

ITEM NO. CA5

**PUBLIC UTILITY COMMISSION OF OREGON
AHD REPORT
PUBLIC MEETING DATE: August 11, 2015**

REGULAR _____ **CONSENT** X **EFFECTIVE DATE** _____ **N/A**

DATE: July 30, 2015

TO: Public Utility Commission

FROM: Diane Davis

THROUGH: Michael Grant, Jason Eisdorfer, and Phil Boyle

SUBJECT: OREGON PUBLIC UTILITY COMMISSION ADMINISTRATIVE HEARINGS DIVISION: (Docket No. AR 590) Adopt permanent rule changes to OAR 860-036-0245, Disconnection Procedures for All Customers of Water Utility Services.

AHD RECOMMENDATION:

Adopt the rule modifications as proposed.

DISCUSSION:

This rulemaking makes the rule language consistent with utility practices concerning the 15-day notices required before residential customer disconnection and with rules concerning the disconnection practices for other utilities regulated by the PUC, and updates other archaic language. No comments were filed in response to the Notice of Proposed Rulemaking.

PROPOSED COMMISSION MOTION:

Adopt the modifications to 860-036-0245 as set forth in Appendix A of the attached draft order.

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

AR 590

In the Matter of Housekeeping Changes to
OAR 860-036-0245 Disconnection
Procedures for Water Utility Customers.

ORDER

DISPOSITION: MODIFICATIONS TO RULE ADOPTED

I. INTRODUCTION

In this order, we adopt housekeeping changes to OAR 860-036-0245 to make the rule language concerning 15-day notices consistent with the disconnection rules for other utilities regulated by the PUC and with current utility practices and to update other archaic language. Changing “business day” to “calendar day” also improves the clarity of the rule.

II. PROCEDURAL HISTORY

On June 11, 2015, we filed a Notice of Proposed Rulemaking and Statement of Need and Fiscal Impact for this rulemaking with the Secretary of State. On June 11 and 12, 2015, we provided notice to all interested persons on the service lists established under OAR 860-001-0030(1)(b) and to legislators specified in ORS 183.335(1)(d). Notice of the rulemaking was published in the July 2015 *Oregon Bulletin*. The notice established a comment due date of July 22, 2015. No comments were filed.

III. ORDER

IT IS ORDERED that:

1. The modifications to OAR 860-036-0245, as shown in Appendix A, are adopted.

2. The rule changes become effective upon filing with the Secretary of State.

Made, entered, and effective _____.

Susan K. Ackerman
Chair

John Savage
Commissioner

Stephen M. Bloom
Commissioner

A person may petition the Public Utility Commission of Oregon for the amendment or repeal of a rule under ORS 183.390. A person may petition the Oregon Court of Appeals to determine the validity of a rule under ORS 183.400.

860-036-0245

Disconnection Procedures for All Customers of Water Utility Services

- (1) Involuntary termination of water utility service for all customers **shall****must** be under the provisions of this rule.
- (2) Notice Requirements:
 - (a) At least five business days before a water utility disconnects service, a written disconnect notice must be provided to the customer to be disconnected;
 - (b) Before a water utility disconnects service due to a customer's failure to abide by a time-payment agreement, the water utility will provide the customer with a written 15-**businesscalendar**-day disconnect notice and a written five-business -day disconnect notice;
 - (c) The disconnection notice **shall****must** inform the customer that service will be disconnected on or after a specific date and **shall****must** explain the alternatives. The specified date must conform to OAR 860-036-0220, disconnection of service on Fridays, weekends and holidays.
- (3) The water utility may serve the notice of disconnection in person or send it by first class mail to the last known addresses of the customer and the customer's designated representative. Service is complete on the date of mailing or personal delivery. If notification is made by delivery to the residence, the water utility **shall****must** attempt personal contact. If personal contact cannot be made with the customer or an adult resident, the water utility **shall****must** leave the notice in a conspicuous place at the residence.
- (4) When a written notice is given under these rules:
 - (a) The notice **shall****must** conform to the requirements of OAR 860-036-0235 concerning multilingual requirements and service on any designated representative; and
 - (b) The notice **shall****must** conform to the requirements of OAR 860-036-0230 if the water utility's records show that the billing address is different than the service address or that the premises is a master-metered multi-unit dwelling. The notice may be addressed to "Tenant." The envelope **shall****must** bear a bold notice stating, "Important notice regarding disconnection of utility service," or words to that effect.
- (5) The notice **shall****must** be printed in bold face type and **shall****must** state in easy to understand language:
 - (a) The reason for the proposed disconnection;
 - (b) The amount to be paid to avoid disconnection;
 - (c) The earliest date for disconnection;
 - (d) An explanation of the time-payment agreement provisions of OAR 860-036-0125; and
 - (e) An explanation of the Commission's dispute resolution process and toll-free number.
- (6) A notice of disconnection may not be sent prior to the due date for payment of a bill.
- (7) At least five-business-days before the proposed disconnection date, the water utility must mail or deliver a written disconnection notice to the customer.
- (8) A fee in an amount approved by the Commission may be charged whenever a water utility is required to visit a residential service address in order to serve a disconnection notice.

(9) On the day that the water utility expects to disconnect service and prior to disconnection, the water utility must make a good faith effort to personally contact the customer or an adult at the residence to be disconnected.

(a) If the contact is made, the water utility **shall must** advise the person of the proposed disconnection; or

(b) If contact is not made, the water utility must leave a notice in a conspicuous place at the residence informing the customer that service has been, or is about to be, disconnected.

(10) Where personal contact is made by a water utility under this rule, and the circumstances are such that a reasonable person would conclude that the customer does not understand the consequences of disconnection, the water utility must:

(a) Notify the Department of Human Services and the Commission; and

(b) Delay the proposed disconnection date for five additional business days.

(11) When personal contact is made by the water utility under this rule, the representative of the water utility making contact shall be authorized to accept reasonable partial payment of the overdue balance in accordance with the time-payment provisions.

(12) A water utility must document its efforts to provide notice under this rule and **shall must** make that documentation available to the customer and the Commission upon request.

Stat. Auth.: ORS 183, 756, 757

Stats. Implemented: ORS 756.040, 757.750, 757.755

Hist.: PUC 13-1997, f. & cert. ef. 11-12-97; PUC 15-1998, f. & cert. ef. 8-27-98; PUC 9-1999(Temp), f. 10-22-99, cert. ef. 10-23-99 thru 4-19-00; PUC 6-2000, f. 4-18-00, cert. ef. 4-20-00; PUC 4-2001, f. & cert. ef. 1-24-01; PUC 18-2003, f. & cert. ef. 10-6-03