



Oregon
Thendore R. Kitagaski, Governor



Housing and Community Services

North Mall Office Building
725 Summer Street NE, Suite B
Salem, OR 97301-1266
(503) 986-2000
FAX (503) 986-2020
TTY (503) 986-2100
www.ohcs.oregon.gov



November 4, 2008

Honorable Lisa D. Hardie, Administrative Law Judge
Oregon Public Utility Commission
550 Capitol Street NE, Suite
P.O. Box 2148
Salem, Oregon 97308-2148

RE: Docket AR 529 – In the Matter of Amendments to OARs 860-021-0305, 860-021-0505, 860-034-0180, and 860-034-0260

Dear Judge Hardie,

The following comments in the above referenced matter are submitted on behalf of the Department of Oregon Housing and Community Services. OHCS is Oregon's housing finance agency, providing financial and program support to create and preserve opportunities for quality, affordable housing for Oregonians of lower and moderate income. We also administer federal and state antipoverty, homeless and community service grants--including both the Federal LIHEAP and ratepayer funded Oregon Energy Assistance programs.

Our department recognizes the need to confirm identification when establishing credit for potential utility customers. Subsequently, we also acknowledge the right to discontinue service for customers who falsely represent themselves at the time of application.

However, Oregon Housing and Community Services concludes that the amendments proposed in Docket AR 529 could have significant public health and safety impacts which have not been sufficiently assessed. Additionally, the language in the proposed rulemaking does not address enforcement, which has the potential to disproportionately impact low income customers and the providers (including OHCS and Community Action Agencies) who serve them.

Recommendation One: *The Department of Oregon Housing and Community Services recommends that the Oregon Public Utilities Commission conduct further analyses of the potential public health and safety impacts associated with proposed amendments in Docket AR 529.*

The Need and Fiscal Impacts Statement filed in conjunction with this rulemaking indicates that “*the impact on the public will be that individuals who have used false ID to establish service will be subject to disconnection of their utility service.*” However, the projected impacts do not account for individuals who cannot produce the identification necessary to re-establish utility service within the proposed five day grace period. This is a particularly salient issue for low-income households who are less likely to have state issued photo identification, nor the resources and additional documentation necessary to attain such identification in an expedited manner.

Additionally, individuals wishing to resume utility service with their real identity may have large arrearages associated with old accounts--potentially keeping them from re-establishing credit. Without provisions in place for these customers, the proposed amendments could place low-income families in a “double jeopardy” of sorts. Individuals wishing to update an account are faced with a choice between disconnection due to fraud or disconnection due to their inability to pay down old debt.

The public health and safety impacts of disconnection are well established. Up to 25% of families who lose their primary source of heating use unsafe methods to keep themselves warm--risking burns, carbon monoxide poisoning, and house fires. A short term lack of hot water, refrigeration and cooking capacity can result in lost wages for adults and missed school for children. Families without power, even temporarily, often face housing insecurity and eviction.

Although the Need and Fiscal Impacts Statement suggests that the public will face no economic liability as a result of this rulemaking, the immediate public health and safety needs of disconnected individuals will indeed be placed squarely upon the shoulders of fellow ratepayers, state agencies, local government, and community organizations. Therefore, OHCS recommends further assessment of the public health and safety impacts associated with the proposed rulemaking in Docket AR 529.

Recommendation Two: *The proposed amendments should include language which ensures fair and equal enforcement of rules among all utility customers.*

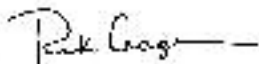
As the designated administrator of both the Federal LIHEAP and ratepayer funded Oregon Energy Assistance Programs, Oregon Housing and Community Services contends that the enforcement of amendments outlined within Docket AR 529 would disproportionately impact low-income Oregonians.

The Need and Fiscal Impacts Statement accompanying the rulemaking indicates no economic impact for utilities associated with enforcement of the proposed amendments. Therefore, it can be assumed that investor owned utilities will not bear the fiscal burden of pro-actively authenticating the identity of everyone within their existing customer base. Rather, one could presume that identity will be verified only in cases which demand additional utility-customer interaction; namely accounts requiring debt management or collection. Enforcement through this method inherently targets low income customers, who experience higher incidence of payment problems and arrearages.

Therefore, OHCS recommends inclusion of language which prevents low-income consumers from bearing the disproportionate impacts of isolated enforcement associated with the proposed rulemaking in Docket AR 529.

The Department of Oregon Housing and Community Services appreciates this opportunity to file written comment on the draft amendment rules. If you have any questions concerning this filing--please contact Melissa Torgerson, State LIHEAP Coordinator, at 503-986-2094 or melissa.torgerson@state.or.us.

Sincerely,



Rick Crager
Deputy Director

cc: AR 529 Service List