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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

PUC 9-2024

CHAPTER 860

PUBLIC UTILITY COMMISSION

FILED

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ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Division 21 Temporary Rules and Amendments Related to Protections Against Disconnection

EFFECTIVE DATE: 12/18/2024 THROUGH 05/18/2025

AGENCY APPROVED DATE: 12/18/2024

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NEED FOR THE RULE(S):

The rules are needed to provide greater protections for utility customers in order to mitigate human harms caused by colder winter temperatures.

JUSTIFICATION OF TEMPORARY FILING:

(1) Increases in both arrears and disconnections in response to both seasonal usage spikes and immediately following a rate increase have occurred. It is widely known and evidenced that the health and financial consequence of an energy shut off can be significant. Research has shown energy insecurity is linked to poor respiratory health, poor sleep, food insecurity, and adverse mental health outcomes. The economic impacts of a customer's inability to pay and resulting disconnection can also lead to evictions, foreclosures, low credit scores, the inability to establish future service accounts, and children being removed from their parent's care. Further, exposure to extreme heat or extreme cold, coupled with an underlying vulnerability such as health conditions, age, or poor housing stock can lead to substantial numbers of deaths during extreme weather. (2) Customers of regulated energy utilities who are unable to pay their utility bill and would otherwise be subject to disconnection would suffer the consequences if this action is not taken. (3) The winter heating season has already commenced, so immediate action is needed to mitigate the described harms above. (4) It is imperative that temporary rules be adopted by the Commission in order to minimize exposure to the most unsafe disconnections and mitigate the cascading effects of energy insecurity on vulnerable households.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

11/27/24 Commission Memorandum: <https://edocs.puc.state.or.us/efdocs/HDB/um2211hdb333272024.pdf>

12/12/24 Staff Report and Recommendations: <https://edocs.puc.state.or.us/efdocs/HAU/ar667hau333510024.pdf>

Regulated utility disconnection quarterly reports:

<https://apps.puc.state.or.us/edockets/DocketNoLayout.asp?DocketID=21694>

PacifiCorp's disconnection reports in its most recent rate case:

<https://edocs.puc.state.or.us/efdocs/HDB/um2211hdb333272024.pdf>

Portland General Electric's disconnection reports in its most recent rate case:

RULES:

860-021-0330, 860-021-0407, 860-021-0630, 860-021-0640, 860-021-0650

AMEND: 860-021-0330

RULE SUMMARY: The temporary amendment for rule section (4) prohibits a reconnection charge for residential customers enrolled in the lowest tier of the utility's income-qualified bill discount program prior to disconnection.

CHANGES TO RULE:

860-021-0330

Reconnection Fee for Utility Service ¶¶

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

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

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

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

(4) Energy utilities must not impose any reconnection charge for residential accounts following disconnection for non-payment provided the customer was enrolled in the lowest tier of the utility's income-qualified bill discount program prior to disconnection.¶¶

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

Statutory/Other Authority: ORS 183, ORS 756.040, ORS 756.060, ORS 757.035, ORS 759

Statutes/Other Implemented: ORS 756.0435, ORS 757.230, ORS 757.22695

AMEND: 860-021-0407

RULE SUMMARY: Adding a temporary rule section directing an electric utility to implement a date-based moratorium for customers meeting certain criteria.

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 (101) of this rule, an energy utility must put into effect a moratorium on the disconnection of residential service for nonpayment from November through March during the 24 hours preceding and on any day a temperature of less than 32 degrees Fahrenheit is forecasted by the applicable weather reporting service or a winter storm warning indicating weather conditions pose a threat to life or property is issued by the applicable weather reporting service.¶¶

(2) Except as set forth in section (11) of this rule, an electric utility must implement a date-based moratorium prohibiting the disconnection of service from the effective date of this rule through March 31 for households with a customer who: ¶¶

(a) Is enrolled in the utility's income-qualified bill discount program; or¶¶

(b) Is a medical certificate holder under OAR 860-021-0410.¶¶

(3) An electric utility must put into effect a moratorium on the disconnection of residential service for nonpayment on any day a local Heat Advisory is issued by the applicable weather reporting service.¶¶

(34) An energy utility must put into effect a moratorium on the disconnection of residential and small commercial service for nonpayment when the Air Quality Index is at or above 100 as issued on the website AirNow.gov or a similar air quality reporting service that may be designated by the utility.¶¶

(45) Any moratorium activated as a result of section (1), (23), or (34) of this rule must remain in effect at least through the start of the next business day.¶¶

(56) For purposes of sections (1) and (23) 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.¶¶

(67) An energy utility need only apply a moratorium to the geographic area that meets the conditions in sections (1) ~~to (3, (3) and (4)~~ of this rule.¶¶

(78) The energy utility must obtain the required forecast data no later than 8:00 a.m. each business day.¶¶

(89) 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.¶¶

(910) 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), (23), and (34) 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.¶¶

(101) ~~The temperature threshold specified in section~~ Sections (1) and (12) of this rule does not apply if an energy utility offers a Commission-approved winter protection program.

Statutory/Other Authority: ORS 756.060, ORS 756.183, ORS 756.040, ORS 756.060, ORS 757.035

Statutes/Other Implemented: ORS 756.7.040, ORS 757.230, ORS 757.695

ADOPT: 860-021-0630

RULE SUMMARY: This temporary rule provides a one-time arrearage forgiveness for the duration of the temporary rule period.

CHANGES TO RULE:

860-021-0630

Arrearage Forgiveness Grant

(1) Electric utilities must offer a one-time arrearage forgiveness grant of up to \$1,000.00 to households with incomes at or below five percent of the Oregon state median income. ¶

(2) Section (1) of this rule does not apply to electric utilities that offer a Commission-approved winter protection program.

Statutory/Other Authority: ORS 183, ORS 756, ORS 757, ORS 757.035

Statutes/Other Implemented: ORS 757.035, ORS 757.230, ORS 757.695

ADOPT: 860-021-0640

RULE SUMMARY: This temporary rule extends winter protection program eligibility to income-qualified customers for the duration of the temporary rule period.

CHANGES TO RULE:

860-021-0640

Winter Protection Programs

An energy utility that offers a Commission-approved winter protection program must extend eligibility to include customers enrolled in its income-qualified bill discount program.

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

ADOPT: 860-021-0650

RULE SUMMARY: This temporary rule provides requirements for customer notification of enhanced protections for the duration of the temporary rule period.

CHANGES TO RULE:

860-021-0650

Energy Utility Notification of Enhanced Protections

(1) Energy utilities must notify customers of the availability and terms of applicable enhanced protections and programs under the following circumstances: ¶

(a) Upon customer enrollment in the utility's income-qualified bill discount program. ¶

(b) When the customer contacts the utility regarding bill pay assistance. ¶

(c) Upon issuance of a disconnection notice for non-payment. ¶

(d) Within 24 hours of a customer being disconnected for nonpayment. ¶

(e) Upon a customer's request for reconnection following a disconnection for nonpayment. ¶

(2) Energy utilities must: ¶

(a) Notify partnering community action agencies of available protections for qualifying customers and provide digital or paper reference materials to assist with outreach efforts. ¶

(b) Include accessible, up-to-date information on their websites regarding the availability and terms of disconnection protections and other related programs. ¶

(c) Train its customer service representatives to offer and discuss applicable programs and provide accurate information on eligibility and enrollment procedures. ¶

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

Statutory/Other Authority: ORS 183, ORS 756.040, ORS 756.060, ORS 757.035

Statutes/Other Implemented: ORS 757.035, ORS 757.230, ORS 757.695