

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: August 25, 2020**

REGULAR CONSENT EFFECTIVE DATE _____ N/A _____

DATE: August 17, 2020

TO: Public Utility Commission

FROM: Kathy Zarate

THROUGH: Bryan Conway, John Crider, and Matthew Muldoon **SIGNED**

SUBJECT: IDAHO POWER COMPANY:
(Docket No. UM 1612 (2))
Request for a petition for an Extended Waiver of OAR 860-021-0326(1).

STAFF RECOMMENDATION:

Approve Idaho Power's (Idaho Power or Company) request for an extension of its previously Commission-authorized waiver of specific provisions of Oregon Administrative Rule (OAR) 860-021-0326(1)'s duplicate disconnect notice requirement when the billing address differs from the services address, as previously approved in Order No. 17-303, and allow the waiver to remain in effect until August 8, 2023, 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 Rule or 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.

Under OAR 860-021-0005, 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.

A prior waiver of OAR 860-021-0326(1)'s duplicate notice requirement was granted in Order No. 17-303, Docket No. UM 1612, through August 8, 2020 or until the relevant rule is amended, whichever occurs first.

Analysis

Background

OAR 860-021-0326(1) provides:

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) for gas and electric service 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 860-021-0405. The notice to occupants need not include the dollar amount owing.¹

In asking for a waiver of the double-notice requirement, Idaho Power explains in its request that it has measures in place to protect tenants in potential landlord-tenant disconnection situations: Idaho Power implemented a change to its customer information system in January 2019. When a customer sets up or makes changes to their account with a Customer Service Representative (CSR), and the customer's mailing address does not match the service address, the CSR will inquire as to whether the premise will be tenant-occupied. The CSR will then update the customer information system. Customers that are starting service online are also asked this question and the customer information system is updated accordingly.²

¹ Idaho Power Company's application for exited waiver of OAR 860-021-0326(1), page 2.

² Idaho Power Company's application for exited waiver of OAR 860-021-0326(1), page 6.

Additionally, the Company describes its Continuous Service Agreement (CSA) Program (CSA Program) as an easier way for property owners to have the service at the property put into the tenant's name while occupied. The service automatically reverts to the property owner's name when the tenant requests to disconnect service.

Current Practice

1. Continuous Service Agreement (CSA).
2. Customer Service Representative (CSR).
3. Send duplicate five-day notices to both the billing and service addresses, because such accounts are generally customer occupied and not indicative of a landlord-tenant relationship in Idaho Power's Oregon service territory area, which is predominantly rural.

Waiver Request

In Idaho Power's request for waiver, 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.³

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. In these cases, attempts to mail a notice to the service address would be unsuccessful. 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 CSA Program mentioned above.

Staff Recommendation

Staff understands that Idaho Power's service area is very different from other utilities' service areas. Given the rural nature of Idaho Power's territory and the other protections it has adopted, Staff finds good cause for this waiver. Staff would like to note the Idaho Power temporarily suspended disconnections and late fees for residential and small business customers in March 2020. Idaho Power may be resuming normal collections activities at some point in the coming months, which means this request remains relevant in the coming year.

³ Order No. 17-303.

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Conclusion

Staff concludes that there is good cause for the Company's waiver request and recommends the Commission grant the request.

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, 2023, or until OAR 860-021-0326(1) is amended, whichever first occurs.

Idaho Power Docket No. UM 1612 (2)