

February 19, 2019

***VIA ELECTRONIC FILING***

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

Attn: Filing Center

**RE: UM 1631—PacifiCorp's Petition for a Waiver of OAR 860-021-0405(9) & (11)**

PacifiCorp d/b/a Pacific Power, pursuant to the provisions of ORS 756.040 and in accordance with OAR 860-021-0005 encloses for filing its Motion to Amend Order No. 17-061. PacifiCorp requests expedited consideration consistent with OAR 860-001-0420(6) to ensure that Order No. 17-061 not be allowed to lapse on March 1, 2019.

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](mailto:oregondockets@pacificorp.com)

Ajay Kumar  
Attorney  
825 NE Multnomah Street, Suite 1800  
Portland, OR 97232  
[Ajay.kumar@pacificorp.com](mailto:Ajay.kumar@pacificorp.com)

Additionally, it is respectfully requested that all formal data requests to the Company regarding this filing be addressed to the following:

By e-mail (preferred): [datarequest@pacificorp.com](mailto:datarequest@pacificorp.com)

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

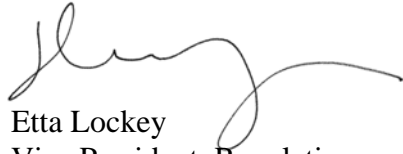
If you have questions about this filing, please contact Jason Hoffman, Regulatory Projects Manager, at (503) 331-4474.

Public Utility Commission of Oregon

February 19, 2019

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Sincerely,

A handwritten signature in black ink, appearing to read 'Etta Lockey', with a long, sweeping horizontal line extending to the right.

Etta Lockey  
Vice President, Regulation

Enclosures

cc: Phil Boyle/OPUC Staff  
Bob Jenks/CUB  
Keith Kueny/CAPO

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

**UM 1631**

In the Matter of

PACIFICORP d/b/a PACIFIC POWER

Application for Waiver of OAR 860-021-0405(9)  
& (11), Notice of Pending Disconnection of  
Residential Electric or Gas Utility Service

**MOTION TO AMEND ORDER  
NO. 17-061**

***EXPEDITED CONSIDERATION  
REQUESTED***

1           PacifiCorp, d/b/a/ Pacific Power (PacifiCorp) files this motion pursuant to the  
2 provisions of ORS 756.568 and in accordance with OAR 860-021-0005. PacifiCorp requests  
3 the Public Utility Commission of Oregon (Commission) amend Order No. 17-061 and extend  
4 the temporary waiver of OAR 860-021-0405(9) and (11) until the rules are revised through a  
5 Division 21 rulemaking. Good cause exists for a waiver of this rule. PacifiCorp additionally  
6 requests expedited consideration consistent with OAR 860-001-0420(6) to ensure that Order  
7 No. 17-061 not be allowed to lapse on March 1, 2019.

8           OAR 860-021-0405 (9) and (11) require employees performing disconnection of  
9 service to make personal contact on the date of disconnection and accept payment while  
10 onsite for disconnection of service. PacifiCorp is requesting the extension of the existing  
11 waiver of these requirements. Consistent with the requirements of OAR 860-021-  
12 0405(9)(b)(B), PacifiCorp already places the requisite phone calls—two calls over a period  
13 of three days—to our customers with meters that have remote disconnect capability.  
14 However, PacifiCorp still has meters without the remote disconnect capability, that require a  
15 manual disconnect for nonpayment, and respectfully asks the waiver approved in Order No.

1 17-061 be extended so that the company may continue its practice of not taking payments in  
2 the field, and allow the expanded timeframe of the evening call to occur between the hours of  
3 5:30 p.m. and 8:30 pm.

#### 4 **I. Background**

5 On November 25, 2013, PacifiCorp filed a petition for a waiver of OAR 860-021-  
6 0405 (9) and (11), specifically the sections associated with making physical contact at the  
7 customer premises and collecting payment during a disconnection for non-payment visit.<sup>1</sup> In  
8 the petition for waiver, PacifiCorp provided information regarding the growing threat of  
9 physical incidents involving employees visiting a customer's residence and argued that  
10 employees carrying or collecting money were inherently at a greater risk. The Commission  
11 approved PacifiCorp's petition for waiver on February 18, 2014 in Order No. 14-049, with a  
12 sunset date of March 1, 2017.

13 In the Staff Report adopted by Order 14-049, Staff acknowledged that a Division 21  
14 rulemaking would occur within 18 months of the order, with Staff holding workshops to  
15 discuss changes to the rule requiring personal contact. On January 6, 2017, PacifiCorp filed  
16 to extend the waiver requirement for making contact at the customer's door and collecting  
17 payment.<sup>2</sup> PacifiCorp also requested to increase the time available to perform outbound calls  
18 by one hour to increase the likelihood the company could reach customers prior to  
19 disconnection of service. The petition was approved on February 21, 2017 in Order No. 17-  
20 061, with a sunset date of March 1, 2019, again, in anticipation of the Division 21

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<sup>1</sup> See, *In Re PacifiCorp Petition for a Waiver of OAR 860-021-0405(9) & (11)* in Docket No. UM 1631 (November 25, 2013).

<sup>2</sup> See, *In Re PacifiCorp Petition for a Waiver of OAR 860-021-0405(9) & (11)* in Docket No. UM 1631 (January 6, 2017).

1 rulemaking. As of the date of this filing, the Division 21 rulemaking has not yet commenced.  
2 Therefore, PacifiCorp is seeking to continue the waiver until the Division 21 rulemaking is  
3 completed.

## 4 **II. Governing Authority**

5 Commission rules require utility employees make personal contact and accept  
6 payment from customers while onsite to disconnect service, and where remote disconnection  
7 capability is installed make outbound calls to the customer during specific hours of the day  
8 prior to disconnection of service for non-payment.

9 OAR 860-021-0405(9) provides as follows:

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

15 OAR 860-021-0405 (9)(b)(B) provides as follows:

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

25 OAR 860-021-0405(11) provides:

26 When the energy utility makes personal contact under this rule, the utility's  
27 representatives making contact is empowered to accept reasonable partial  
28 payment of the overdue balance under the time-payment provisions of OAR  
29 860-021-0415.

1 **III. Argument**

2 **A. Safety remains a concern.**

3 PacifiCorp closely monitors both physical and verbal threats made to the company  
4 and its employees. This data is used, in part, to inform employees before they visit a  
5 customer premise so they are aware of the potential danger. Threats to PacifiCorp employees  
6 have increased in the past year. Many of the threatening customers were adamantly opposed  
7 to the installation of Advanced Metering Infrastructure (AMI), and have made physical  
8 threats of violence to any employee coming onto the property. In 2018, the company  
9 received 48 percent more threats of physical harm to company personnel than in 2017. The  
10 company tracks and takes appropriate preventative action with these customers and making  
11 additional contact while on the property puts our employees in more danger. One step to  
12 reduce potential harm is to continue the waiver of the requirement for employees to make  
13 personal contact on the date of disconnection and carrying customer payments. A continued  
14 waiver minimizes contact with the customer and reduces the chances for situations to  
15 escalate. Ensuring a safe working environment for employees is in the public interest.

16 **B. Granting extension of the waiver will not harm customers; they will**  
17 **continue to receive multiple notices before disconnection.**

18 Disconnecting electric service for non-payment is a measure of last resort.

19 PacifiCorp provides, and will continue to provide, customers with multiple notices of account  
20 balances and potential disconnection of service before service is disconnected. Specifically,  
21 PacifiCorp provides the following notices before sending an employee to disconnect service:

- 22 1. A monthly bill with amount due and the due date, as required by OAR 860-021-  
23 0120 & OAR 860-021-0125;

- 1           2. A past due notice for any arrears from prior bills with bold letter indicating the
- 2                   account past due and the due date, as required by OAR 860-021-0405;
- 3           3. Optional texts or emails for past due notices and final notices;
- 4           4. Mailed final notices in red font and clearly stating the past due amount and the
- 5                   date payment must be received to avoid disconnection of service, as required by
- 6                   OAR 860-021-0405; and
- 7           5. After receiving the final notice, all customers receive up to six outbound calls
- 8                   over the span of three separate days with two attempts per day.

9           This billing and collection process provides customers with a variety of notifications  
10 and multiple opportunities to make a payment prior to dispatching an employee to disconnect  
11 the service. Since OAR 860-021-0405 was adopted, more methods of notifications are  
12 offered to customers as well as more ways to make payment.

13           **C. PacifiCorp continues to offer numerous payment options.**

14           Over the past decade, technological advances have allowed companies to offer more  
15 alternatives methods for customers to pay electric bills. In addition to mailing a payment  
16 directly to the company, customers can submit payments online, at pay stations, or on their  
17 smart phones. PacifiCorp has increased the number of pay stations at large, local retailers to  
18 make it more convenient for customers to make payments. Currently, the company has 155  
19 pay stations: 96 automated pay stations, 30 drop boxes, 2 manual pay stations, and 27 pay  
20 stations located outside of the service territory. The automated pay stations upload payments  
21 throughout the day to PacifiCorp's billing system and immediately cancel any collection  
22 notice on the account. Online payments and payment over the phone also are updated to  
23 PacifiCorp's billing system and cancel any pending collection action on the account.

1           **D.     Granting the expanded timeframe for second daily call does not harm**  
2           **customers.**

3           The purpose of the outbound phone calls in OAR 860-021-0405(9) (b) (B) is two-  
4 fold: notify customers of pending disconnection and allow direct communication with the  
5 utility prior to the disconnection of service. The rule permits one of the outbound phone calls  
6 to be placed between the hours of 6:00 p.m. and 8:00 p.m. To ensure the company can  
7 quickly respond to any additional call volume, Pacific Power requests to continue to extend  
8 the timeframe from 5:30 pm to 8:30 pm. The additional hour increases the odds of reaching  
9 a customer during the day. As of January 2018, all customers who received a final or five  
10 day notice receiving the outbound phone calls, and more disconnections were cancelled due  
11 to either a payment from the customer or the customer entering into a payment arrangement  
12 than in 2017. To date, neither the company nor the Commission has received any escalated  
13 customer issues or complaints due to this change in notification hours

14           **E.     The number customers affected by this waiver is decreasing due to the**  
15           **increased number of meters with remote disconnection capability.**

16           As the recently installed AMI meters will have ability to remotely disconnect, in-  
17 person disconnects and the opportunity for collecting at the door will only occur in limited  
18 circumstances. The majority of customers will have a remote disconnection capability  
19 installed, and will be contacted consistent with the requirements of OAR 860-021-0405(9)(b)  
20 as discussed above. A minority of customers have elected to opt out of the installation of  
21 AMI meters and these customers will require a manual disconnection of service. PacifiCorp  
22 will continue to install AMI meters in 2019 and during the pendency of the installation, some  
23 customers will continue to have a non-standard radio frequency meter that is not capable of  
24 remote disconnection. In addition, more complex metering with larger loads will also be



1 manually disconnected due to safety issues. In these cases, an employee will be on the  
2 property and the company requests to continue the practice that has existed under waiver,  
3 where the representative will not make contact nor accept payment for these customers.  
4 PacifiCorp respectfully seeks to extend the existing waiver for both items until the issue can  
5 be resolved through Division 21 rulemaking.

6 **F. Expedited Consideration of this Motion is requested**

7 PacifiCorp is requesting expedited consideration of this motion consistent with the  
8 requirements of OAR 860-001-420 to ensure that this motion is considered before the sunset  
9 provision in Order No. 17-061 will take effect. PacifiCorp has contacted the Staff of the  
10 Commission and discussed the nature of the motion. Staff has represented that they are not  
11 taking a position on the motion but will review it upon filing. This waiver has been extended  
12 in the past, and PacifiCorp requests that the Commission consider this motion in a manner  
13 that will prevent the waiver in Order No. 17-061 from lapsing.

14 **IV. Conclusion**

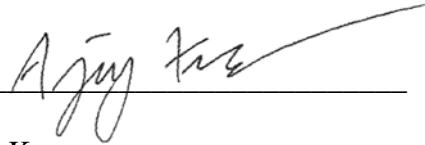
15 OAR 860-021-0005 allows the Commission to grant waivers of Division 21 rules for  
16 good cause shown. PacifiCorp respectfully seeks an amendment of Order No. 17-061 to  
17 extend the waiver of the specific provisions of OAR 860-021-0405(9), OAR 860-021-0405  
18 (9) (b) (B), and OAR 860-021-0405 (11) requiring the utility to make personal contact on the  
19 date of disconnection of service, collect payment from customers during the site contact, and  
20 perform outbound calls during the hours of 6:00 p.m. and 8:00 p.m. Good cause exists to  
21 grant the company's request to extend the waiver. Continuation of the waiver would allow  
22 PacifiCorp the ability to increase the safety of employees without sacrificing customer  
23 service and provide more time to reach customers prior to disconnection of service.

1

Dated this 19<sup>th</sup> day of February, 2019.

Respectfully submitted,

By

A handwritten signature in black ink, appearing to read "Ajay Kumar", is written over a horizontal line.

Ajay Kumar  
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Portland, OR 97232  
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