¶¶

(9) When dangerous or emergency conditions exist at the service premises under OAR 860-021-0315.¶¶

(10) When the Commission approves the disconnection of service, a customer fails to disclose reasonably accurate customer load information which results in damage to utility equipment.¶¶

(11) When the Commission approves the disconnection of service.¶¶

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

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

Statutes/Other Implemented: ORS 756.040, ORS 757.035, ORS 757.225, ORS 757.760

AMEND: 860-021-0320

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

CHANGES TO RULE:

860-021-0320

Disconnection of Service on Weekends and Holidays ¶

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

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

Statutes/Other Implemented: ORS 756.040, ORS 757.760

AMEND: 860-021-0326

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

CHANGES TO RULE:

860-021-0326

Disconnection of Gas or Electric Service to Tenants ¶¶

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

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

Statutory/Other Authority: ORS 183, ORS 756, ORS 757 & Chapter 290, OL 1987

Statutes/Other Implemented: ORS 756.040, ORS 757.760 & Chapter 290, OL 1987

AMEND: 860-021-0328

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

CHANGES TO RULE:

860-021-0328

Reconnection of Residential Energy Utility Service ¶

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

021-0021.¶

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

(a) A documented Force Majeure event;¶

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

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

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

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

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

(g) When the Commission approves a waiver.

Statutory/Other Authority: ORS 183,ORS 756

Statutes/Other Implemented: ORS 756.040,ORS 757.230

AMEND: 860-021-0330

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

CHANGES TO RULE:

860-021-0330

Reconnection Fee for Utility Service ¶

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

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

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

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

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

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

Statutes/Other Implemented: ORS 756.040, ORS 757.225, ORS 757.230

AMEND: 860-021-0335

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

CHANGES TO RULE:

860-021-0335

Refusal of Utility Service ¶¶

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Statutes/Other Implemented: ORS 756.040, ORS 757.035, ORS 757.225 & Ch.apter 290, OL 1987, ORS 757.230

AMEND: 860-021-0405

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

CHANGES TO RULE:

860-021-0405

Notice of Pending Disconnection of Residential Electric or Gas Utility Service ¶

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

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

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

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

(a) The reason for the proposed disconnection;¶

(b) The earliest date for disconnection;¶

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

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

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

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

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

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

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

(a) At the request of the customer;¶

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

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

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

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

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

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

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

(a) At the request of the customer;¶

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

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

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

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

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

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

(a) If contact is made, either in person or via the telephone, the energy utility must advise the customer or an adult

at the residence of the proposed disconnection; or ¶

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

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

(B) ~~Attempt to contact the customer at a~~ Where the service address where has remote disconnection capability is installed via the telephone at least twice a day for the three consecutive, attempt to contact the customer at least once, two days prior to the proposed disconnection, and at least one call must be placed during the morning or expected date of disconnection. If contact is after noon (8:00 am to 5:00 pm) and another call placed during early evening (6:00 pm to 8:00 pm). Where attempted via telephone and an answering machine or service is available, the utility must leave a message at the end of each calling day informing the customer of the proposed disconnection. Initial implementation of section 7(b)(B) may not occur during the winter heating season (November 1 through April 30). ¶

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

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

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

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

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

Statutory/Other Authority: ORS 183, ~~756~~, ORS 756, ORS 757

Statutes/Other Implemented: ORS 756.040, ORS 757.760

ADOPT: 860-021-0406

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

CHANGES TO RULE:

860-021-0406

Wildfire Displacement Protection

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

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

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

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

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

Statutes/Other Implemented: ORS 756.040, ORS 757.760

AMEND: 860-021-0407

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

CHANGES TO RULE:

860-021-0407

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

- (1) Except as set forth in section ~~(811)~~ of this rule, an energy utility must put into effect a moratorium on the disconnection of residential service for nonpayment on any day a ~~high~~ temperature of less than 32 degrees Fahrenheit is forecasted by the applicable weather reporting service or a winter storm warning indicating weather conditions pose a threat to life or property is issued by the applicable weather reporting service. ¶
- (2) An electric utility must put into effect a moratorium on the disconnection of residential service for nonpayment on any day a local Heat Advisory is issued by the applicable weather reporting service. ¶
- (3) An energy utility must put into effect a moratorium on the disconnection of residential and small commercial service for nonpayment when the Air Quality Index is at or above 100 as issued on the website AirNow.gov or a similar air quality reporting service that may be designated by the utility. ¶
- (4) Any moratorium activated as a result of section (1), ~~section (2)~~, or section (23) of this rule must remain in effect at least through the start of the next business day. ¶
- ~~(4) A5)~~ For purposes of sections (1) and (2) of this rule, an energy utility must base the need for a moratorium on data available from the National Weather Service or another weather reporting service that may be designated by the utility. ¶
- ~~(56)~~ An energy utility need only apply a moratorium to the geographic area that meets the conditions in sections (1) ~~and section (23)~~ of this rule. ¶
- ~~(67)~~ The energy utility must obtain the required forecast data no later than 8:00 a.m. each business day. ¶
- ~~(78)~~ Each energy utility must notify the Commission's Consumer Services Section which weather reporting service and air quality service it will utilize in each geographic area served by the utility in complying with the requirements of this rule; and the energy utility must notify the Commission's Consumer Services Section upon choosing a different weather reporting service. ¶
- ~~(89)~~ 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. ¶
- (10) The temperature threshold specified in section (1) of this rule does not apply if an energy utility offers a Commission-approved winter protection program.
Statutory/Other Authority: ORS 756.060
Statutes/Other Implemented: ORS 756.040

AMEND: 860-021-0408

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

CHANGES TO RULE:

860-021-0408

Disconnect Reporting Rule

(1) As used in this rule:¶

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

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

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

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

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

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

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

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

(a) On a companywide basis:¶

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Statutory/Other Authority: ORS 756.060

Statutes/Other Implemented: ORS 756.040

AMEND: 860-021-0410

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

CHANGES TO RULE:

860-021-0410

Emergency Medical Certificate for Residential Electric and Gas Service ¶

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

(2) ~~The oral~~ Any oral certification by a qualified medical professional and any residential customer initial self- certification, to the utility must be confirmed in writing within ~~1430~~ 1430 days by ~~the~~ a qualified medical professional prescribing medical care. Written certifications must include:¶

(a) The name of the person to whom the certificate applies and relationship to the customer;¶

(b) A complete description of the health conditions;¶

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

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

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

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

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

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

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

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

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

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

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

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

Statutory/Other Authority: ORS 183, ORS 756, ORS 757 & Chapter 290, OL 1987

Statutes/Other Implemented: ORS 756.040, ORS 757.750, ORS 757.755, ORS 757.760

AMEND: 860-021-0414

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

CHANGES TO RULE:

860-021-0414

Equal-Payment Plans for Residential and Small Commercial Electric and Gas Service ¶

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

Statutory/Other Authority: ORS 183, ORS 756

Statutes/Other Implemented: ORS 756.040, ORS 757.750, ORS 757.760

AMEND: 860-021-0415

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

CHANGES TO RULE:

860-021-0415

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

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

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

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

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

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

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

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

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

Statutory/Other Authority: ORS 183, ORS 756, ORS 757 & Chapter 290, OL 1987

Statutes/Other Implemented: ORS 756.040, ORS 757.750, ORS 757.760

AMEND: 860-021-0420

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

CHANGES TO RULE:

860-021-0420

Field Visit Charge ¶

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

Statutory/Other Authority: ORS 183, ~~756~~, ORS 756, ORS 757

Statutes/Other Implemented: ORS 756.040, ORS 757.225

AMEND: 860-021-0505

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

CHANGES TO RULE:

860-021-0505

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

- (1) This rule applies to the involuntary termination of all commercial electric and natural gas customers and all utility services provided by large telecommunications utilities.¶
- (2) The energy or large telecommunications utility must provide written notice to the customer at least five business days before disconnecting service except when the disconnection is made:¶
 - (a) At the request of the customer; or¶
 - (b) When the facilities provided are unsafe creating an emergency endangering life or property under OAR 860-021-0315.¶
- (3) The notice must be printed in bold face type and must state, in language that is as clear and simple as possible:¶
 - (a) The reasons for the proposed disconnection;¶
 - (b) The earliest date for disconnection;¶
 - (c) The amount to be paid to avoid disconnection of regulated services;¶
 - (d) An explanation of the Commission's complaint process and the Commission's toll-free number; and¶
 - (e) An explanation of the availability of an emergency medical certificate for local exchange residential telecommunications service customers under OAR 860-021-0510.¶
- (4) The energy or large telecommunications utility may not send the notice before the due date for payment for the services billed.¶
- (5) The energy or large telecommunications utility must serve the notice of disconnection in person or send it by first class mail, or electronically, to the last known addresses of the customer and the customer's designated representative. Service is complete on the date of personal delivery or, if service is by U S Mail, on the day after the U S Postal Service postmark or the day after the date of postage metering.¶
- (6) If a premises visit is required to complete disconnection, the energy or large telecommunications utility must make a good-faith effort to personally contact the customer or a resident at the service address to be disconnected. If the energy or large telecommunications utility's attempt to make personal contact fails, the utility must leave a notice in a conspicuous place at the premises informing the customer that service has been disconnected.¶
- (7) In lieu of permanent disconnection, a large telecommunications utility may temporarily curtail service by preventing the transmission of incoming telephone messages and/or outgoing toll messages while continuing to let the customer make outgoing local messages. Temporary curtailment of service, as defined in this section, shall be permitted only upon five days' written notice as set forth in section (3) of this rule. The notice shall state that permanent disconnection will follow within ten days unless the customer makes full payment of any overdue amount or any other obligation.¶
- (8) Except for telecommunications service provided by an office incapable of restricting toll service, a large telecommunications utility shall not disconnect or deny local exchange service for an applicant's or customer's failure to pay for services not under the local exchange utility's tariff or price list. A telecommunications utility may limit access to toll and special services using the "9XX" prefix or Numbering Plan Area (NPA) for the failure to pay for such services.¶
- (9) A large telecommunications utility may not disconnect or deny local service to customers or applicants, who are eligible to receive OTAP, for failure to pay toll charges.¶
- (10) A large telecommunications utility may request a limited waiver of the requirement of section (9) of this rule upon meeting all the following conditions:¶
 - (a) Showing the large telecommunications utility would incur substantial costs in complying with the requirement;¶
 - (b) Demonstrating the large telecommunications utility offers toll-blocking services to customers identified in section (9) of this rule; and¶
 - (c) Showing that telecommunications subscribership among low-income customers in its service area in Oregon is at least as high as the national subscribership level for low-income customers.

Statutory/Other Authority: ORS 183, ORS 756, ORS 757, ~~759~~ & ORS 759, Chapter 290, OL 1987

Statutes/Other Implemented: ORS 756.040, ORS 757.750, ORS 757.755, ORS 757.060 & Chapter 290, OL1987

