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# NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 860
**PUBLIC UTILITY COMMISSION**

**FILED**
10/30/2025 6:48 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Residential Customer Protections in OAR 860-021 (AR 671)

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 12/05/2025 3:00 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: 11/20/2025
TIME: 1:00 PM - 3:00 PM
OFFICER: Christopher J. Allwein and Michael Grant

REMOTE HEARING DETAILS
MEETING URL: Click here to join the meeting
PHONE NUMBER: 669-254-5252
CONFERENCE ID: 1619009275
SPECIAL INSTRUCTIONS:
Passcode: 2602108520

NEED FOR THE RULE(S)

The proposed amendments to Oregon Administrative Rule Chapter 860, Division 21 are necessary to safeguard human life by addressing the risks posed by utility disconnections during severe weather and poor air quality events. Disconnection from electric or gas service can result in the loss of essential functions such as refrigeration for food and medicine, access to clean water, safe indoor temperature, medical devices, and communication tools, all of which are critical to health and safety. Vulnerable populations, including low-income households, medically fragile individuals, children, and the elderly face disproportionate harm when exposed to extreme heat, cold, or wildfire smoke without climate control or air filtration. The rules establish moratoriums on disconnections during and surrounding these high-risk periods, mandate reconnection efforts for recently disconnected customers, and help ease financial barriers for qualifying households. These protections are designed to prevent avoidable emergencies, reduce exposure to environmental hazards, and ensure that no Oregonian is left without essential utility services during life-threatening conditions.

Any person may file comments by December 5, 2025. The Commission encourages participants to file written comments concerning the proposed rule revisions as early as practicable in the proceeding so that other participants

can consider and respond to the comments before the deadline.

Participants who present oral comment at the November 20, 2025 hearing will be asked to also submit written comments before the comment period closes on December 5, 2025.

Please reference Docket No. AR 671 on comments and attach them as a Word or pdf file to an e-mail to the Commission's Filing Center at PUC.FilingCenter@puc.oregon.gov.

Although email comments are preferred, comments may be submitted by mail but must be received by December 5, 2025. Written comments may be sent to: Oregon Public Utility Commission, Attn: Filing Center, PO Box 1088, Salem, OR 97308-1088.

Interested persons may review all filings online at State of Oregon: Public Utility Commission of Oregon.

For guidelines on filing and participation, please see OAR 860-001-0140 through 860-001-0160 and OAR 860-001-0200 through 860-001-0250 found online at https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=4027.

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DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Comments and notes filed in docket AR 671 Informal Phase found online at https://apps.puc.state.or.us/edockets/DocketNoLayout.asp?DocketID=24558

Responses to Staff's Information Requests (IRs) available from the PUC upon request to puc.hearings@puc.oregon.gov

Oregon Utility Energy Burden Metric Report filings found online in docket RO 16 (2024 and 2025 data) at https://apps.puc.state.or.us/edockets/DocketNoLayout.asp?DocketID=24721

Oregon Utility Disconnection Reports found online in docket RO 12 at https://apps.puc.state.or.us/edockets/DocketNoLayout.asp?DocketID=21694

Idaho Power, Cascade Natural Gas, PGE, PacifiCorp, Avista and NW Natural Temporary Customer Protections Reports found online in docket AR 667 at https://apps.puc.state.or.us/edockets/DocketNoLayout.asp?DocketID=24347

Oregon Department of Energy (ODOE) 2023 Oregon Cooling Needs Study found online at https://olis.oregonlegislature.gov/liz/2022R1/Measures/Overview/SB1536

ODOE Interactive Heat Vulnerability Index found online at https://experience.arcgis.com/experience/5f6a0e1785524df8853e94776693d0f7/page/HVI-County/

Resources and archived event records available online through the National Oceanic and Atmospheric Administration's (NOAA) National Weather Service (NWS) at https://www.weather.gov/

OHA report on Climate and Health in Oregon found online at https://www.oregon.gov/oha/PH/HEALTHYENVIRONMENTS/CLIMATECHANGE/Documents/FINAL Climate Health in Oregon 2023 v071124 (1).pdf

OHA resources on Extreme Heat found online at

https://www.oregon.gov/oha/ph/preparedness/prepare/pages/prepareforextremeheat.aspx?utm_source=OHA&utm_medium=egov_redirect&utm_campaign=https%3A%2F%2Fwww.oregon.gov%2Fheat;

Weather outlook for the Summer Season 2025 (Hot start to summer predicted for Oregon, Washington, map shows where it'll be warmest) found online at
https://www.cpc.ncep.noaa.gov/products/predictions/long_range/seasonal.php?lead=1

"Surviving a Shut-Off: U.S. Households at Greatest Risk of Utility Disconnections and How They Cope" found online at https://journals.sagepub.com/doi/abs/10.1177/00027642211013401

"Heat or Eat? Cold Weather Shocks and Nutrition in Poor American Families" found online at https://ajph.aphapublications.org/doi/full/10.2105/AJPH.93.7.1149

Oregon Department of Environmental Quality (DEQ) Oregon Wildfire Smoke Protocol found online at https://www.oregon.gov/deq/FilterDocs/WFresponse.pdf

PUC Staff Report for the November 26, 2024 Public Meeting found online in docket UM 2211 at https://edocs.puc.state.or.us/efdocs/HAU/um2211hau333159053.pdf

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

The rulemaking responds to legislative direction under Oregon House Bill 2475 to consider differential energy burdens and environmental justice factors in utility regulation. By expanding protections during severe weather and poor air quality events, simplifying eligibility for utility bill-discount programs through self-certification, and requiring utilities to accept alternative forms of identification, the rules reduce potential barriers that have historically excluded marginalized populations. Enhanced outreach requirements and multilingual notices further support equitable access to protections. Collectively, these reforms advance racial equity by mitigating the disproportionate risks of disconnection, improving access to relief programs, and aligning utility practices with the lived realties of Oregon’s most impacted communities

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FISCAL AND ECONOMIC IMPACT:

OPUC Staff expects that the proposed rule amendments will have some fiscal and economic impact on utilities. The utilities have provided high level estimates, including:

- Avista: Minimal labor costs, long term costs are not possible to estimate at this time
- Cascade Natural Gas: $30,000
- Northwest Natural Gas: $25,000
- Pacific Power: $1.04 million, with a one-time billing system enhancement of $100,000
- Portland General Electric: $300,000-$400,000
- Idaho Power Company: $75,000-$150,000 to implement an arrearage program prior to September 2026, and $60,000- $90,000 to incorporate the arrearage program in the Company’s new system that is currently being developed.

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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) It is not possible to determine exactly how much state agencies, units of local government, and members of the public will incur or otherwise be economically affected by the rules. It is anticipated that the utility will incur costs to implement the new rules, and those costs will be included in rates which may be passed down to utility customers that may include state agencies, units of local government and members of the public.
(2)(a) Like the answer in (1) above, it is not possible to determine the exact amount or degree of economic impact that the rules will have on small businesses. Again, it is anticipated that the utility will incur costs to implement the new rules, and those costs will be included in rates which may be passed down to utility customers that may include small businesses. It, however, is likely that small businesses will see some benefit from the rules as they include disconnection protections during severe air quality events for small commercial customers of utilities. It is not possible to give an estimate of the total number of small businesses that will be affected, but it is safe to assume that all small businesses that receive energy service from the impacted utilities under a small commercial rate classification will receive the protection described above or see the change in their rates.
(2)(b) Utilities will be keeping record of all disconnections, reconnections, participants in bill-discount programs, arrearage levels, and other related data that the utility customarily keeps track of and reports to the Commission. While there are no new reporting obligations imposed by the rule amendments, it is possible that the utility will track arrearage program related data, as well as outreach data. Costs cannot be exactly quantified as they will be different for each utility and will depend on the size and scope of programs that they implement as a result of the rules. The numbers provided in the fiscal and economic impact section can help provide insight into utility costs.
(2)(c) While not exact and subject to change, the utilities have provided the following cost estimates:

- Avista: Minimal labor costs, long term costs are not possible to estimate at this time
- Cascade Natural Gas: $30,000
- Northwest Natural Gas: $25,000
- Pacific Power: $1.04 million, with a one-time billing system enhancement of $100,000
- Portland General Electric: $300,000-$400,000
- Idaho Power Company: $75,000-$150,000 to implement an arrearage program prior to September 2026, and $60,000-$90,000 to incorporate the arrearage program in the Company's new system that is currently being developed.

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DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

OPUC Staff developed the proposed residential customer protection rules through an extensive public process, primarily in OPUC docket nos. UM 2211 and AR 671. OPUC Staff undertook numerous rounds of public comments and held several workshops and office hours. Any stakeholder or member of the public could participate. Numerous stakeholders, including all six of Oregon's investor-owned utilities, residential customer advocacy groups, and electric industry groups provided significant feedback in the creation of the proposed rules. There were no specific small business advocates who participated in the development of the proposed rules, but the process was open to all.

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

OPUC Staff engaged in an extensive public process to solicit comments and feedback on the new proposed rules from numerous interested stakeholders. This process provided ample participation opportunities for entities likely to be affected by the rules. This process included workshop discussions, several comment periods, numerous office hours and collaborative rule drafting. Such input can be found in OPUC Docket No. AR 671.

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RULES PROPOSED:
860-021-0008, 860-021-0009, 860-021-0011, 860-021-0126, 860-021-0180, 860-021-0200, 860-021-0205, 860-021-0215, 860-021-0305, 860-021-0328, 860-021-0330, 860-021-0335, 860-021-0406, 860-021-0407, 860-021-

0408, 860-021-0410, 860-021-0420, 860-021-0515, 860-021-0520

AMEND: 860-021-0008

RULE SUMMARY: The rule changes add definitions for "Income-qualified residential customer," "severe air quality event," "severe heat event," "severe off-season cold event," "severe on-season cold event," and "severe weather."

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 their name, the remaining co-customer shall only retain customer status if they reapply for service in their own name within 20 days of such discontinuance, provided the energy or large telecommunications utility contacts the remaining co-customer or sends the remaining co-customer a written request for an application within one business day of the discontinuance.¶
(3) "Customer" means a person who has applied for, been accepted, and is currently receiving service. Notwithstanding section (1) of this rule, a customer who voluntarily disconnects service and later requests service with the same utility at a new or existing location within 20 days after disconnection retains customer status.¶
(4) "Energy utility" has the meaning given to a public utility in ORS 757.005, except water and wastewater. An energy utility can be an "electric company," "gas utility," or "steam heat utility."¶
(5) "Income-qualified residential customer" means a customer or applicant whose eligibility has been verified under OAR 860-021-0180.¶
(6) "Large telecommunications utility" means any telecommunications utility, as defined in ORS 759.005, that is not partially exempt from regulation under ORS 759.040.¶
(~~6~~7) "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.~~ 3).¶
(8) "OTAP" has the meaning given to "Oregon Telephone Assistance Program" in OAR Chapter 860, Division 033.¶
(9) "Registered dispute" means an unresolved issue between a customer or applicant and an energy or large telecommunications utility that is under investigation by the Commission's Consumer Services Section but is not the subject of a formal complaint.¶
(10) "Regulated charges" means charges for services delivered in Oregon and subject to the jurisdiction and approval of the Commission.¶
(11) "Severe air quality event" means any day on which the Department of Environmental Quality has issued an air quality advisory or the Air Quality Index (AQI) is forecasted to be 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.¶
(12) "Severe heat event" means any day on which extreme heat warning, extreme heat watch, or heat advisory conditions are present as determined by the National Weather Service or other authorized weather reporting service.¶
(13) "Severe off-season cold event" means any day from May 1 through October 31 where a temperature of 25 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 local, state, or national weather reporting service.¶
(14) "Severe on-season cold event" means any day from November 1 through April 30 where a temperature of 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 local, state, or national weather reporting service.¶
(15) "Severe weather" means any day on which conditions as defined in sections (11), (12), (13), or (14) of this rule are present.¶
(16) "Utility" means all large telecommunications and energy utilities, as defined in sections (4) and (~~5~~6) of this

rule, except when a more limited scope is explicitly stated.
Statutory/Other Authority: ORS 183, ORS 756, ORS 757, ORS 759
Statutes/Other Implemented: ORS 756.010, ORS 757.005, ORS 759.005, ORS 757.230

AMEND: 860-021-0009

RULE SUMMARY: This rule is proposing to add additional valid forms of identification.

CHANGES TO RULE:

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

(1) An application for energy or telecommunications utility service must be made when:¶
(a) Service is requested by a person who has not previously been served by the energy or large telecommunications utility;¶
(b) Service has been involuntarily discontinued in accordance with these rules, and the person later seeks to have service restored; or¶
(c) Service has been voluntarily discontinued, and a request to restore service has not been made within 20 days.¶
(2) An application is a request for energy or telecommunications utility service. The energy or large telecommunications utility shall not accept an application for service until the applicant establishes credit as set forth in OAR 860-021-0200 and 860-021-0205. However, the energy or large telecommunications utility may refuse a service application under OAR 860-021-0335.¶
(3) An energy or large telecommunications utility may require an applicant to provide the following information when applying for service:¶
(a) The name of person(s) responsible for payment on the account;¶
(b) The name to be used to identify the account, if different than the actual name;¶
(c) The birth date of person(s) responsible for payment on the account;¶
(d) The social security number of person(s) responsible for payment on the account;¶
(e) A current valid Oregon driver license number of the person(s) responsible for payment on the account;¶
(f) The service address;¶
(g) The billing address, if different than service address; and¶
(h) Any available telephone numbers where the applicant can be reached night and day.¶
(4) In lieu of providing a valid social security number or current valid Oregon driver license number under section (3) of this rule, an applicant may provide:¶
(a) A valid state or federal identification containing name and photograph of the person(s) responsible for payment on the account;¶
(b) A current valid passport;¶
(c) A current valid consular identification card;¶
(d) A combination of:¶
(A) An original or certified true copy of his or her birth certificate;¶
(B) A current identification from school or employer containing a photograph; and¶
(C) The name, address, and telephone number of a person who can verify the applicant's identity, such as a teacher, employer, or caseworker; or,¶
(~~c~~e) Other information deemed sufficient by the utility to establish an applicant's identification.¶
(5) If an applicant is denied service for failure to provide an acceptable form of identification, the applicant may pursue conflict resolution under the Commission's rules.¶
(6) Upon request, the energy or large telecommunications utility shall protect the account from access by others through the use of a personalized password or other means acceptable to both the energy or large telecommunications utility and the customer.¶
(7) A large telecommunications utility shall protect the identity of a customer at risk of domestic violence or other abuse. At its option, the large telecommunications utility shall provide the identity protection by allowing the customer to use a modified or alternative name for a directory listing or by providing, at no cost, a non-published listing in accordance with other applicable tariff provisions for the length of time the endangerment exists. A customer requesting a nonpublished listing under this section must provide:¶
(a) A copy of a court order that restrains another person from contact with the customer by reason of risk of domestic violence, as defined in ORS 135.230, or unwanted sexual contact, as defined in ORS 163.305, abuse, as defined by the Elderly and Disabled Person Abuse Prevention Act, ORS 124.005 et seq., or stalking, as defined by ORS 163.730 et seq.; and¶
(b) An affidavit, stating that the customer is financially unable to pay for the nonpublished listing.
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 change clarifies the languages in which multi-lingual notices must be provided.

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: or the five most used non-English languages in an energy utility's service territory: 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 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 customer rights and responsibilities summary printed in this language is available by calling (name of utility) at (phone number).¶
(3) The energy or large telecommunications utility shall record all requests and promptly send the requested version of the summary to the customer.
Statutory/Other Authority: ORS 183, ORS 756, ORS 757, ORS 759
Statutes/Other Implemented: ORS 756.040, OL 1987, Ch. 290

AMEND: 860-021-0126

RULE SUMMARY: This change updates upon whom an energy utility may not impose a late-payment charge.

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-qualified 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: 860-021-0180

RULE SUMMARY: The rule change establishes the requirements for a residential customer to qualify as an eligible income-qualified residential customer.

CHANGES TO RULE:

860-021-0180
Verification of Eligibility for ~~Low-~~Income-Qualified Residential Customers
(1) A residential customer shall qualify as an eligible ~~low-~~income-qualified residential customer for purposes of these Division 21 rules through the following methods:¶
(a) The customer is a recipient of energy assistance within the past 12 months through the Low-Income Home Energy Assistance Program (LI HEAP) 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 or qualifies to enroll in 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) ~~A~~Except where a utility is authorized to verify or recertify an existing income-qualified residential customer's eligibility, an energy utility m~~ay~~ust allow a customer to self-certify as an ~~eligible low-income~~income-qualified 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 an ~~low-~~income-qualified 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-qualified 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 change updates language from "low income" to "income-qualified."

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 a prior service account in the customer or applicant's name, either by the applicant's account history with the utility or by contacting a former utility or through an authorized letter provided by the applicant or customer from the former utility on utility letterhead that 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.¶
(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 who is not an ~~low-~~income-qualified residential 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 ORS 759.005, within the preceding 24 months and owed an account balance that was not paid in full when service was terminated. This subsection 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¶
(c) The applicant or customer was previously terminated for theft of service by any Oregon utility as defined in ORS 757.005 or ORS 759.005, was found to have tampered with the meter or other utility facilities, or was otherwise found to have diverted utility service.¶
(3) In lieu of paying a deposit, an applicant or customer may:¶
(a) Provide the energy or large telecommunications utility a written surety agreement from a responsible party to secure payment in an amount equal to two months' average usage, which may be transferred to the responsible party's account as established in OAR 860-021-0334. For purposes of section (3) of this rule, a responsible party is a customer of 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. 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, OL 1987, Ch. 290
Statutes/Other Implemented: ORS 756.040, OL 1987, Ch. 290, ORS 757.230

AMEND: 860-021-0205

RULE SUMMARY: This rule change updates rule language from "low income" to "income-qualified."

CHANGES TO RULE:

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

(1) 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 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 an ~~low-~~income-qualified residential customer to pay a deposit.¶
(2) When an installment payment or a deposit is made with a payment for energy utility service, the amount paid shall first be applied toward payment of the amount due for deposit.¶
(3) When the energy utility requires the customer or applicant to pay an additional deposit, the customer shall pay one-third of the total deposit, or at least $30, whichever is greater, within five days. The remainder of the deposit is due under the terms of section (1) of this rule. If the customer has an existing deposit installment agreement, the remaining installment payments will be adjusted to include the additional deposit; however, two installment payments cannot be required within the same billing 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 that 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, OL 1987, Ch. 290
Statutes/Other Implemented: ORS 756.040, OL 1987, Ch. 290

AMEND: 860-021-0215

RULE SUMMARY: This rule change updates language from "low income" to "income-qualified."

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 an ~~low-~~income-qualified residential customer must apply or return the deposit as outlined in this section. For an ~~low-~~income-qualified 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 an ~~low-~~income-qualified residential customer's account. If there are any remaining funds, the funds will be applied to the customer's account or returned by electronic payment or check mailed to the last-known address.¶
(b) If an ~~low-~~income-qualified residential customer account is current, the deposit will be applied to a customer's account or returned by electronic payment or check mailed to the last-known address.¶
(c) For an ~~low-~~income-qualified residential customer that pays the deposit in installments as set forth in OAR 860-021-0205, 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, OL 1987, Ch. 290
Statutes/Other Implemented: ORS 756.040, OL 1987, Ch. 290

AMEND: 860-021-0305

RULE SUMMARY: This rule change is housekeeping.

CHANGES TO RULE:

860-021-0305
Grounds for Disconnecting Utility Service ¶

~~(1)~~ Utility service may be disconnected by an energy utility or large telecommunications utility:¶
(~~a~~1) When the applicant or customer fails to pay a deposit or make payments in accordance with the terms of a deposit payment arrangement;¶
(~~b~~2) When the applicant or customer provides false identification to establish service, continue service, or verify identity;¶
(~~c~~3) When the customer fails to pay Oregon tariffed or price-listed charges due for services rendered;¶
(~~d~~4) When the customer fails to abide by the terms of a time-payment agreement;¶
(e5) 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;¶
(~~f~~6) When the customer does not cooperate in providing access to the meter;¶
(~~g~~7) When facilities provided are unsafe or do not comply with state and municipal codes governing service or the utility's rules and regulations;¶
(~~h~~8) When there is evidence of meter-tampering, diverting service, or other theft of service;¶
(~~i~~9) When dangerous or emergency conditions exist at the service premises under OAR 860-021-0315;¶
(~~j~~10) When a customer fails to disclose reasonably accurate customer load information which results in damage to utility equipment; or¶
(~~k~~11) When the Commission approves the disconnection of service.¶
(12) An energy utility must make best efforts to perform service disconnections for nonpayment between the hours of 8:00 am and 2:00 pm to facilitate responsive, same-day reconnection of service.
Statutory/Other Authority: ORS 183, ORS 756, ORS 757, ORS 759, OL 1987, Ch. 290
Statutes/Other Implemented: ORS 756.040, ORS 757.035, ORS 757.225, ORS 757.760

AMEND: 860-021-0328

RULE SUMMARY: This rule change updates language from "low income" to "income-qualified."

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 an ~~low-~~income-qualified 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

AMEND: 860-021-0330

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

CHANGES TO RULE:

860-021-0330
Reconnection Fee for Utility Service ¶

(1) When a utility service is disconnected pursuant to OAR 860-021-0305, the energy or large telecommunications utility may charge the reconnection fee in its tariff, except ~~as provided below~~when:¶
(~~1~~a) ~~For electric utilities that have the ability to perform~~The utility is able to remotely reconnect~~ion, the electric utility may not assess a reconnection fee for low-incom~~ the residential customer's service;¶
(b) The residential customer participates in the utility's income-qualified bill discount program; or¶
(c) The residential customer~~s 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~~ has on file with the utility a medical certificate pursuant to OAR 860-021-0410.¶
(2) Subsections (1)(a), (b), and (c) above do not apply to After Hours Reconnect as described in OAR 860-021-0328(7)(b).¶
(3) An energy utility may not require residential customers to pay any outstanding balance or reconnection ~~in a calendar year.¶~~
~~(3) For natural gas utilities, the natural gas utility may not assess a~~fee as a prerequisite for a reconnection pursuant to OAR 860-021-0406(4) and OAR 860-021-0407 sections (15) and (16). The utility must restore service upon request. Any outstanding balance, reconnection fee, for ~~a low-income residential customers 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)~~portion thereof remains the responsibility of the customer and may be included in subsequent bills until paid in full.
Statutory/Other Authority: ORS 183, ORS 756, ORS 757, ORS 759, ORS 756
Statutes/Other Implemented: ORS 756.040, ORS 757.225

AMEND: 860-021-0335

RULE SUMMARY: The rule changes update the circumstances when a utility may refuse to provide service to a customer or an applicant.

CHANGES TO RULE:

860-021-0335
Refusal of Utility Service ¶

(1) Except as provided in section (2) of this rule and OAR 860-021-0330, an energy utility may refuse to provide service to a customer or applicant until the utility receives full payment of any overdue amount of an Oregon tariffed or price-listed charge and any other like obligation related to an Oregon prior account.¶
(2) Except for a residential customer or applicant who was disconnected for theft of service, an energy utility shall provide service to a residential customer or applicant upon receiving payment equal to at least one-half of any overdue amount of an Oregon tariffed or price-listed charge and any other like obligation related to a prior account, except deposits which must be paid in full, provided the customer or applicant has made reasonable partial payment on the account during the time service has been discontinued. An energy utility may not require a deposit to be paid by an ~~low-~~income-qualified residential customer. The customer shall pay the balance of the amount owed to the energy utility within 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) ~~A~~Except as provided in OAR 860-021-0330, 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 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 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, OL 1987, Ch. 290
Statutes/Other Implemented: ORS 756.040, ORS 757.035, ORS 757.225, OL 1987, Ch. 290

AMEND: 860-021-0406

RULE SUMMARY: This rule amendment updates protections for customers during and after wildfire evacuations.

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 efforts to put into effect a moratorium on the disconnection of ~~residential and commerc~~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) An energy utility shall make best efforts to put into effect a moratorium on the disconnection of residential service for nonpayment on any day of a level 2 or 3 evacuation order and the two days after a level 2 or 3 evacuation order has been lifted.¶
(~~3~~4) Upon request from a customer who has been disconnected for non-payment within the previous ~~72 hour~~seven calendar days of a wildfire evacuation, after the evacuation order has been lifted, an energy utility shall make best efforts to reconnect the customer.¶
(~~4~~5) An energy utility shall make best efforts to have information available on its website concerning wildfire displacement protections; 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: The rule changes update 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 (10) of this rule, an energy~~An energy utility must put into effect a moratorium on the disconnection of residential service for nonpayment during the 24 hours before, day of, and 24 hours after any day on which a severe on-season cold event is forecast.¶
(2) An energy utility shall impose a moratorium on disconnection of residential service for nonpayment beginning the day of a severe off-season cold event and continuing through 8:00 a.m. the following day.¶
(3) An electric utility must put into effect a moratorium on the disconnection of residential service for nonpayment ~~from November through March on any day a temperature of less than 32 degrees Fahrenheit is forecasted by the applicable weather reporting service or a winter storm warning indicating weather conditions pose a threat to life or property is issued by the applicable~~during a qualifying extreme heat condition, and any moratorium activated under this section shall remain in effect until 24 hours after the expiration of the condition. For purposes of this rule, a qualifying heat condition exists:¶
(a) For residential customers: within 24 hours prior to the effective time of a forecasted severe heat event issued by an authorized local, state, or national weather reporting service;¶
(b) For income-qualified residential customers and medical certificate customers: within 48 hours prior to the effective time of a forecasted severe heat event issued by an authorized local, state, or national weather reporting service.~~:~~¶
(~~2~~c) ~~A~~When an ~~e~~a~~lectric utility must put into effect a moratorium on the disconnection of residential service~~rt or notice of a severe heat event issued fewer than 24 hours prior to the forecasted event, in which case the utility shall make best efforts to immediately suspend disconnections for nonpayment upon ~~any day a local Heat Advisory is issued by the applicable weather reporting service~~the posting of the alert or notice; or¶
(d) When a severe heat event is in effect, regardless of whether advance notice was issued.¶
(~~3~~4) An energy utility must put into effect a moratorium on the disconnection of residential and small commercial service for nonpayment when ~~th~~severe ~~A~~air ~~Q~~quality ~~Index is~~ event conditions are present.¶
(5) Any mor~~at-or above 100 as issued~~ium activated by an electric utility as a result of section (4) ~~on~~f th~~e website AirNow.gov or a similar air quality reporting service that may be designated by the utility~~is rule must remain in effect for at least 24 hours after the severe air quality event.¶
(6) Electric utilities may not disconnect income-qualified residential customers or medical certificate accounts in the first 24 hours after a severe weather-related moratorium implemented under section (1), (2), (3), or (4) of this rule has ended.¶
(7) Natural gas utilities may not disconnect income-qualified residential customers or medical certificate accounts in the first 24 hours after a severe weather-related moratorium implemented under section (1) or (2) of this rule has ended.¶
(~~4~~8) ~~Any moratorium activa~~Upon request from a residential customer, an electric utility shall not disconnect the customer in the first 24 hours afte~~d~~r a~~s a result of~~ severe weather-related moratorium implemented under section (1), (2), (3), or (~~3~~4) of this rule ~~must remain in effect at least through the start of the next business day~~has ended.¶
(9) Upon request from a residential customer, a natural gas utility shall not disconnect the customer in the first 24 hours after a severe weather-related moratorium implemented under section (1) or (2) of this rule has ended.¶
(~~5~~10) For purposes of sections (1), (2), and (~~2~~3) of this rule, an energy utility must base the need for a moratorium on data available from the National Weather Service or another weather reporting service that may be designated by the utility.¶
(~~6~~11) An energy utility need only apply a moratorium to the geographic area that meets the conditions in sections (1)~~ to (3) of this rule.¶~~
~~(7) T~~, (2), (3), and (4) of this rule.¶
(12) Except as may be necessary to determine the status of an air quality advisory issued by the Oregon Department of Environmental Quality, the energy utility must obtain the required forecast data no later than 8:00 a.m. each business day.¶
(~~8~~13) Each energy utility must notify the Commission's Consumer Services Section which weather reporting service and air quality service it will utilize in each geographic area served by the utility in complying with the requirements of this rule; and the energy utility must notify the Commission's Consumer Services Section upon choosing a different weather reporting service.¶

(~~9~~14) Upon request from a small commercial customer ~~who~~that has been disconnected for nonpayment within the previous 72 hours of an air quality condition outlined in section (4) 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 small commercial service reconnection.¶
(15) For electric utilities, upon request from a residential customer who has been disconnected fro nonpayment within the previous seven calendar days of a severe weather ~~or air quality~~ condition outlined in sections (1), (2), (3), and (~~3~~4) of this rule, ~~an energy~~the electric utility must make best efforts to reconnect service. The ~~energy~~lectric utility may apply reconnection fees authorized in OAR 860-021-0330 ~~to any reconnection~~except where the customer qualifies for a waiver.¶
(16) For natural gas utilities, upon request from a residential customer who has been disconnected for nonpayment within the previous seven calendar days of a severe weather condition outlined in sections (1) and (2) of this rule, the utility must make best efforts to reconnect service. The utility may apply reconnection fees authorized in OAR 860-021-0330 except where the customer qualifies for a waiver.¶
(1~~0~~7) 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: The rule changes update "low income" to "income-qualified" and corrects typographical errors.

CHANGES TO RULE:

860-021-0408
Arrearage and Disconnection Reporting Rule
(1) As used in this rule:¶
(a) "Administrative costs" means all incremental expenses related to the management and operation of the bill discount program. This includes, but is not limited to, incremental costs for program design, staff salaries, data processing, customer outreach, eligibility verification, compliance, reporting, and any other overhead or indirect costs necessary to administer the program. ¶
(b) "Applied credits" means the aggregate dollar value of discounts applied to the utility bills of residential customers that participate in the utility's bill discount program.¶
(c) "Arrearage balance" means any amount of money that a customer owes to the utility company for services provided which remain unpaid past the bill issuance date.¶
(d) "Average bill discount program participant usage" means the average monthly usage of residential customers enrolled in a utility-administered bill discount program. ¶
(e) "Average bill of high-usage customer" means the average monthly dollar amount the utility billed all high-usage customers.¶
(f) "Average residential bill" means the average monthly bill for residential utility services within a utility's Oregon service territory. ¶
(g) "Average residential usage" means the average monthly amount of energy billed per residential meter within a utility's Oregon service territory.¶
(h) "Average usage of high-usage customers" means the average monthly energy consumption of all customers classified as high usage.¶
(i) "Days in Arrears" means the number of days from the original bill issuance date a customer's arrearage balance remains unpaid. Days in arrears are divided into three categories:¶
(A) "31-69 days in arrears" means a customer's arrearage balance has been unpaid for a period of between 31 and 60 days from the original bill issuance date.¶
(B) "61-90 days in arrears" means a customer's arrearage balance has been unpaid for a period of between 61 and 90 days from the original bill issuance date. ¶
(C) "91+ days in arrears" means a customer's arrearage balance has been unpaid for a period greater than 90 days from the original bill issuance date. ¶
(j) "Disconnection notice" means any written or electronic notification issued by a utility to a customer in accordance with OAR 860-021-0405.¶
(k) "Disenrollments" means active residential customer who were enrolled in a utility's bill discount program as of the previous reporting period but are no longer participating as of the current reporting period. This includes customers who were removed from the program due to ineligibility or non-compliance. ¶
(l) "Energy assistance recipient" means a residential customer who has received bill payment assistance with an energy bill from any federal, state, customer-funded bill payment assistance fund or program at least once within the past 12 months.¶
(m) "High-usage customer" means a residential customer participating in a utility-administered bill discount program whose energy consumption places them in the 90th percentile or above of all other bill discount program participants within the utility's service area.¶
(n) "New enrollments" means residential customer enrolled in a utility's bill discount program for the first time within the current calendar year.¶
(o) "Post-discount average bill discount program participant bill" means the average monthly utility bill amount for bill discount program participants after the application of their respective bill discount. ¶
(p) "Pre-discount average bill discount program participant bill" means the average monthly utility bill amount for bill discount program participants before the application of any bill discounts. ¶
(q) "Residential customer" means any individual or household that receives utility services for personal, non-commercial use. This includes all customers being served on a utility's residential service tariff.¶
(r) "Service disconnection for non-payment" means instances where utility service to a residential account was terminated due the customer's failure to pay their utility bill.¶
(s) "Total arrears balance of bill discount program participants" means the total dollar amount of outstanding balances owed by residential customers enrolled in a utility-administered bill discount program on their utility bills. ¶
(t) "Total arrears balance of high-usage customers" means the cumulative dollar amount of overdue balances of all

high-usage customers in arrears during the reporting period.¶
(u) "Total bill discount program costs" means the total expenditure incurred by a utility in administering its bill discount program for ~~low-~~income-qualified residential customers. ¶
(v) "Total dollars provided to bill discount program participants" means the aggregate dollar value of discounts applied to the utility bills of residential customer who participate in the utility's bill discount program.¶
(w) "Total residential arrearage balances" means the total dollar amount of outstanding balances owed by residential customers on their utility bills.¶
(x) "Total residential usage" means the total amount of energy billed for all residential customers within a utility's Oregon service territory.¶
(2) Each energy utility must submit electronic quarterly report containing the data described in section (4) of this rule. Electronic reports must be submitted in text-searchable Excel and PDF formats. Utilities shall include zip-code level data within the accompanying Excel files. ¶
(a) For quarterly reporting purposes, the following four time periods apply: January 1 to March 31, April 1 to June 30, July 1 to September 30, and October 1 to December 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 Commission Staff.¶
(c) The energy utility must file a quarterly report as required under this rule within 45 days of the end of each reporting period.¶
(3) If errors or omissions are discovered after a report has been submitted, utilities must submit a revised report within 30 days of identifying the discrepancy.¶
(4) The quarterly report must provide the following data points for each month within the quarter on an Oregon basis:¶
(a) Total number of residential customers with arrearage balances segmented into three groups: 31-60 days in arrears, 61-90 days in arrears, and 91+days in arrears. Each residential customer should only be counted in one group, based on their oldest arrearage balance; ¶
(b) Total residential arrearage balances segmented into three groups: 31-60 days in arrears, 61-90 days in arrears, and 91+ days in arrears;¶
(c) Total number of customers enrolled in Time Payment Arrangements (TPA) or other extended payment plans. This includes all residential customer who are actively enrolled in a TPA or any other extended payment plan offered by the utility as of the reporting period;¶
(d) Number of active residential accounts;¶
(e) Number of service disconnections for non-payment; ¶
(f) Total number of disconnection notices sent to residential customers; ¶
(g) Percentage of accounts with service disconnections for non-payment. This includes the proportion of active residential accounts that experienced a service disconnection for non-payment during the reporting period. This percentage id determined by dividing the total number of service disconnections for non-payment by the total number of active residential accounts and multiplying by 100; ¶
(h) Total number of bill discount recipient service disconnections for non-payment; ¶
(i) Total number of service disconnections for non-payment on energy assistance recipient accounts; ¶
(j) Total number of service disconnections for non-payment on medical certificate holder accounts;¶
(k) Number of service reconnections following a disconnection for non-payment on the same day or next calendar day following disconnection (Days 0-1), and;¶
(l) 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); ¶
(m) 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 (Severe Weather Moratorium on Involuntary Disconnection of Residential Electric or Gas Utility Service); ¶
(n) Total residential usage during the reporting period;¶
(o) Average residential usage during the reporting period. This data point should be calculated by dividing the total residential usage by the total number of residential customers billed during the same reporting period;¶
(p) Average residential bill during the reporting period. This data point should be calculated by dividing the total amount billed to all residential customers by the total number of residential customers billed during the same reporting period.¶
(q) Total number of residential customers that received a bill discount, by discount tier;¶
(r) Total dollars provided to bill discount program participants, by discount tier;¶
(s) Total bill discount program costs divided into two distinct categories: incremental administrative costs and applied credits;¶
(t) Total number of new enrollments;¶
(u) Total number of disenrollments;¶

(v) Average bill discount program participant usage categorized by bill discount tier; ¶
(w) Pre-discount average bill discount program participant bill, categorized by bill discount by tier;¶
(x) Post-discount average bill discount program participant bill, categorized by bill discount by tier;¶
(y) The number of bill discount program participants with an arrearage balance segmented into three groups based on the age of the arrearage: 31-60 days in arrears, 61-90 days in arrears, and 91+ days in arrears. Each program participant should only be counted in one group, based on their oldest arrearage balance, and¶
(z) Total arrears balance of bill discount program participants segmented into three groups: 31-60 days in arrears, 61-90 days in arrears, and 91+ days in arrears.¶
(5) For annual reporting purposes, the following time period applies: January 1 to December 31.¶
(6) The energy utility must file an annual report as required under this rule within 60 days of the end of each reporting period.¶
(7) Each utility, in addition to the quarterly reporting requirements, shall submit an annual supplement report which provides the following information for each month within the year:¶
(a) The number of high-usage customers;¶
(b) Average usage of high-usage customers; ¶
(c) Average bill of high-usage customers; ¶
(d) Number of high-usage customers with an arrearage balance at the end of each month, segmented into three groups: 31-60 days in arrears, 61-90 days in arrears, and 91+ days in arrears. Each residential customer should only be counted in one group, based on their oldest arrearage balance;¶
(e) Total arrears balance of high-usage customers at the end of each month, segmented into three groups: 31-60 days in arrears, 61-90 days in arrears, and 91+ days in arrears; and¶
(f) Total number of high-usage customers who experienced a service disconnection for non-payment.¶
(8) Each utility must provide the information in section (4), subsections (a) - (m), (o) - (r), and (t) - (x) by zip code.¶
(9) The Commission will review the reporting metrics outlined in this rule every two years. In doing so, the Commission may engage stakeholders to ensure the relevance of data for addressing energy burden.
Statutory/Other Authority: ORS 756.060
Statutes/Other Implemented: ORS 756.040

AMEND: 860-021-0410

RULE SUMMARY: The rule changes update certain timeframes related to medical certificates.

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 or self-certifies that disconnection would significantly endanger the physical health of the customer or a member of the customer's household. For the 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) Any oral certification by a qualified medical professional and any residential customer's initial self-certification to the utility must be confirmed in writing within ~~3~~60 days by 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 twe~~lve~~nty-four 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 20 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, OL 1987, Ch. 290
Statutes/Other Implemented: ORS 756.040, ORS 757.750, ORS 757.755, ORS 757.760

AMEND: 860-021-0420

RULE SUMMARY: This rule change updates "low income" to "income-qualified."

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 field visit charge within a 12-month window to ~~low-~~income-qualified residential customers.
Statutory/Other Authority: ORS 183, ORS 756, ORS 757
Statutes/Other Implemented: ORS 756.040, ORS 757.225

ADOPT: 860-021-0515

RULE SUMMARY: This new rule proposes that energy utilities must establish and operate an Arrearage or Bill Relief program.

CHANGES TO RULE:

860-021-0515
Residential Customer Arrearage and Bill Relief Program
Energy utilities must establish and operate a Commission approved Arrearage or Bill Relief program for residential customers enrolled in the utility's income-qualified bill discount program earning 0-15 percent of the Oregon State Median Income (SMI).
Statutory/Other Authority: ORS 183, ORS 756.040, ORS 756.060, ORS 757.035, ORS 757
Statutes/Other Implemented: ORS 757.035, ORS 757.230

ADOPT: 860-021-0520

RULE SUMMARY: This new rule sets forth the notification requirements of energy utilities regarding enhanced protections for residential customers.

CHANGES TO RULE:

860-021-0520
Energy Utility Notification of Enhanced Protections
(1) Electric utilities must provide information to residential customers of disconnection protections and of reconnection request and waiver options. The notice must be included in a monthly bill insert or in other materials distributed to all residential customers. At a minimum, such notice must be provided in May and October of each year.¶
(2) Natural gas utilities must provide notice to residential customers of disconnection protections and of reconnection request and waiver options. The notice must be included in a monthly bill insert or in other materials distributed to all residential customers. At a minimum, such notice most be provided in October of each year. ¶
(3) Energy utilities must:¶
(a) Notify partnering community action agencies of available residential customer protections for qualifying customers and provide digital or paper reference materials to assist with outreach efforts. Such notice must be provided at least once annually.¶
(b) Include accessible, up-to-date information on their websites regarding the availability and terms of disconnection protections and other related programs.¶
(c) Train its customer service representatives on all existing disconnection protections.
Statutory/Other Authority: ORS 183, ORS 756.040, ORS 756.060, ORS 757.035
Statutes/Other Implemented: ORS 757.035, ORS 757.230, ORS 757.695