

Division 21 Supplemental Information

This documents accompanies the draft rules and gives an explanation of changes. This also addresses additional comments by Joint Utilities, Joint Advocates, and SBUA comments.

860-021-0008

Definitions for Regulation of Utility Services

Maintained the definition of Low-Income customer.

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

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

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

As currently defined, by reference to draft OAR 860-021-0180, a “low-income residential customer” is someone who has received energy assistance or is enrolled in the low-income rate program. This definition risks excluding customers who are not enrolled, who are in the process of enrolling in either program, or who choose to only seek Division 21 protections. We offer the following suggested change to OAR 860-021-0008(7):

*“Low-income residential customer” means a customer or applicant whose ~~eligibility has been verified under OAR 860-021-0180.~~ **income is at or below 60% Oregon state median income. An energy utility is not limited to this definition and may adopt a broader definition to capture additional low-income residential customers.**”*

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

(2) An energy utility may allow a customer to self-certify as an eligible low-income residential customer based on income that is at or below 60

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

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

860-021-0009

Applications for Utility Service from an Energy or Large Telecommunications Utility

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

Joint Advocates do not agree with the removal and state:

We recommend that Staff reincorporates the language allowing utilities to collect demographic data. Staff articulated the following reasons for removing this language:

- *Allowing for consideration of specific information collection requirements as necessary in the future.*
- *The utilities did not believe it necessary as it is not prohibited and they do not plan to collect the data.*

Reluctance by the utilities to collect demographic data limits our collective ability to understand how utility and PUC policies and programs are positively or negatively impacting, or failing to impact, specific communities. We cannot address issues that we cannot measure. Hence, the continued efforts by several of the Joint Advocates to encourage utilities to collect demographic data from customers who choose to provide it. This data collection is commonplace for organizations serving impacted communities.

Reincorporating language allowing utilities to collect demographic information seems especially important in light of utilities expressing in the past that they were not sure that they could collect that data.

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

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

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

No other changes were made to this rule.

860-021-0010

Information for Utility Customers and Applicants

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

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

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

860-021-0011

Multilingual Notices

This rule (amongst others) changes “consumer” to “customer” for consistency throughout Division 21. Also changes “mail” to “send” to account for differing methods to transmit information to customers based on customer preference.

860-021-0015

Dispute Resolution

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

860-021-0021

Interruption of Utility Service

In Section (2), Staff added “**employees**” when considering safety aspects.

Staff maintained, with additional edits, the Joint Utilities’ request that Staff revise its original revision on section (3) to reestablish service within 21 days notification to the Commission of the interruption if it goes beyond 21 days.

Joint utilities stated:

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

In its second round of comments, Joint Advocates stated:

We are concerned about customers experiencing disconnection for more than 21 days and are curious about how the Commission plans on utilizing the information that it will gather during this notification process. We understand that in some circumstances, such as in a natural disaster scenario, it may be difficult and dangerous to reconnect a customer. However, the inquiry should not end here. In a more general situation, 21 days is a long time to be without power. We believe too long.

At the very least, the PUC should not only be notified that a customer is without power for more than 21 days but should disallow it unless there are good reasons. We urge Staff to go back to its original proposed language. We do not understand what the Commission would do with simple notification from utilities when they are unable to reconnect a customer for more than 21 days. We also suggest that this topic is flagged for discussion at the April 6, 2022 workshop.

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

(3) In cases when the interruption of service lasts longer than 21 days, the utility shall notify the Commission; and provide the reasons for the continued interruption, the efforts to that date that the utility had taken to restore service, and what additional events or measures are required to restore service. Based on information provided, or a failure to provide the required information, the Commission may impose any of the sanctions available to it by law on a utility that has failed to restore service after 21 days.

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

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

(45) In addition to the requirements above, electric utilities shall comply with OAR 860-023-0080~~1~~ through 860-023-0160~~1~~, which set additional requirements for electric service reliability and reporting.

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

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

860-021-0126

Late-Payment Charge

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

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

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

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

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

860-021-0135

Adjustment of Utility Bills

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

860-021-0180

Verification of Eligibility for Low-income Residential Customer

In section (1), Staff took Joint Advocates suggestion of rewording (1)(b).

Staff added a new Section (2), to allow customer self-certification.

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

- (a) The customer is a recipient of energy assistance through the Low-Income Home Energy Assistance Program (LIHEAP) or the Oregon Energy Assistance Program (OEAP) or an energy assistance program offered by an energy utility; or**
- (b) The customer is enrolled in any of the utility's income-qualified energy assistance programs, including any program offered by a utility to residential customers based on differential energy burdens based on factors that affect affordability pursuant to ORS 757.230(1).**

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

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

Staff added a new section (2) that allows for self-certification based on “income at or below 60 percent Oregon state median income or participation in other low-income assistance programs offered in Oregon.” This change allows self-certification, potentially resulting in alignment with discounted bill programs offered by the utilities. Please note that Sections (2) and (3) uses “may” which confers a right, power or privilege.

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

We appreciate Staff's perspective that the Division 21 rules were written for low-income protections. We offer that energy burden, energy poverty, low-income and financial vulnerability do not begin at 60% of SMI. Many low-income people at risk of disconnection, and who live with energy burden and energy poverty, will not be protected by Division 21 protections or maybe even by the programs that emerge from HB 2475 implementation. Some of them will be Functional and Access Needs/At-Risk Populations.

While this rulemaking may not be the forum where the PUC chooses to address this reality, we must center it in our work in utility regulation.

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

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

860-021-0200

Establishing Credit for Residential Utility Service

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

(1) An applicant or customer may demonstrate satisfactory credit for new or continuing service by showing any of the following, provided that a deposit is not required under section (2) of this rule: Received 12 months of continuous utility service of the same type applied for (energy or telecommunications) during the preceding 24 months and the utility can verify **a prior service account in the customer or applicant's name**, either by contacting the former utility or through an authorized letter provided by **the applicant or customer from the** former utility on utility letterhead **that** ~~to~~ includes **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.**

~~dates of service and presented by the applicant, customer or former utility, that the applicant or customer voluntarily terminated service and timely paid for all services rendered.~~

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

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

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

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

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

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

860-021-0205

Deposit Payment Arrangements for Residential Energy Utility Service

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

(1) **Except as provided in OAR 860-021-0335(1) and (2), w**When an energy utility requires a deposit, the customer or applicant may pay the deposit in full or in three installments. The first installment is due immediately; the remaining installments are due **with the subsequent two monthly bills 30 days and 60 days** after the first installment payment. Except for the last payment, installments shall be the greater of \$30 or one-third of the deposit. **An energy**

utility shall not require a low-income residential customer to pay a deposit.

Section (4) clarifies that the two subsequent payments cannot be within the same “billing” period.

860-021-0215

Refund of Deposits for Residential and Nonresidential Utility Service

Includes a new Section 6 concerning refunds to low income customers.

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

(a) For a low-income residential customer, the energy utility will return the deposit within two billing cycles.

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

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

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

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

860-021-0305

Grounds for Disconnecting Utility Service

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

(5) When the customer requests the utility to disconnect service or close an account or when a co-customer fails to reapply for service within 20

calendar days after a joint account is closed by the other co-customer, so long as the utility has provided a notice of pending disconnection.

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

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

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

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

860-021-0320

Disconnection of Service on Weekends and Holidays

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

860-021-0326

Disconnection of Gas or Electric Service to Tenants

Revises and adds clarifying language concerning contacting a tenant when there is a possible disconnection:

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

~~0405~~.The notice to occupants need not include the dollar amount owing **or the reason for disconnection.**

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

860-021-0328

Reconnection of Residential Energy Utility Service

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

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

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

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

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

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

860-021-0330

Reconnection Fee for Utility Service

Staff maintained its language concerning reconnection fees; however, adds a new Section (1)(b) that addresses electric utilities that do not have to disconnect remotely:

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

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

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

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

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

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

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

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

Joint Advocates state:

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

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

Joint Advocates go on to say:

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

And:

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

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

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

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

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

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

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

860-021-0335

Refusal of Utility Service

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

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

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

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

Section (5) has minor clarifying changes:

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

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

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

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

860-021-0405

Notice of Pending Disconnection of Residential Electric or Gas Utility Service

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

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

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

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

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

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

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

Changing the notice timeframe will not provide customers additional time to make payment prior to disconnection as each utility currently provides more than the OAR’s required 32 days between the time of billing to when disconnection for nonpayment may occur. This change would instead

provide customers earlier notification of the past due balance and PGE has alternative notifications already in place such as past due text and email alerts which would not require additional costs. Our efforts should stay focused on bill affordability and arrearage assistance

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

Joint Advocates stated:

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

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

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

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

Joint Advocates state:

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

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

(B) Where the service address has remote disconnect capability installed, a Attempt to contact the customer at **least once, two days prior to the expected date of disconnection.** ~~a service address where remote disconnect capability is installed via the telephone at least twice a day for the three consecutive days prior to the proposed disconnection, and at least~~

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

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

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

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

Joint Advocates comment on collecting money at the door:

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

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

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

Staff made changes to Section (11) to state:

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

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

860-021-0406

Wildfire Displacement Protection

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

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

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

(2) An energy utility shall make best effort to put into effect a moratorium on the disconnection of residential and commercial service

for nonpayment on any day of a level 2 or 3 evacuation order and the day after a level 2 or 3 evacuation order has been lifted.

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

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

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

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

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

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

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

860-021-0407

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

Staff added small commercial customers to the rule.

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

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

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

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

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

Joint Advocates go on to state:

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

Staff believes that with the changes made including striking out “High,” Oregon has one of the strongest severe weather moratorium conditions as compared to other states.¹

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

(3) An energy utility must put into effect a moratorium on the disconnection of residential and small commercial service for nonpayment when the Air Quality Index is at or above 100 as issued on

¹ <https://neada.org/wintercovid19moratoriums/>

the website AirNow.gov or a similar air quality reporting service that may be designated by the utility.

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

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

Revised Section (9) to state.

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

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

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

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

While we continue to advocate for having a human health and safety centered conversation on this issue, we restate our proposal that local government's extreme or severe weather emergency declarations be

included to the list of triggers. Local governments generally collaborate with utilities in situations of high risk to human health and safety, like severe weather events, so utilities are likely to be informed of these local alerts. While the National Weather Service is indeed a source of government expertise on weather, local governments respond to protect life and health in severe weather events and best understand the needs and vulnerabilities of their communities. Staff would be remiss to dismiss local government expertise in this process.

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

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

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

Staff continues to believe that contacting disconnected customers about weather events and social services offered during extreme weather events is not a utility function. Even without power or natural gas, customers would still have access to other resources through their phone, family, friends, and neighbors; and are able to sign up for emergency notifications with local governmental bodies in order to receive communications concerning extreme events efficiently.

860-021-0408

Disconnect Reporting Rule

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

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

860-021-0410

Emergency Medical Certificate for Residential Electric and Gas Service

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

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

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

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

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

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

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

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

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

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

860-021-0414

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

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

860-021-0415

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

In the revised draft, **Staff removed the extension of TPAs, based on data received from data requests.** Joint Utilities' requested that the rules maintain the current 12 months stating that utilities can offer greater length TPAs on an individualized basis. Joint Utilities' state:

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

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

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

Joint Advocates request that Staff maintains the 24-months.

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

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

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

Staff also maintained the reference to a 20-day late notice, striking out “45.”

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

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

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

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

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

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

860-021-0420

Field Visit Charge

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

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

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

860-021-0505

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

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

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