

Secretary of State

NOTICE OF PROPOSED RULEMAKING HEARING*

A Statement of Need and Fiscal Impact accompanies this form.

Public Utility Commission	860
Agency and Division	Administrative Rules Chapter Number
Diane Davis	(503) 378-4372
Rules Coordinator	Telephone
550 Capitol Street NE - Suite 215, Salem, Oregon 97301	
Address	

RULE CAPTION

In the Matter of Amendments to OARs 860-021-0305, 860-021-0405, 860-021-0505, 860-034-0180, and 860-034-0260.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

Hearing Date (m/d/yyyy)	Time	Location	Hearings Officer
1 10/28/2008	9:30 a.m.	550 Capitol Street NE, Main Hearing Room, Salem, Oregon	Lisa D. Hardie
2			
3			
4			

Auxiliary aids for persons with disabilities are available upon advance request

RULEMAKING ACTION

ADOPT:

Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

AMEND:

860-021-0305, 860-021-0405, 860-021-0505, 860-034-0180, and 860-034-0260

REPEAL:

Renumber: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

Amend and Renumber: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

Statutory Authority: ORS

Ch. 183, 756, 757, 759 and Ch. 290 OL 1987

Other Authority:

Statutes Implemented: ORS

756.040, 757.035, 757.225, 757.750, 757.755, 757.760, 759.045 & Ch. 290, OL 1987

Continued on next page

Secretary of State

Continuation of ... NOTICE OF PROPOSED RULEMAKING HEARING***RULE SUMMARY**

For energy and large telecommunications utilities, OAR 860-021-0305 (1)(b) states that service may be disconnected for “failure to establish credit” by “providing false ID or verification of identity”. The problem with this language is that the provision allowing credit to be established by providing ID was eliminated in Commission Order No. 03-550. Because credit cannot be established by providing ID, credit cannot be invalidated if false ID was used to establish service. The rule as currently written cannot be used as grounds for disconnection. The proposed amendment of OAR 860-021-0305 reconstructs the rule to state clearly that the utility has the right to disconnect service if false ID was used to establish service, continue service or validate identity. For small telecommunications utilities, OAR 860-034-0180 contains the same language and will be similarly reconstructed. Other changes to these rules reorganize information in these rules to make them easier to use but do not further change the substance of the rules.

Proposed changes to 860-021-0505 (Commercial energy and large telecommunications utilities) are similarly designed to reorganize the existing rule to be easier to use, with one exception. That exception is that the notice of disconnection must be provided to the customer five “business” days prior to disconnect rather than the non-descriptive five “days” as this rule now states. This change is consistent with 860-021-0405 (Residential energy) that specifies five business days notice. The same change is also proposed for 860-034-0260 for the small telecommunications utilities.

The Commission encourages participants to file written comments as early as practicable in the proceeding so that other participants have the opportunity to consider and respond to the comments before the deadline. Please reference Docket No. AR 529 on comments and file them by email to the Commission’s Filing Center at PUC.FilingCenter@state.or.us and also send a signed hard copy to the Filing Center at PO Box 2148, Salem, Oregon 97301. For more information about the Commission’s Filing Center, please see <http://apps.puc.state.or.us/edockets/center.htm>.

Participants wishing to monitor the hearing by telephone (listen only) must contact Diane Davis at diane.davis@state.or.us or (503) 378-4372 by close of business October 23, 2008, to request a dial -in number. To present oral comment at the hearing, participants must attend in person.

ORS 183.335(2)(b)(G) 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.

11/04/2008	5:00 pm	Diane Davis	diane.davis@state.or.us	09/12/2008
Last Day (m/d/yyyy) and Time for Public Comment		Printed Name	Email Address	Date Filed
Please enter date as m/d/yyyy or mm/dd/yyyy				

*The *Oregon Bulletin* is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00pm on the preceding workday. ARC 920-2003

Secretary of State

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Public Utility Commission

860

Agency and Division

Administrative Rules Chapter Number

In the Matter of Amendments to OARs 860-021-0305, 860-021-0405, 860-021-0505, 860-034-0180, and 860-034-0260.

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

Amendments to OARs 860-021-0305, 860-021-0405, 860-021-0505, 860-034-0180, and 860-034-0260.

Statutory Authority: ORS

Ch. 183, 756, 757, 759 and Ch. 290 OL 1987

Other Authority:

Stats. Implemented: ORS

756.040, 757.035, 757.225, 757.750, 757.755, 757.760, 759.045 & Ch. 290, OL 1987

Need for the Rule(s):

The substantive proposed changes are necessary to clear up contradictions in the Administrative Rules and to clearly establish a utility's right to disconnect service when a customer has used false identification (ID) to establish service.

Documents Relied Upon, and where they are available:

- Oregon Administrative Rules, Chapter 860, Division 021 available online at http://arcweb.sos.state.or.us/rules/OARS_800/OAR_860/860_021.html
- Oregon Administrative Rules, Chapter 860, Division 034 available online at http://arcweb.sos.state.or.us/rules/OARS_800/OAR_860/860_034.html
- PUC Order 03-550 available online at <http://apps.puc.state.or.us/orders/2003ords/03-550.pdf>.

Continued on next page

Continuation of ... STATEMENT OF NEED AND FISCAL IMPACT**Fiscal and Economic Impact:**

All Division 021 and 034 utilities were contacted to find out if they would experience any fiscal or economic impact from the proposed rules changes. All utility respondents and the Oregon Telecommunications Association indicated that there would be no significant impacts.

Statement of Cost of Compliance:**1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):**

The proposed rule changes do not affect any state agencies or local governmental units. 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, thereby benefiting other customers by reducing the utilities' risk associated with ID fraud.

2. Cost of compliance effect on small business (ORS 183.336):**a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:**

Small telecommunications utilities are subject to Division 034 rules. There are approximately 16 such entities, some of which are small businesses.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

It is anticipated that the proposed changes will not cause any increase to current reporting, recordkeeping or other administrative activities required for compliance.

c. Equipment, supplies, labor and increased administration required for compliance:

It is anticipated that the proposed changes will not cause any increase to current equipment, supplies, labor, or administration required for compliance.

How were small businesses involved in the development of this rule?

All Division 034 telecommunications utilities (small telecommunications utilities) and the Oregon Telecommunications Association were involved in developing these rule changes by participating in rounds of comments and in a workshop.

Administrative Rule Advisory Committee consulted?:

Yes No

If not, why?:

Industry representatives and consumer advocacy representatives were invited to participate in a pre-rule-making workshop and provided comments.

11/04/2008 5:00 pm

Diane Davis

diane.davis@state.or.us

09/12/2008

Last Day (m/d/yyyy) and Time
for Public Comment

Printed Name

Email Address

Date Filed

Please enter date as m/d/yyyy or mm/dd/yyyy

860-021-0305

Grounds for Disconnecting Utility Service

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

- ~~(1) For~~ **When the applicant or customer fails to establish credit by:**
 - ~~(a) Failing to~~ pay a deposit or make payments in accordance with the terms of a deposit payment arrangement, ~~(OAR 860-02106); or~~
 - ~~(b)(2) When the applicant or customer provides~~ **ing false identification to establish service, continue service, or verification of identity.**
- (3) When the customer fails to pay Oregon tariff or price-listed charges due for services rendered.**
- (4) When the customer fails to abide by the terms of a time-payment agreement.**
- (5) When the customer requests the utility to disconnect service or close an account or when a co-customer fails to reapply for service within 20 days after a joint account is closed by the other co-customer, so long as the utility has provided a notice of pending disconnection.**
- ~~(26) When facilities provided are unsafe or do not comply with state and municipal codes governing service or the utility's rules and regulations (OAR 860-021-0335); or when the customer does not cooperate in providing access to the meter (OAR 860-021-0120).~~
- ~~(3) When a customer requests the utility to disconnect service or close an account (OAR 860-021-0310) or when a co-customer fails to reapply for service within 20 days after a joint account is closed by the other co-customer, so long as the utility has provided a notice of pending disconnection.~~
- (7) When facilities provided are unsafe or do not comply with state and municipal codes governing service or the utility's rules and regulations.**
- (8) When there is evidence of meter-tampering, diverting service, or other theft of service.**
- ~~(49) When dangerous or emergency conditions exist at the service premises under (OAR 860-021-0315).~~
- ~~(5) For failure to pay Oregon tariff or price-listed charges due for services rendered (OAR 860-021-0405 and OAR 860-021-0505); or by meter-tampering, diverting service, or other theft of service.~~
- ~~(6) For failure to abide by the terms of a time-payment agreement (OAR 860-021-0410(6), 860-021-0415(5), and OAR 860-021-0510).~~
- (710) When the Commission approves the disconnection of service.**

Stat. Auth.: ORS 183, ORS 756, ORS 757, ORS 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 756.040, ORS 757.035, ORS 757.225 & ORS 757.760

Hist.: PUC 6-1979, f. & ef. 10-6-79 (Order No. 79-680); PUC 5-1983, f. 5-31-83, ef. 6-1-83 (Order No. 83-284); Renumbered from 860-021-0075; PUC 8-1983, f. & ef. 8-15-83 (Order No. 83-502); PUC 3-1989, f. 2-6-89, cert. ef. 2-8-89 (Order No. 89-038); PUC 16-1990, f. 9-28-90, cert. ef. 10-1-90 (Order No. 90-1105); PUC 11-1995, f. & cert. ef. 11-27-95 (Order No. 95-1217); PUC 11-1998, f. & cert. ef. 5-7-98; PUC 16-2001, f. & cert. ef. 6-21-01

860-021-0405

Notice of Pending Disconnection of Residential Electric or Gas Utility Service

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

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

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

(2) The notice must be printed in boldface type and must state ~~in easy to understand language~~ **in language that is as clear and simple as possible:**

(a) The reason for the proposed disconnection;

~~(b) The amount to be paid to avoid disconnection;~~

~~(e) The earliest date for disconnection;~~

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

~~(e) An explanation of the medical certificate provisions of OAR 860-021-0410;~~

~~(f) The name and telephone number of the appropriate unit of the Department of Human Services or other agencies which may be able to provide financial aid; and~~

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

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

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

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

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

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

(3) **The energy utility must provide written notice to the customer** ~~At least 15 days before an energy utility may disconnecting a residential service except when the disconnection is made:~~

(a) At the request of the customer;

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

(c) For use of false identification to establish service, continue service or verify identity;

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

(e) For an emergency endangering life or property under OAR 860-021-0315.
~~customer for nonpayment for services rendered, the energy utility must provide~~

~~written notice to the customer. A 15-day notice is not required when disconnection is for failure to establish credit or theft of service.~~

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

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

(6) **The energy utility must provide written notice to the customer** ~~At least five business days before the proposed disconnection date, the energy utility must mail or deliver a written disconnection notice to the customer. residential service except when the disconnection is made:~~

(a) At the request of the customer;

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

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

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

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

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

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

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

~~(7) The energy utility must make a good-faith effort to personally contact the customer or an adult at the residence to be disconnected on the day the energy utility expects to disconnect service or, where the service address has remote disconnection capability installed, at least three (3) business days prior to the day the energy utility expects to disconnect service:~~

~~(a) If contact is made, either in person or via the telephone, the energy utility must advise the customer or an adult at the residence of the proposed disconnection; or~~

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

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

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

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

- (a) Notify the Department of Human Services and the Commission; and
- (b) Delay the proposed disconnection date for five additional business days.

(911) When the energy utility makes personal contact under this rule, the utility's representative making contact is empowered to accept reasonable partial payment of the overdue balance under the time-payment provisions of OAR 860-021-0415.

(1012) An energy utility must document its efforts to provide notice under this rule and make that documentation available to the customer and the Commission upon request.

Stat. Auth.: ORS 183, 756 & 757

Stats. Implemented: ORS 756.040 & 757.760

Hist.: PUC 6-1979, f. & ef. 10-6-79 (Order No. 79-680); PUC 5-1983, f. 5-31-83, ef. 6-1-83 (Order No. 83-284); Renumbered from 860-021-0085; PUC 16-1990, f. 9-28-90, cert. ef. 10-1-90 (Order No. 90-1105); PUC 11-1998, f. & cert. ef. 5-7-98; PUC 4-1999, f. & cert. ef. 8-12-99; PUC 16-2001, f. & cert. ef. 6-21-01; PUC 7-2005, f. & cert. ef. 11-30-05; PUC 4-2006, f. & cert. ef. 2-27-06

860-021-0505

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

(1) This rule applies to the involuntary termination of all commercial electric and natural gas customers and all utility services provided by large telecommunications utilities.

(2) ~~At least five days before an energy or large telecommunications utility disconnects service for nonpayment for services rendered, the~~ The energy or large telecommunications utility must provide written notice to the customer at least five business days before disconnecting service except when the disconnection is made: a written notice of the disconnection.

(a) At the request of the customer; or

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

(3) The notice must be printed in bold face type and must state ~~in easy to understand language, in language that is as clear and simple as possible:~~

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

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Stat. Auth.: ORS 183, ORS 756, ORS 757, ORS 759 & 290, OL 1987

Stats. Implemented: ORS 756.040, ORS 757.750, ORS 757.755, ORS 757.060 & ORS 290, OL1987

Hist.: PUC 6-1979, f. & ef. 10-6-79 (Order No. 79-680); PUC 5-1983, f. 5-31-83, ef. 6-1-83 (Order No. 83-284); Renumbered from 860-021-0105; PUC 3-1989, f. 2-6-89, cert. ef. 2-8-89 (Order No. 89-038); PUC 6-1989, f. & cert. ef. 5-22-89 (Order No. 89-662); PUC 16-1990, f. 9-28-90, cert. ef. 10-1-90 (Order No. 90-1105); PUC 13-1997, f. & cert. ef. 11-12-97; PUC 17-1997(Temp), f. 12-11-97, cert. ef. 1-1-98 thru 6-29-98; PUC 5-1998, f. & cert. ef. 3-13-98; PUC 4-1999, f. & cert. ef. 8-12-99; PUC 5-1999(Temp), f. & cert. ef. 9-21-99 thru 3-18-00; PUC 14-1999, f. & cert. ef. 12-15-99; PUC 16-2001, f. cert. ef. 6-21-01

860-034-0180

Grounds for Disconnecting Utility Service

Utility service may be disconnected by a small telecommunications utility:

- (1) ~~For~~ **When the applicant or customer fails to establish credit by:**
 - (a) ~~Failing to~~ pay a deposit or make payments in accordance with the terms of a deposit payment arrangement ~~(OAR 860-034-0150); or~~
 - (b) ~~When the applicant or customer provides~~ **Using false identification to establish service, continue service, or verification of identity.**
- (3) **When the customer fails to pay Oregon tariff or price listed charges due for services rendered.**
- (4) **When the customer fails to abide by the terms of a time payment agreement.**
- (5) **When the customer requests the small telecommunications utility to disconnect service or close an account.**
- (2) ~~When facilities provided are unsafe or do not comply with state and municipal codes governing service or the rules and regulations of the small telecommunications utility (OAR 860-034-0250).~~
- (3) ~~Where a customer requests the small telecommunications utility to disconnect service or close an account (OAR 860-034-0190).~~
- (4) ~~When dangerous or emergency conditions exist at the service premises under (OAR 860-034-0200).~~
- (5) ~~For failure to pay Oregon tariff or price listed charges due for services rendered (OAR 860-034-0260) or~~ **When there is evidence of diverting service or** theft of service.
- (6) ~~For failure to abide by the terms of a time payment agreement (OAR 860-034-0270).~~
- (7) ~~When~~ **ren** the Commission approves the disconnection of service.

Stat. Auth.: ORS 183, ORS 756 & ORS 759

Stats. Implemented: ORS 759.045

Hist.: PUC 6-1993, f. & cert. ef. 2-19-93 (Order No. 93-185); PUC 12-1998, f. & cert. ef. 5-7-98; PUC 15-2001, f. & cert. ef. 6-21-01

860-034-0260

Disconnection Procedures for Commercial and Residential Utility Customers

(1) This rule applies to the involuntary termination of all utility service provided by a small telecommunications utility.

(2) ~~At least five days before a~~ **The** small telecommunications utility **must provide written notice to the customer at least five business days before** ~~disconnects~~ **ing** service ~~for nonpayment for utility services rendered, the utility must provide the customer a written notice of the disconnection~~ **except when the disconnection is made:**

- (a) **At the request of the customer; or**
- (b) **When the facilities provided are unsafe creating an emergency endangering life or property under OAR 860-021-0315.**

(3) The notice must be printed in boldface type and must state ~~in easy to understand language~~ **language that is as clear and simple as possible**:

(a) The reasons for the proposed disconnection;

(b) The earliest date for disconnection;

(c) The ~~small telecommunications utility shall prominently identify the~~ amount ~~necessary~~ to be paid to avoid disconnection of utility services;

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

(e) An explanation of the availability of an emergency medical certificate for local exchange residential service customers under OAR 860-034-0270.

(4) The small telecommunications utility may not send the notice before the due date for payment for the utility services billed.

(5) The small telecommunications utility ~~may~~**must** serve the notice of disconnection in person or send it by first-class mail to the last known addresses of the customer and the customer's designated representative. Notice is served on the date of personal delivery or, if delivery is by U S Mail, on the day after the U S Postal Service postmark or ~~the day after the date of~~ postage metering.

(6) If a premises visit is required to complete disconnection, the small telecommunications utility must make a good-faith effort to personally contact the customer or a resident at the service address to be disconnected. If the small telecommunications utility's attempt to make personal contact fails, the utility must leave a notice in a conspicuous place at the premises informing the customer that service has been disconnected.

(7) In lieu of permanent disconnection, a small telecommunications utility may temporarily curtail utility service by preventing the transmission of incoming telephone messages and/or outgoing toll messages while continuing to let the customer make outgoing local messages. Temporary curtailment of utility service, as defined in this section, shall be permitted only upon five days' written notice as set forth in section (3) of this rule. The notice shall state that permanent disconnection will follow within ten days unless the customer makes full payment of any overdue amount or any other obligation.

(8) Except for utility service provided by a small telecommunications utility to its customers served by an office incapable of restricting toll service, a small telecommunications utility shall not disconnect or deny local exchange service for an applicant's or customer's failure to pay for utility services not under the local exchange utility's tariff or price list. A small telecommunications utility may limit access to toll and special services using the "9XX" prefix or Numbering Plan Area (NPA) for the failure to pay for such services.

(9) A small telecommunications utility may not disconnect or deny local service to customers or applicants, who are eligible to receive OTAP, for failure to pay toll charges.

(10) A small telecommunications utility may request a limited waiver of the requirement of section (9) of this rule upon meeting all the following conditions:

(a) Showing the small telecommunications utility would incur substantial costs in complying with the requirement;

(b) Demonstrating the small telecommunications utility offers toll-blocking services to customers identified in section (9) of this rule; and

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(c) Showing that telecommunications subscribership among low-income customers in its service area in Oregon is at least as high as the national subscribership level for low-income customers.

Stat. Auth.: ORS 183, ORS 756, ORS 759 & Ch. 290, OL 1987

Stats. Implemented: ORS 759.045 & Ch. 290, OL 1987

Hist.: PUC 6-1993, f. & cert. ef. 2-19-93 (Order No. 93-185); PUC 17-1997(Temp), f. 12-11-97, cert. ef. 1-1-98 thru 6-29-98; PUC 5-1998, f. & cert. ef. 3-13-98; PUC 4-1999, f. & cert. ef. 8-12-99; PUC 15-2001, f. & cert. ef. 6-21-01