



Avista Corp.

1411 East Mission P.O. Box 3727
Spokane, Washington 99220-0500
Telephone 509-489-0500
Toll Free 800-727-9170

November 6, 2020

Public Utilities Commission of Oregon
Attn: Filing Center
201 High Street SE, Suite 100
Salem, OR 97301-3612

RE: Docket No. UM 1631—Avista Utilities Petition for Partial Waiver

Filing Center:

In accordance with ORS 756.040 and OAR 860-021-0005, Avista Corporation, dba Avista Utilities (Avista or Company), hereby submits for electronic filing a Petition for Partial Waiver of OAR 860-021-0140 and OAR 860-021-0415. Specifically, the Company requests partial waiver of subsections (2) and (3) of OAR 860-021-0415, and subsection (2) of OAR 860-021-0410. This temporary waiver request is made in accordance with Paragraphs 5 and 16 of the Stipulated Agreement on Effects of COVID-19 Pandemic on Energy Utility Customers (Stipulated Agreement), as approved by the Commission in Order No. 20-401 of Docket No. UM 2114 on November 5, 2020. As such, Avista hereby respectfully requests that the temporary, partial waivers of OAR 860-021-0415 and OAR 860-021-0410 be approved effective immediately, and remain in effect until October 1, 2022, as noted in the Stipulated Agreement, or unless and until any permanent changes are made to these rules.

If you have any questions regarding this filing, please contact me at (509) 495-2782.

Sincerely,

/s/ Shawn Bonfield

Shawn Bonfield
Sr. Manager of Regulatory Policy & Strategy

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BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON
DOCKET NO. UM 1631

In the Matter of)
)
AVISTA CORPORATION)
d/b/a AVISTA UTILITIES) PETITION OF AVISTA CORPORATION
)
Petition for Partial Waiver of OAR 860-)
021-0410 and OAR 860-021-0415)

Pursuant to ORS 756.040 and OAR 860-021-0005, Avista Corporation, dba Avista Utilities (Avista or Company), hereby petitions the Public Utility Commission of Oregon (PUC or Commission) for an order granting a temporary, partial waiver of OAR 860-021-0410, Emergency Medical Certificate for Residential Electric and Gas Service, and OAR 860-021-0415, Time-Payment Agreements for Residential Electric and Gas Service. Specifically, the Company requests partial waiver of subsections (2) and (3) of OAR 860-021-0415, which limits the timeframe for time-payment arrangements to 12-months and requires a down payment for such arrangements, and subsection (2) of OAR 860-021-0410, which requires that a medical certification to the utility be confirmed in writing within 14 days by the qualified medical professional prescribing medical care. This temporary waiver request is made in accordance with Paragraphs 5 and 16 of the Stipulated Agreement on Effects of COVID-19 Pandemic on Energy Utility Customers (Stipulated Agreement), as approved by the Commission in Order No. 20-401 of Docket No. UM 2114 on November 5, 2020. As such, Avista hereby respectfully requests that the temporary, partial waivers of OAR 860-021-0415 and OAR 860-021-0410 be approved effective immediately, and remain in effect until October 1, 2022, as noted in the Stipulated Agreement, or unless and until any permanent changes are made to these rules.

1 In support of this Petition, the Company states:

2 Avista provides natural gas service in southwestern and northeastern Oregon and is a public
3 utility subject to the Commission’s jurisdiction under ORS 757.005(1)(a)(A).

4 Avista requests that all notices, pleadings and correspondence regarding this Petition be sent
5 to the following:

6 Patrick Ehrbar
7 Director of Regulatory Affairs
8 Avista Corporation
9 P.O. Box 3727
10 1411 E. Mission, MSC-27
11 Spokane, WA 99220-3727
12 (509) 495-8620
13 Pat.ehrbar@avistacorp.com
14

David J. Meyer
Vice President and Chief Counsel
for Regulatory and Governmental Affairs
Avista Corporation
P.O. Box 3727
1411 E. Mission, MSC-27
Spokane, WA 99220-3727
(509) 495-4316
David.meyer@avistacorp.com

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16 **I. BACKGROUND**

17 On June 9, 2020, the Commission conducted a Special Public Meeting on the topic of the
18 “Impact to Utility Customers during the COVID-19 Pandemic and Future Economic Recovery.”
19 During this public meeting, the Commission heard from investor-owned utilities, customer groups,
20 and other stakeholders regarding the impacts of the COVID-19 pandemic, including actions already
21 taken by utilities as well as additional actions still needed to protect customers during the COVID-
22 19 health and economic crisis. The PUC then assembled a team of representatives from across the
23 state, led by PUC Staff, to collaborate in addressing various aspects of the COVID-19 challenge,
24 and Docket No. UM 2114, the Commission’s Investigation into the Effects of the COVID-19
25 Pandemic on Utility Customers, was opened at the request of Commission Staff. After a thorough
26 investigation consisting of data collection and workshops between June 30, 2020 and September 3,
27 2020, Commission Staff released its Final Report entitled “ COVID-19 Aftermath[:] Actions to
28 Protect Customers” on September 21, 2021. Appendix A to Staff’s Report, “Oregon Non-Binding

1 Term Sheet – Energy Utilities” (Term Sheet), provided a description of “the basic terms and
2 conditions to be included in a stipulation waiving hearing rights that would address the
3 disconnection of utility services and the imposition of late fees due to the COVID-19 pandemic.”

4 On September 24, 2020, the Commission authorized its Staff, and the affected energy
5 utilities and stakeholders, to execute stipulations incorporating the Term Sheets that were developed
6 during the UM 2114 investigation. Between September 24, 2020 and October 23, 2020, Avista,
7 Cascade Natural Gas, Idaho Power, NW Natural, Pacific Power, Portland General Electric,
8 Commission Staff, Oregon Citizens’ Utility Board, Community Action Partnership of Oregon,
9 Northwest Energy Coalition, Verde, and Multnomah County (collectively, the Parties) helped to
10 refine the Energy Term Sheet and develop a Stipulated Agreement on terms and conditions to assist
11 customers and utilities during the COVID-19 pandemic and its aftermath.

12 II. REQUEST FOR WAIVER

13 At the Commission’s November 3, 2020 Public Meeting, PUC Staff presented its final
14 discussion and recommendations regarding the approval of the Stipulated Agreement endorsed by
15 the Parties, which the Commission ultimately adopted. At that time, Commission Staff also provided
16 comments regarding potential energy utility action that may be required as a result of the Stipulated
17 Agreement’s impact on implementation of various administrative rules. In its Staff Report for the
18 November 3, 2020 Public Meeting, Commission Staff articulates:

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

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

10 Good cause exists to grant Avista’s request for partial waivers, as the waivers are not only
11 in compliance with the approved Stipulated Agreement and Commission Staff’s recommendations
12 described above, but will also prevent customer confusion regarding the need to schedule medical
13 appointments to provide immediate emergency medical certification and alleviate the financial
14 pressures potentially caused by a down-payment requirement associated with utility time-payment
15 arrangements. Further, no customers will be harmed by the granting of these waivers. Lastly, the
16 Company requests expedited consideration of this Petition to facilitate a timely response to the
17 ongoing COVID-19 public health crisis, and to immediately effectuate the Stipulated Agreement as
18 approved by the Commission in Order No. 20-401 of Docket No. UM 2114 on November 5, 2020.

19 **III. CONCLUSION**

20 WHEREFORE, for the reasons described herein, Avista Utilities respectfully requests that
21 the Commission issue an order approving the Company’s request for temporary, partial waiver of
22 OAR 860-021-0410(2) and OAR 860-021-0415(2) and (3) through October 1, 2022, effective
23 immediately upon Commission approval.

24 DATED this 6th day of November 2020.

25 Respectfully submitted,

26 Avista Utilities

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By: /s/ *David Meyer*

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David J. Meyer, Vice President and Chief
Counsel for Regulatory and Governmental Affairs

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