

July 17, 2020

VIA ELECTRONIC FILING

Public Utility Commission of Oregon
Attn: Filing Center
201 High Street SE, Suite 100
Salem, OR 97301-3398

**RE: UM 1620(2)—PacifiCorp’s Petition for Waiver of OAR 860-021-0326(1),
Disconnection of Gas or Electric Service to Tenants**

PacifiCorp d/b/a Pacific Power (PacifiCorp or Company) submits for filing with the Public Utility Commission of Oregon a Petition for Waiver of OAR 860-021-0326(1), which requires electric utilities to provide a duplicate five-day disconnect notice to tenants at service addresses when the Company’s records show a residential billing address different from the service address.

PacifiCorp respectfully requests that all communications related to this filing be addressed to:

Oregon Dockets
PacifiCorp
825 NE Multnomah Street, Suite 2000
Portland, OR 97232
oregondockets@pacificorp.com

Matthew McVee
Chief Regulatory Counsel
825 NE Multnomah Street, Suite 2000
Portland, OR 97232
matthew.mcvee@pacificorp.com

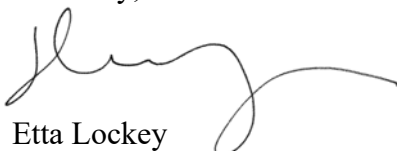
Additionally, PacifiCorp requests that all formal information requests regarding this matter be addressed to:

By email (preferred): datarequest@pacificorp.com

By regular mail: Data Request Response Center
PacifiCorp
825 NE Multnomah, Suite 2000
Portland, OR 97232

Informal inquiries may be directed to Cathie Allen, Manager, Regulatory Affairs, at (503) 813-5934.

Sincerely,



Etta Lockey
Vice President, Regulation

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1620(2)

In the Matter of

PACIFICORP d/b/a PACIFIC POWER

Petition for Waiver of OAR 860-021-0326(1),
Notice of Pending Disconnection of Residential
Electric or Gas Utility Service

PETITION OF PACIFICORP

PacifiCorp, d/b/a/ Pacific Power, (PacifiCorp or Company) files this Petition in accordance with OAR 860-021-0005, which allows the Public Utility Commission of Oregon (Commission) to waive the application of Division 021 rules “for good cause shown.” PacifiCorp requests that the Commission issue an order granting a waiver of the requirements in OAR 860-021-0326(1).

OAR 860-021-0326(1) requires a utility to provide a duplicate five-day disconnect notice to tenants at the service address when the Company’s records show a residential billing address different from the service address. PacifiCorp seeks waiver of this rule to avoid the unnecessary burdensome requirement of issuing duplicate five-day disconnect notices and to protect customer information. The Commission previously granted PacifiCorp a waiver of OAR 860-021-0326(1) on June 24, 2014, in Order No. 14-237,¹ and on August 10, 2017, in Order No. 17-301.² As explained below, good cause exists to grant waiver of the rule.

¹ *In the Matter of PacifiCorp dba Pacific Power, Petition for Waiver of OAR 860-021-0326(1)*, Docket No. UM 1620, Order No. 14-237 (June 24, 2014).

² *In the Matter of PacifiCorp dba Pacific Power, Petition for Waiver of OAR 860-021-0326(1)*, Docket No. UM 1620(1), Order No. 17-301 (Aug. 11, 2017).

I. BACKGROUND

OAR 860-021-0326(1) requires a utility to provide a duplicate copy of the five-day disconnect notice provided under OAR 860-021-0405(6) to the occupants of the premises when a residential customer's billing address is different from the service address, unless the utility has reason to believe the service address is occupied by the customer.

On July 16, 2012, PacifiCorp filed a petition seeking waiver of the requirement in OAR 860-021-0326(1). Commission Staff recommended that the Commission grant the waiver.³ Staff stated that it is understood that billing addresses may differ from service addresses for reasons other than landlord-tenant situations, including, for example, the use of a post office box and service to vacation homes.⁴ 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 that the Commission has received no complaints related to this matter.⁵

The Commission granted the waiver on June 24, 2014, in Order No. 14-237, with a sunset date of June 24, 2017. The waiver was temporary because, at the time, Staff expected to initiate a Division 21 rulemaking that would include a revision to the language in OAR 860-021-0326(1) prior to the sunset date.⁶

On June 22, 2017, PacifiCorp filed a petition requesting an extension of its waiver of the requirement in OAR 860-021-0326(1). Commission Staff recommended a temporary waiver because, at the time, Staff expected to initiate a Division 21 rulemaking that would include a revision to the language in OAR 860-021-0326(1). The Commission granted the

³ *Id.*, Appendix A at 1.

⁴ *Id.*, Appendix A at 3.

⁵ *Id.*

⁶ *Id.*

waiver on August 11, 2017, in Order No. 17-301, with a sunset date of August 8, 2020. As of the date of this filing, the anticipated rulemaking to revision OAR Division 21 has not been initiated. Accordingly, PacifiCorp requests an extension of its waiver until the OAR 860-021-0326(1) is revised and the Division 21 rulemaking completed.

II. GOVERNING AUTHORITY

Commission rules require the utility to provide notice of pending disconnection to tenants or occupants of a residence when the customer's billing or mailing address is different than the service address.

OAR 860-021-0326(1) provides as follows:

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.

The language in OAR 860-021-0326(1) was the result of a rulemaking in docket AR 193, Commission Order No. 90-1105 (July 20, 1990). The Commission expressed concern that where tenants' rent includes a charge for utilities, tenants have no way of knowing whether the lessor paid the utility bill.⁷ The Commission, however, also recognized that utilities have no way to know which dwellings have tenants or roommates and that requiring utilities to investigate the status of each residence before disconnection adds unacceptable expense and delay to the procedure.⁸

⁷ *Petition for Rulemaking*, Docket No. AR 193, Order No. 90-1105 at 39 (Jul. 20, 1990).

⁸ *Id.* at 40.

III. ARGUMENT

A. PacifiCorp Instituted Practices Following the Previous Granting of a Waiver That Identifies When the Occupant is Different from the Customer

Before the grant of the previous request for a waiver of OAR 860-021-0326(1), the Company was not monitoring or tracking when customers resided at the service address. In response to discussions with Staff, PacifiCorp modified its customer service systems and notification process to allow customer service agents to identify and track when the customer connecting service resides at the service address. Customer service agents are prompted to ask the customer to verify if they will be living at the location while power is in their name when the mailing address and service address differ. If the customer advises the customer service agent they are not living at the address, the account is flagged and if the customer account becomes past due, a notice of pending disconnection is sent to both the billing address and service address.

The Company has no reason to believe that separate billing and service addresses provide a sufficient basis to conclude that a landlord/tenant relationship exists. PacifiCorp serves many destination communities, where customers have second homes, including Bend, Lincoln City, and Cannon Beach. It is not uncommon for customers to have one mailing address for multiple service locations. Alternatively, customers may use a post office box to receive mail, rather than the service address. The use of one mailing address, particularly a post office box, does not necessarily indicate a landlord/tenant relationship at the service address. Accordingly, PacifiCorp does not assume that customers with a mailing address different from the service address means an occupant other than the customer resides at the service address. Instead, the Company's verification process identifies landlord/tenant

situations and identifies the accounts where duplicate pending disconnection notices are appropriate.

Furthermore, when PacifiCorp is contacted by a tenant, the Company delays disconnection of service during that current month. This allows the tenant time to either make arrangements with their landlord or apply for service if they choose, without requiring payment of overdue amounts from the tenant.

B. Waiver of the Requirements to Provide Duplicate Notice is Necessary to Protect Customer Information and Prevent Confusion Regarding Responsibility for Payment

PacifiCorp also requests waiver of the requirement in OAR 860-021-00326(1) to provide duplicate notice to occupants. OAR 860-021-0326(1) requires notification to an occupant by serving a notice addressed to “Tenants” in the same manner provided for in OAR 860-021-0405(6), with the single exception of the dollar amount owing. However, the five-day disconnect notice contains additional customer-specific information besides the amount owing. Providing a duplicate five-day notice related to a customer account to a third party would violate the Company’s privacy policy.

The intent of OAR 860-021-0326(1) is to provide notice of pending disconnection to tenants, not to provide the tenant with customer-specific information. PacifiCorp’s current procedures ensure that identified tenants or occupants receive a notice of pending disconnection five business days before disconnection and provide for a delay in disconnection while tenants or occupants contact the landlord. This notice meets the requirements of OAR 860-021-0405(2)(a)(b) and (c).

A duplicate five-day disconnect notice could also lead to confusion regarding the tenant’s rights and obligations. A duplicate notice would include statements complying with OAR 860-021-0405(2)(d)(B) and (2)(d)(C). Those provisions require an explanation of the

time payment agreement provisions of OAR 860-021-0415 and explanation of the medical certificate provisions of OAR 860-021-0410. Time payment agreements and medical certificate provisions apply to customers only and indicating those options would provide confusing and inaccurate information to tenants or occupants.

C. PacifiCorp Has Not Received Complaints Regarding Its Practice Under the Current Waiver


PacifiCorp works with tenants or occupants that contact the Company, giving the tenant or occupant an opportunity to resolve the issue with their landlord prior to disconnection of service. This practice has been successful, and has resulted in no complaints from tenants, occupants, landlords, or the Commission on behalf of an occupant of a residence where a landlord failed to make payment and service was pending disconnection.

IV. CONCLUSION

OAR 860-021-0005 allows the Commission to grant waivers of Division 21 rules for good cause shown. PacifiCorp respectfully seeks a waiver of the specific provisions of OAR 860-021-0326(1) requiring duplicate five-day disconnect notices be sent to the service address when the residential billing address is different from the service address. Good cause exists to grant the Company's request for waiver. Such a waiver would allow PacifiCorp to continue providing duplicate notices when it knows the occupants are different from the customer, and protect the privacy of our customers.

Dated this 17th day of July, 2020.

Respectfully submitted,

By 

MATTHEW D. MCVEE, #020735

Chief Regulatory Counsel

PacifiCorp

825 NE Multnomah, Suite 2000

Portland, OR 97232

Tel. (503) 813-5585

Email: matthew.mcvee@pacificorp.com