

Secretary of State

NOTICE OF PROPOSED RULEMAKING*

A Statement of Need and Fiscal Impact accompanies this form.

Public Utility Commission	860
Agency and Division	Administrative Rules Chapter Number

Diane Davis	PO Box 2148, Salem, Oregon 97308	(503) 378-4372
Rules Coordinator	Address	Telephone

RULE CAPTION

Revision to OAR 860-021-0015(1) to Clarify Utilities' Retention Period for Dispute Records.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.**RULEMAKING ACTION**

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing
ADOPT:

AMEND: 860-021-0015**REPEAL:****RENUMBER:****AMEND & RENUMBER:**

Stat. Auth.: ORS 183, 756, 757 and 759

Other Auth.:

Stats. Implemented: ORS 756.040, 756.500, and 756.512

RULE SUMMARY

The current language of OAR 860-021-0015(1) contains an incorrect rule reference concerning the retention of records. The rule reference intended does not specifically address the retention of utility-customer or utility-applicant dispute records. The proposed revision clarifies that dispute records must be retained for 36 months.

The Commission encourages participants to file written comments as early as practicable in the proceedings so that other participants have the opportunity to consider and respond to the comments before the deadline. Please reference Docket AR 571 on comments and file them by e-mail to the Commission's Filing Center at PUC.FilingCenter@state.or.us and also send a signed paper copy to the Filing Center at PO Box 2148, Salem, Oregon 97308-2418. For more information about the Commission's Filing Center, please see <http://apps.puc.state.or.us/edockets/center.htm>. Interested persons may review all filings online at <http://apps.puc.state.or.us/edockets/docket.asp?DocketID=18325>. For guidelines on filing and participation, please see OAR 860-001-0140 through 860-001-0160 and 860-001-0200 through 860-001-0250 found online at http://arcweb.sos.state.or.us/pages/rules/oars_800/oar_860/860_tofc.html.

The agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

June 25, 2013, 5:00 p.m.

Last Day for Public Comment (Last day to submit written comments to the Rules Coordinator)

/s/Diane Davis	Diane Davis diane.davis@state.or.us	5/10/13
Signature	Printed name	Date

*Rulemaking Notices published in the Oregon Bulletin must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, upon which the deadline is 5:00 pm the preceding workday. A public rulemaking hearing may be requested in writing by 10 or more people, or by an association with 10 or more members, within 21 days following the publication of the Rulemaking Notice in the Oregon Bulletin or 28 days from the date Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

ARC 923-2005

Secretary of State

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Public Utility Commission

860

Agency and Division

Administrative Rules Chapter Number

Revision to OAR 860-021-0015(1) to Clarify Utilities' Retention Period for Dispute Records.

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of: a Revision to OAR 860-021-0015(10 to Clarify Utilities' Retention Period for Dispute Records

Statutory Authority: ORS 183, 756, 757 and 759

Other Authority:

Stats. Implemented: ORS 756.040, 756.500, and 756.512

Need for the Rule(s): The revision is necessary to correct and clarify how long utilities must retain records of customer and applicant disputes. The current language of OAR 860-021-0015(1) contains an incorrect rule reference concerning the retention of records; and the rule reference intended does not specifically address the retention of utility-customer or utility-applicant dispute records. The proposed revision clarifies that dispute records must be retained for 36 months.

Documents Relied Upon, and where they are available:

OAR 860-021-0015, OAR 860-027-1020 found online at http://arcweb.sos.state.or.us/pages/rules/oars_800/oar_860/860_tofc.html

Fiscal and Economic Impact:

The subject utilities expect minimal to no fiscal or economic impact because the proposed revision reflects current practices or a standard less than current practices.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

There is very minimal cost of compliance reported by the subject utilities and no cost of compliance for state agencies, units of local government, or the public.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:

The regulated energy companies and large telecommunications companies subject to this rule are not small businesses.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

As noted above, the subject utilities reported no cost to very minimal costs of compliance.

c. Equipment, supplies, labor and increased administration required for compliance:

As noted above, the subject utilities reported no cost to very minimal costs of compliance.

How were small businesses involved in the development of this rule?

Small businesses are not subject to the provisions of this rule amendment and therefore were not involved in its development.

Administrative Rule Advisory Committee consulted?: No.

If not, why?:

PUC Staff surveyed the subject utilities.

/s/Diane Davis

Diane.davis@state.or.us

Diane Davis

05/10/13

Signature

Printed name

Date

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310. ARC 925-2007

860-021-0015

Dispute Resolution

(1) When a dispute occurs between a customer or applicant and a utility about any bill, charge, or service, the utility **shall** thoroughly investigate the matter and promptly report the results of its investigation to the customer or applicant. Each utility **shall** prepare a written record showing the name and address of the customer or applicant involved, the date and character of the dispute, and the disposition of the matter. The utility **shall** retain records of the dispute ~~pursuant to OAR 860-028-0010~~ **for 36 months**.

(2) The utility shall inform the customer or applicant of the right to supervisory review of any dispute, including but not limited to, establishment of credit and termination of service. If a dispute is not resolved, the utility shall notify the customer or applicant of the Commission's dispute resolution procedure and its toll-free telephone number.

(3) A customer or applicant may request the Commission's assistance in resolving the dispute by contacting the Commission's Consumer Services Division. The Commission shall notify the utility upon receipt of such a request.

(4) The Commission's Consumer Services Division shall assist the complainant and the utility in an effort to reach an informal resolution of the dispute.

(5) If a registered dispute cannot be resolved informally, the Commission's Consumer Services Division shall advise the complainant of the right to file a formal written complaint with the Commission. The complaint shall state the facts of the dispute and the relief requested. The utility shall answer the complaint within 15 days of service of the complaint. The matter shall then be set for expedited hearing. A hearing may be held on less than ten days' notice when good cause is shown.

(6) Pending resolution of the dispute, the complainant's obligation to pay undisputed amounts continues.

(7) A customer or applicant who has a registered dispute or formal complaint pending with the Commission shall be entitled to continued or restored service provided:

(a) Service was not terminated for theft of service or failure to establish credit;

(b) A bona fide dispute exists in which the facts asserted by the customer or applicant entitle the customer or applicant to service;

(c) When termination is based on nonpayment, the customer or applicant makes adequate arrangement to avoid future loss to the utility, such as prepaying estimated monthly utility charges; and

(d) The customer or applicant diligently pursues conflict resolution under the Commission's rules.

(8) If the conditions in section (7) of this rule are not satisfied, the utility has no obligation to provide continued service. A utility discontinuing service because of a failure to meet the conditions of subsections (7)(c) or (7)(d) of this rule shall give the customer five-day notice served in the same manner as provided by OAR 860-021-0405 or OAR 860-021-0505, whichever applies, except the notice need only describe the defect in performance, the date and time when utility service will terminate, and the toll-free number of the Commission's Consumer Services Division. In deciding whether the conditions are met, the utility shall consult with the Commission's Consumer Services Division. A customer or applicant who has filed a formal complaint, the utility, or the

Commission's Consumer Services Division may ask the Commission for a hearing to decide if the conditions are met. Unless extraordinary circumstances exist, the hearing will be conducted by telephone conference within three business days from the date requested. Notice of hearing will be given to the customer, the utility, and the Commission's Consumer Services Division at least 12 hours before the date and time of the hearing. Notice is effective when given in person, by telephone, or in writing delivered to the party's last known address. Mailed notice is effective two days after deposit in the U.S. mail, excluding Sundays and holidays.

Stat. Auth.: ORS Ch. 183, 756, 757 & 759

Stats. Implemented: ORS 756.040, 756.500 & 756.512

Hist.: PUC 164, f. 4-18-74. ef. 5-11-74 (Order No. 74-307); PUC 5-1983, f. 5-31-83, ef. 6-1-83 (Order No. 83-284); PUC 12-1983, f. & ef. 10-7-83 (Order No. 83-623); PUC 1-1985, f. & ef. 2-1-85 (Order No. 85-075); PUC 4-1985, f. & ef. 4-22-85 (Order No. 85-350); PUC 5-1987, f. & ef. 7-2-87 (Order No. 87-723); PUC 16-1990, f. 9-28-90, cert. ef. 10-1-90 (Order No. 90-1105); PUC 11-1998, f. & ef. 5-7-98 (Order No. 98-188); PUC 8-1999, f. & ef. 10-18-99 (Order No. 99-632); PUC 11-2003, f. & ef. 7-3-03 (Order No. 03-369)