

November 17, 2020

***VIA ELECTRONIC FILING***

Public Utility Commission of Oregon  
Attn: Filing Center  
201 High Street SE, Suite 100  
Post Office Box 1088  
Salem, Oregon 97308

**Re: UM 1631 – NW Natural’s Petition for Partial Waiver of OAR 860-021-0410(2) and OAR 860-021-0415(2) and (3)**

Northwest Natural Gas Company, dba NW Natural, encloses for filing with the Public Utility Commission of Oregon (Commission) its Petition for Partial Waiver of the above-referenced OARs.

Please address correspondence on this matter to me, with copies to the following:

eFiling  
NW Natural - Rates & Regulatory Affairs  
250 SW Taylor Street  
Portland, Oregon 97204  
Telephone: (503) 610-7330  
Fax: (503) 220-2579  
eFiling@nwnatural.com

If you have any questions, please call me at (503) 610-7326.

Respectfully submitted,

*/s/ Rebecca T. Brown*

Rebecca T. Brown  
NW Natural  
Regulatory Consultant

Enclosure

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON  
UM 1631**

In the Matter of

NORTHWEST NATURAL GAS  
COMPANY, dba NW NATURAL,

Petition for Partial Waiver of OAR 860-021-  
0410 and OAR 860-021-0415.

PETITION OF NORTHWEST  
NATURAL GAS COMPANY dba  
NW NATURAL

1 **I. INTRODUCTION**

2 Northwest Natural Gas Company, dba NW Natural (NW Natural or Company), files  
3 this petition under the provisions of ORS 756.040 and in accordance with OAR 860-021-  
4 0005. NW Natural respectfully petitions the Public Utility Commission of Oregon  
5 (Commission) issue an order granting a temporary, partial waiver of OAR 860-021-0410,  
6 Emergency Medical Certificate for Residential Electric and Gas Service, and OAR 860-021-  
7 0415, Time Payment Agreements (TPAs) for Residential Electric and Gas Services.  
8 Specifically, the Company requests partial waiver of subsection (2) of OAR 860-021-0410,  
9 which requires that a medical certification to the utility be confirmed in writing within 14  
10 days by the qualified medical professional prescribing medical care, and subsections (2) and  
11 (3) of OAR 860-021-0415, which limits the timeframe for time-payment arrangements to 12  
12 months and requires a down payment for such arrangements. This temporary waiver request  
13 is made in accordance with Paragraphs 5 (TPAs) and 16 (medical certificates) of the  
14 Stipulated Agreement on Effects of COVID-19 Pandemic on Energy Utility Customers  
15 (Stipulated Agreement), as approved by the Commission in Order No. 20-401 of docket UM  
16 2114 dated November 5, 2020. As such, NW Natural respectfully requests that the  
17 temporary, partial waivers of OAR 860-021-0410 and OAR 860-021-0415 be approved

1 effective immediately, and remain in effect until October 1, 2022, as noted in the Stipulated  
2 Agreement, or unless and until any permanent changes are made to these rules.

3 **II. GOVERNING AUTHORITY**

4 As mentioned above, subsection (2) of OAR 860-021-0410, requires that a medical  
5 certification to the utility be confirmed in writing within 14 days by the qualified medical  
6 professional prescribing medical care, and subsections (2) and (3) of OAR 860-021-0415,  
7 limits the timeframe for time-payment arrangements to 12 months and requires a down  
8 payment for such arrangements. OAR 860-021-0005 allows the Commission to grant  
9 waivers of any of the Division 021 rules for good cause shown.

10 **III. COMMUNICATIONS**

11 Communications regarding this petition should be addressed to:

NW Natural  
e-Filing for Regulatory Affairs  
250 SW Taylor Street  
Portland, Oregon 97204  
Telephone: (503) 610-7330  
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12 **IV. BACKGROUND**

13 On June 9, 2020, the Commission conducted a Special Public Meeting on the “Impact  
14 to Utility Customers during the COVID-19 Pandemic and Future Economic Recovery.”  
15 During this public meeting, the Commission heard from investor-owned utilities, customer

1 groups, and other stakeholders regarding the impacts of the COVID-19 pandemic, including  
2 actions already taken by the utilities as well as additional actions still needed to protect  
3 customers during the COVID-19 health and economic crisis. The Commission then  
4 assembled a team of representative from across the state, led by Commission Staff, to address  
5 various aspects of the COVID-19 challenge. At the request of Commission Staff, docket UM  
6 2114 - Investigation into the Effects of COVID-19 Pandemic on Utility Customers, was  
7 opened to assist in these efforts. After a thorough investigation consisting of data collection  
8 and workshops between June 30, 2020 and September 3, 2020, Commission Staff released its  
9 final report on September 21, 2020, including Appendix A, which is a term sheet for energy  
10 utilities containing basic terms and conditions to address the disconnection of utility services  
11 and the imposition of late fees due to the COVID-19 pandemic.

12 On September 24, 2020, the Commission authorized Staff, affected utilities and  
13 stakeholders to execute stipulations incorporating the term sheet developed during the UM  
14 2114 investigation. Between September 24, 2020 and October 23, 2020, Avista Utilities,  
15 Cascade Natural Gas Company, Idaho Power Company, NW Natural, Pacific Power,  
16 Portland General Electric Company, Commission Staff, Oregon Citizens' Utility Board,  
17 Community Action Partnership of Oregon, Northwest Energy Coalition, Verde, and  
18 Multnomah County Office of Sustainability helped to refine the term sheet for energy  
19 utilities and incorporate it into a Stipulated Agreement to assist customers and utilities during  
20 the COVID-19 pandemic and its aftermath.

## 21 **V. DISCUSSION**

22 At the November 3, 2020 Public Meeting, Commission Staff presented its final  
23 discussion and recommendations regarding the approval of the Stipulated Agreement  
24 endorsed by the Parties, which the Commission ultimately adopted. At that time,

1 Commission Staff also provided comments regarding potential energy utility action that may  
2 be required as a result of the Stipulated Agreement’s impact on various administrative rules.

3 In its Staff Report for the November 3, 2020 Public Meeting, Commission Staff stated:

4 OAR 860-021-0410, Emergency Medical Certificate for Residential Electric and Gas  
5 Service – Action required by all utilities. Under OAR 860-021-0410(2), a medical  
6 certification to the utility must be confirmed in writing within 14 days by the  
7 qualified medical professional prescribing medical care. This rule differs from the  
8 requirements of paragraph 16 of the Stipulated Agreement, which allows for two  
9 months to submit the confirming certification. Because this paragraph will be in  
10 effect until October 1, 2022, a temporary rule would not be appropriate. Each utility  
11 will need to request a temporary waiver of the rule through October 1, 2022, unless  
12 and until any permanent changes may be made to this rule. [Emphasis added]

13 OAR 860-021-0415, Time-Payment Agreements for Residential Electric and Gas  
14 Service – Under sections (2) and (3) of this rule, payment plans are limited to 12-  
15 month periods and a down payment is required. Under section (4), “The energy utility  
16 and customer may agree in writing to alternate payment arrangement, provided the  
17 utility first informs the customer of the availability of the payment terms in sections  
18 (2) and (3) of this rule.” Paragraph 5 of the Stipulated Agreement requires each utility  
19 to offer up to 24 months to residential customers with no down payment through  
20 October 1, 2022. Each utility may wish to request a temporary waiver of sections (2)  
21 and (3) of this rule through October 1, 2022, unless and until any permanent changes  
22 may be made to this rule. [Emphasis added]

23 Good cause exists to grant NW Natural’s request for partial waivers because the  
24 waivers are in compliance with the approved Stipulated Agreement and Commission Staff’s  
25 recommendations described above. They will also prevent customer confusion regarding the  
26 need to schedule medical appointments to provide immediate emergency medical  
27 certification and alleviate the financial pressures potentially caused by a down-payment  
28 requirement associated with utility time-payment arrangements. Further, no customers will  
29 be harmed by the granting of these waivers. Lastly, the Company requests expedited  
30 consideration of this Petition to facilitate a timely response to the ongoing COVID-19 public  
31 health crisis, and to immediately effectuate the Stipulated Agreement as approved by the  
32 Commission in Order No. 20-401 of docket UM 2114 on November 5, 2020

1 **VI. CONCLUSION**

2 NW Natural respectfully requests that the Commission issue an order approving the  
3 Company's request for temporary, partial waiver of OAR 860-021-0410(2) and OAR 860-  
4 021-0415(2) and (3) through October 1, 2022, effective immediately upon Commission  
5 approval.

6 Respectfully submitted this 17<sup>th</sup> day of November, 2020.

**NW NATURAL**

/s/ Ryan Sigurdson

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