

Secretary of State
NOTICE OF PROPOSED RULEMAKING*
A Statement of Need and Fiscal Impact accompanies this form

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ARCHIVES DIVISION
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Public Utility Commission of Oregon

860

Agency and Division

Administrative Rules Chapter Number

Diane Davis

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RULE CAPTION

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

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

RULEMAKING ACTION

Secure approval of rule numbers with the Administrative Rules Unit prior to filing

ADOPT:

AMEND:

860-036-0245

REPEAL:

RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

AMEND AND RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

Statutory Authority:

ORS 183, 756, 757

Other Authority:

Statutes Implemented:

ORS 756.040, 757.750, 757.755

RULE SUMMARY

This rulemaking makes consistent the wording of the rule with utility practices concerning the 15-day notices required before residential customer disconnection and updates other archaic language. The change of "business day" to "calendar day" also makes the rule consistent with rules concerning the disconnection practices for other utilities regulated by the PUC.

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 No. AR 590 on comments and file them by e-mail to the Commission's Filing Center at PUC.FilingCenter@state.or.us.

Interested persons may review all filings online at <http://apps.puc.state.or.us/edockets/docket.asp?DocketID=19593>. 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_001.html.

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 Notice of Proposed Rulemaking 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, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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

07-22-2015 5:00 p.m.

Diane Davis

diane.davis@state.or.us

Rules Coordinator Name

Email Address

Last Day (*m/d/yyyy*) and Time
for public comment

*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation.

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Administrative Rules Chapter Number

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

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

In the Matter of:

Housekeeping Changes to OAR 860-036-0245 Disconnection Procedures for Water Utility Customers

Statutory Authority:

ORS 183, 756, 757

Other Authority:

Statutes Implemented:

ORS 756.040, 757.750, 757.755

Need for the Rule(s):

The changes are needed to make the rules consistent with industry practices and to update archaic language. The changes also provide clarity.

Documents Relied Upon, and where they are available:

OAR 860-021-0405 found online at http://arcweb.sos.state.or.us/pages/rules/oars_800/oar_860/860_021.html

Fiscal and Economic Impact:

There is no anticipated fiscal or economic impact created by the housekeeping changes.

Statement of Cost of Compliance:

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

The proposed rule changes are not anticipated to create any additional positive or negative cost of compliance. The changes may provide clarity to stakeholders.

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

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

Nearly all of the approximately 100 water utilities regulated by the PUC are small business.

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

There is no anticipated increase in reporting, recordkeeping, or other administrative activities in order to comply with the proposed changes to the rule.

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

There is no anticipated increase in equipment, supplies, labor or administration in order to comply with the proposed changes to the rule.

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

Industry representative were involved in a larger rulemaking project still in progress in which these changes were discussed.

Administrative Rule Advisory Committee consulted?:No

If not, why?:

Industry representatives were given opportunity to give input in a larger scale project with similar results.

07-22-2015 5:00 p.m.	Diane Davis	diane.davis@state.or.us
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address

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 **shallmust** 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 **shallmust** 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