

PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT  
PUBLIC MEETING DATE: August 8, 2017

REGULAR \_\_\_\_\_ CONSENT  X  EFFECTIVE DATE \_\_\_\_\_ Upon Commission Approval \_\_\_\_\_

DATE: July 24, 2017

TO: Public Utility Commission

FROM: *LG*  
Lisa Gorsuch

THROUGH: *J* Jason Eisdorfer and *Jc* John Crider

SUBJECT: IDAHO POWER: (Docket No. UM 1612) Requests waiver of Oregon Administrative Rule (OAR) 860-021-0326(1), duplicate disconnect notice requirement when the billing address differs from the service address.

**STAFF RECOMMENDATION:**

Staff recommends that the Commission approve Idaho Power's request for waiver of OAR 860-021-0326(1)'s duplicate disconnect notice requirement when the billing address differs from the service address, and allow it to remain in effect until August 8, 2020, or until OAR 860-021-0326(1) is amended, whichever first occurs.

**DISCUSSION:**

Issue

Whether the Commission should approve Idaho Power's request for extension of its waiver of OAR 860-021-0326(1), duplicate disconnect notice requirement when the billing address differs from the service address.

Applicable Law

Commission rules governing disconnection of residential gas or electric service to tenants apply to this filing. Specifically, OAR 860-021-0326(1) requires that when an energy utility's records show that a residential billing address is different from the service address, the utility must provide a duplicate of the five-day disconnect notice required under OAR 860-021-0405(6) to the occupants of the premises in the manner described in 860-021-0405(6) unless the utility has reason to believe that the service address is occupied by the customer. This requirement is satisfied by serving a notice

addressed to "Tenants" in the same manner provided for in OAR 860-021-0405. The notice to occupants need not include the dollar amount owing. The Commission may waive any of the Division 21 rules upon receipt of a written request for waiver from a utility or its own motion and upon good cause shown. Idaho Power requests this waiver pursuant to ORS 756.040 and OAR 860-021-0005.

### Analysis

#### *History*

Idaho Power's request for waiver of OAR 860-021-0326(1) was granted for a period of three years from June 24, 2014, until June 24, 2017, or until the rule was amended, whichever came first.

At the time the waiver was granted, in June of 2014, Staff recognized that billing addresses may differ from service addresses for reasons other than landlord-tenant situations. For example, a utility's customer of record may receive mail at a post office box rather than the service address. It is also possible that a utility's customer of record has service at both a primary residence and a vacation home. Staff agreed that it would be costly and unnecessary to send duplicate five-day disconnect notices based on differing billing and service addresses alone, and concurs with the Company that the Commission has received no complaints related to this matter. However, Staff believed that OAR 860-021-0326(1) should be reviewed, and possibly revised, to address tenant notification concerns on a going-forward basis.

Northwest Natural Gas Company and Pacific Power also requested and received waiver of this rule in Docket Nos. UM 1620 and UM 1612 for the same time period: until June 24, 2017 or until the rule was amended, whichever came first.

#### *Current Waiver Request*

On June 22, 2017, Idaho Power filed a request for extension of its waiver of OAR 860-021-0326(1), duplicate disconnect notice requirement when the billing address differs from the service address. At the time the waiver was granted in 2014, it was believed that a Division 21 Rulemaking would be opened during the waiver period to consider and address potential amendments to this rule. However, a Division 36 rulemaking for Water Utilities Administrative Rules necessitated a delay in opening a Division 21 Utility Regulation rulemaking. Now that the Division 36 rulemaking has concluded, a Division 21 rulemaking is expected to be opened very soon.

Staff understands how involved rulemakings can be and for this reason believes that the extended waiver should be for a period of three years or until the rule is amended, whichever comes first, allowing adequate time for the rulemaking process.

In Idaho Power's request for waiver extension, the Company states that compliance with OAR 860-021-0326(1) would be unduly burdensome, both administratively and financially, and would provide little additional protection for tenants. The Company explained that its service area is primarily rural in nature and that it is not uncommon for a customer who is not a tenant to have a different billing and service address.<sup>1</sup> A reason given for customers having a different billing and service address in Idaho Power's Oregon service area is that the United States Postal Service does not provide delivery service to the service address in many cases. The Company also noted that it has not received any complaints regarding its practices under the current waiver of this rule.

Idaho Power explains in its request that it has measures in place to protect tenants in potential landlord-tenant disconnection situations, such as its Continuous Service Agreement (CSA) program. The Company describes the CSA program as an easier way for landlords to have the service at the property put into the tenant's name while occupied. The service automatically reverts to the landlord's name when the tenant requests to discontinue service.

Staff understands that Idaho Power's service area is very different from Pacific Power and Northwest Natural's service areas; however, Staff would like Idaho Power to consider making changes to its customer information system, and implementing customer service representative training similar to Pacific Power and Northwest Natural with regard to when the billing address differs from the service address. Changes to the customer information system should allow for tracking accounts where the customer-of-record's billing address differs from the service address and the customer has indicated that the service address is tenant-occupied. Customer Service Representative training should include asking if a residence is tenant-occupied when the applicant requests a billing address that is different than the service address.

### Conclusion

In conclusion, Staff recommends that the Commission approve Idaho Power's request for extension of a waiver for OAR 860-021-0326(1), duplicate disconnect notice requirement when the billing address differs from the service address. Staff requests that this waiver remain in effect for a period of three years until August 8, 2020, or until OAR 860-021-0326(1) is amended, whichever first occurs.

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<sup>1</sup> Idaho Power states that out of 13,804 residential customers in its service area, 4,338, or 31 percent have a billing address that differs from the service address.

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**PROPOSED COMMISSION MOTION:**

Approve Idaho Power's request for waiver of OAR 860-021-0326(1)'s duplicate disconnect notice requirement when the billing address differs from the service address, and allow it to remain in effect until August 8, 2020, or until OAR 860-021-0326(1) is amended, whichever first occurs.

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