

DAVIS Diane

From: DAVIS Diane
Sent: Wednesday, April 13, 2016 1:22 PM
To: 'cbearry@idahopower.com'; 'shawn.bonfield@avistacorp.com';
'pge.opuc.filings@pgn.com'; 'ldd@nwnatural.com'; 'cristina.fajardo@pgn.com';
'ann@annfisherlaw.com'; 'kelly.gilgan@pgn.com'; 'jennifer.gross@cngc.com';
'jason.hoffman@pacificorp.com'; 'ork@nwnatural.com'; 'matt.mchill@pgn.com';
'heather.qualey@pacificorp.com'; 'tyler.richardson@pgn.com';
'natasha.siores@pacificorp.com'; 'dustin.till@pacificorp.com'; 'doug.tingey@pgn.com';
MOSER Sommer; BOYLE Phil; HARI Celeste; MUNTZ Charla; RIBACK Marilyn; RIOS
Deanna; SHEARER Scott; HARPER Ruth
Cc: 'roatswater@bendbroadband.com'; 'rick@avionwater.com'; 'dbaugh@ci.lebanon.or.us';
'dominique.bessee@portlandoregon.gov'; 'sbishop@pacinfo.com';
'tbrooks@cablehouston.com'; 'cchandler@cencoast.com';
'amanda@daltonadvocacy.com'; 'jim.deason@windwave.tc'; 'jeffd@frllc.com';
'pdodge@cityofsalem.net'; 'ann@annfisherlaw.com';
'danny.grady@portlandoregon.gov'; 'curt@nvoregonresorts.com';
'bob@oregoncub.org'; JONES Jason W; 'kathy@ibew659.org'; KLEIN Kaylie;
'mpf@stateside.com'; 'bmcdonald@lacapra.com'; 'katherine@mcd-law.com';
'dan@meeek.net'; 'mike@tonkon.com'; 'murray@cityofdepoebay.org';
'silas@hilandwater.com'; 'silasolson@gmail.com'; 'beachscene@msn.com';
'price@bendcpa.com'; 'reichman@perkinscoie.com'; 'wrolfe@water-law.com';
'schroeder@water-law.com'; 'stuarts@cpi.coop'; 'stephens@eslerstephens.com';
'mec@eslerstephens.com'; 'sarah.wallace@pacificorp.com'; 'petesh20@canby.com';
WEIRICH Michael; 'mary.widman@pgn.com'; 'renee.willer@ftr.com'; 'suzukir1
'@gmail.com'
Subject: Comparison Tables for the Upcoming Water Rules Workshop

Here is a comparison of the existing water rules to the revised draft proposed water rules. Please note that these are rough comparisons to facilitate discussion at the April 27, 2016 workshop and are not authoritative, comprehensive documents. Folks should still refer to the actual, full-text of the old and new draft proposed rules for specific language.



Table Comparing
OARs 860-036 1...

Diane Davis
Administrative Hearings Division
Public Utility Commission of Oregon
diane.davis@state.or.us
(503) 378-4372

Table Comparing Existing and Proposed New OARs 806-036-1230 through 1450

Surety Agreements

OLD (860-036-0040(3))	NEW (860-036-1230)
<p>In lieu of paying a deposit, applicant/customer may provide written surety agreement from responsible party to secure payment in amount equal to 2 months' average usage.</p> <p>A responsible party is another customer of the utility who meets one of these conditions:</p> <ol style="list-style-type: none"> 1. Party received 12 months of continuous service during preceding 24 months and utility can verify by contacting former utility or through authorized letter that applicant/customer terminated service and paid for all services; 2. Party meets utility's minimum credit requirements based on third party credit report score or utility's Commission-approved formula; or 3. Party can provide proof of ability to pay by providing: <ol style="list-style-type: none"> (A) proof of employment during 12 months previous and work telephone number; or (B) statement from income provider or representative indicating applicant/customer receives regular source of income. <p>Surety agreement obligation will automatically terminate if responsible party no longer meets these conditions.</p> <p>If responsible party is later found not to qualify, applicant/customer will be required to pay deposit or obtain another surety agreement.</p> <p>Surety obligation ceases when customer establishes good credit.</p>	<p>Utility must notify applicant/customer of opportunity to provide a written surety agreement in lieu of paying a deposit.</p> <p>A surety agreement obligates another customer in good standing with utility to pay amount up to deposit for services provided if account is terminated.</p> <p>Surety agreement obligation automatically terminates when:</p> <ol style="list-style-type: none"> (a) Customer meets requirements for refund under OAR 860-036-1260(2); or (b) Customer providing surety agreement no longer meets requirements for credit under OAR 860-036-1210 <p>[OAR 860-036-1210 requires: (a) applicant received 12 months of service during preceding 24 months, and utility can verify applicant voluntarily terminated service and timely paid for services; or (b) applicant provides proof of a regular source of income]</p>

Table Comparing Existing and Proposed New OARs 806-036-1230 through 1450

Deposit Payment Arrangements for Residential Service

OLD (860-036-0045)	NEW (860-036-1240)
<p>Customer/applicant may pay in full or three equal installments.</p> <p>First installment due immediately; remaining due 30 days and 60 days later.</p> <p>When customer enters into installment agreement, utility shall provide written notice explaining requirements, due dates, and stating service will be disconnected for nonpayment.</p> <p>If customer/applicant fails to abide by terms of installment agreement, utility may disconnect after written 5-business-day disconnect notice.</p> <p>When installment payment is made with a payment for service, amount shall first be applied toward deposit.</p> <p>A customer required to pay additional deposit shall pay 1/3 of total deposit within 5 days. Remainder is due [as outlined in first paragraph above]. If customer has an existing deposit installment agreement, remaining installment payments will be adjusted to include additional deposit; however, two installment payments cannot be required within same 30-day period.</p> <p>If customer is disconnected for theft, utility may require a deposit in addition to overdue charges and repair charges. Deposit may be paid in one payment or two installments. Deposit or first installment is due upon restoration of service and second is due 30 days later.</p> <p>For good cause, utility may provide, or Commission may require, more liberal arrangements for payment.</p> <p>If disconnection for nonpayment of deposit occurs, customer/applicant shall pay full amount of deposit, reconnection fee, late-payment fee, and past due amount before service is restored. Customer may continue with an existing time-payment agreement by paying all past-due installments.</p>	<p>Utility must allow a deposit to be paid in three installments unless deposit:</p> <p>(a) is required to restore service that was disconnected for failure to pay a deposit; or</p> <p>(b) was assessed under OAR 860-036-1220(3).</p> <p>Under a deposit installment agreement, first installment is due immediately; remaining are due 30 calendar days and 60 calendar days after first payment.</p> <p>For each deposit installment agreement, utility must provide written agreement that specifies amount and date each installment payment is due and states that service will be disconnected for nonpayment.</p> <p>Customer's failure to abide by terms of a deposit installment agreement is grounds for disconnection.</p> <p>When a payment is made for both service and a deposit installment, payment must be applied first to deposit installment.</p> <p>If utility adjusts deposit amount under OAR 860-036-1220(4), utility must adjust remaining payments to include additional amounts required.</p>

Table Comparing Existing and Proposed New OARs 806-036-1230 through 1450

Interest on Deposits for Residential and Nonresidential Service by Rate-Regulated Utilities

OLD (860-036-0050)	NEW (860-036-1250)
<p>Each year, Commission will establish annual interest rate paid on deposits.</p> <p>Commission will base rate upon rate for one-year Treasury Bills issued last week of October, rate on most recent one-year Treasury Bills, or rate for average yield of Treasury Bills of closest term issued last week of October. If one-year Treasury Bills have not been so issued, Commission will use Treasury Bills of closest term to one year that were issued. This rate, rounded to nearest 0.50%, will apply to deposits held Jan. through Dec.</p> <p>Upon payment of deposit, utility must provide customer documentation showing date, name of customer or applicant, service address, amount of deposit, interest rate, and explanation of conditions for refund.</p> <p>If deposit is held beyond one year, accrued interest must be credited to customer's account. If held less than one year, interest must be prorated. Utility must keep detailed record of each deposit received until deposit is credited or refunded.</p>	<p>Utilities must pay interest on all customer deposits.</p> <p>Each, Commission will notify utilities of required interest rate to be applied to deposits held during January 1 through December 31 of the subsequent year.</p> <p>If deposit is held beyond one year, accrued interest must be credited to customer's account. If held less than one year, interest must be prorated.</p>

Table Comparing Existing and Proposed New OARs 806-036-1230 through 1450

Refund of Deposits

OLD (860-036-0055)	NEW (860-036-1260)
<p>Utility may hold deposit until credit is satisfactorily established/reestablished.</p> <p>After credit has been established/reestablished, deposit plus interest shall be refunded or credited to customer's account. Customer shall be entitled to a refund upon request.</p> <p>Utility shall refund customer's deposit with interest when service is terminated, provided refund shall first be applied to unpaid balance.</p> <p>Unless otherwise specified by customer, utility shall mail deposit refunds to customer's last address.</p> <p>Credit is considered established/reestablished one year after a deposit is made if:</p> <ul style="list-style-type: none"> (a) account is current; (b) not more than two 5-day disconnection notices were issued during the previous 12 months; and (c) customer was not disconnected for nonpayment during previous 12 months. <p>Deposits may be refunded or credited earlier, provided utility's procedures are nondiscriminatory.</p> <p>Utility will honor valid claims for payment of refunds if received within one year of date service is terminated. Funds held beyond one year will be disposed of in accordance with ORS 98.316.</p> <p>When customer moves to new address within utility's service area, deposit and interest will be transferred.</p>	<p>Utility must refund all deposits and interest once credit is established/reestablished, or service is terminated. Customer refunds must first be applied to any unpaid balance on the customer's account.</p> <p>Utility must issue a credit to customer's account or mail refund to customer's last address.</p> <p>Credit is considered established/ reestablished one year after deposit is paid in full if:</p> <ul style="list-style-type: none"> (a) account is current; (b) not more than two 7-calendar day disconnection notices were issued during previous 12 months; and (c) customer was not disconnected for nonpayment during previous 12 months. <p>Deposits may be refunded or credited earlier, provided utility's procedures are nondiscriminatory.</p> <p>Utility must honor valid claims for refunds if received within one year of service terminated. Funds held beyond one year will be disposed of per ORS 98.316.</p> <p>Interest must be paid in accordance with OAR 860-036-1250. Utility must keep record of each deposit received until deposit is credited or refunded.</p>

Table Comparing Existing and Proposed New OARs 806-036-1230 through 1450

Refusal of Water Utility Service

OLD (860-036-0080)	NEW (860-036-1270)
<p>Utility shall refuse service if:</p> <ul style="list-style-type: none"> (a) Customer/applicant has not complied with state and municipal regulations and utility's rules. (b) Customer/applicant's facilities are such that safe and satisfactory service cannot be given. (c) Utility does not have adequate facilities or water resources to render the service and service will likely to affect service to others (must provide letter explaining reason/costs). (d) Utility is prohibited by law from providing service. <p>If service is refused, utility must provide written notice within 10 working days explaining reasons and Commission complaint process.</p> <p>Utility may refuse service if:</p> <ul style="list-style-type: none"> (a) Customer/applicant owes overdue amount of tariffed charge or like obligation relating to a prior account. Must provide service upon payment of ½ of overdue amount (except if disconnected for theft of service). Balance paid within 30 days of date service is initiated. (b) Applicant has a roommate with amounts owing under tariff, and applicant lived with roommate when amounts owing were incurred. <p>Upon failure to pay, utility may disconnect service after providing written 5-day notice.</p>	<p>Utility must refuse service if:</p> <ul style="list-style-type: none"> (a) Applicant's facilities do not comply with governing authorities' regulations, best practices governing safe/adequate service, or utility rules. (b) Utility does not have adequate facilities, resources, or capacity to provide service without impairing service to others. (c) Utility is prohibited by law from providing service. <p>If a utility refuses service, it must provide written notice within 7 calendar days, specifying:</p> <ul style="list-style-type: none"> (a) information required by OAR 860-036-1100(4); (b) reasons for refusing service; (c) right to request details of decision; and (d) right to dispute through Consumer Services. <p>Utility may refuse service until it receives full payment of unpaid amounts related to a prior account if:</p> <ul style="list-style-type: none"> (a) applicant was a prior customer and has amounts owing under tariff; or (b) applicant has a roommate with amounts owing under tariff, and applicant lived with roommate when amounts owing were incurred. <p>If applicant was a prior customer with amounts owing and was terminated for non-payment, and applies for service again within 20 calendar days, utility must provide service upon receipt of ½ of amount owed with remainder due in 30 calendar days. If remainder is unpaid, may disconnect after 7-day disconnect notice. Utility may then refuse to restore service until full payment.</p>

Table Comparing Existing and Proposed New OARs 806-036-1230 through 1450

Water Service Connection

OLD (860-036-0060)	NEW (860-036-1300)
<p>“Service connection” means pipes, equipment etc. to connect main and service lines. Utility must furnish trenching, construction, labor, equipment for connection. Utility owns connection and must operate and maintain it. Utility may require customer to pay cost-based charge to offset these expenses, excluding cost of the meter (unless tariff allows).</p> <p>“Customer service line” means connection from customer’s premises to service connection. Customer owns and maintains.</p> <p>Specifies where line should be placed. Construction must comply with rules and best practices.</p> <p>Utility must take reasonable steps to restore surrounding area.</p>	<p>“Service connection” means facilities used to connect distribution network to customer’s service line. Utility owns and maintains the connection.</p> <p>“Customer’s service line” means facilities used to convey water from connection to customer’s point of usage. Customer owns and maintains service line.</p> <p>If authorized by tariff, utility may recover actual cost of service connection from the customer.</p>

Main Line Extensions

OLD (860-036-0065)	NEW (860-036-1310)
<p>Utility must develop uniform policy for extensions and charges and include this in tariff. Policy must include a schedule of charges, advance/refund provisions, period for advance/rebate provisions.</p> <p>Customers may be required to pay a reasonable, cost-based charge.</p> <p>Upon request, utility must provide written breakdown of costs.</p> <p>Construction of main lines and extensions must comply with all applicable rules and regulations and best practices of water industry.</p> <p>Utility must take reasonable steps to restore surrounding area.</p>	<p>“Main line extension” means extension of utility’s main line to provide service to customer whose property does not have main-line frontage.</p> <p>Utility may charge reasonable charge if stated in tariff.</p> <p>Utility must have a policy that lists charges, describes advance/refund provisions, and states period for which they apply.</p> <p>Upon request, utility must provide written breakdown of extension costs and allocation.</p>

Table Comparing Existing and Proposed New OARs 806-036-1230 through 1450

Temporary Service

OLD (860-036-0070)	NEW (860-036-1320)
Utility may render temporary service to a customer. Utility may require customer to bear all cost of installing/removing the service. Length of temporary service must be specified in utility's tariff.	Utility may provide temporary service to a customer. Utility may charge all costs of installing/removing service if costs are stated in its tariff.

Restrictions on Entering a Customer Residence

OLD (860-036-0085)	NEW (860-036-1330)
No utility employee shall enter a customer's residence without proper authorization except in an emergency endangering life or property.	No utility employee or representative may enter a customer's residence without authorization except during an emergency endangering life or property.

Table Comparing Existing and Proposed New OARs 806-036-1230 through 1450

Use of Water Meters

OLD (860-036-0105, 0110)	NEW (860-036-1350)
<p>Unless authorized by Commission, utility will own/maintain equipment to regulate and measure water to customers. No rental fee charged except when additional meter is requested for convenience.</p> <p>Meters tested before install, or within 30 days. Utility may seek waiver if can demonstrate suitable random sampling.</p> <p>Utility shall prepare a record, including:</p> <ul style="list-style-type: none"> (a) information needed for identifying meter; (b) reason for test; (c) meter reading; (d) test results; and (e) all data taken at test. <p>No meter will be placed or remain in service that has an error in excess of 2%.</p> <p>All meters for measuring water to customer shall be in good working condition, adequate size and design, and accurate to 2%. If Commission orders refunds, refund shall be through credit of ½ monthly bill until complete.</p> <p>Utility is responsible for repairing inaccurate meters, promptly at its expense. During interim, customer bill must be adjusted to compensate for inaccuracy.</p> <p>When utility furnishes additional meter or relocates meter for customer's convenience, utility may charge customer. No utility shall charge for furnishing, installing, or maintaining meter except with Commission permission or as provided in OAR 860-036-0060, 0070.</p> <p>Utility may set meters or other devices for detecting and preventing fraud or waste, without notice.</p> <p>No utility shall use prepay meters except in special cases or for special classes as authorized by Commission.</p> <p>If damage results to meter from customer tampering or willful neglect, utility shall repair and may bill customer.</p> <p>New, repaired, and meters removed from service shall be correct to within 2% before being installed.</p> <p>Each utility shall adopt schedules for tests/repairs.</p> <p>Each utility shall provide meter-testing equipment.</p>	<p>Utility must provide and install at its expense meters to calculate customer bill, unless tariff allows recovery of cost from customer. No meter rental charge may be assessed.</p> <p>Meters must be tested before install or within 30 calendar days. Must be accurate to 2% fast or slow.</p> <p>Utility must prepare a record that includes:</p> <ul style="list-style-type: none"> (a) Meter number and location; (b) reason for test; (c) testing method; (d) beginning and ending meter readings; (e) test results and conclusion; and (f) data taken at the time of the test. <p>Meters registering in excess of 2% must be repaired or replaced within 30 days. Meanwhile, utility must adjust bill to compensate for inaccuracy.</p> <p>Meters must be in good working condition, adequate in size and design, and display units of service.</p> <p>If Commission determines a utility has not complied with first paragraph above, and a customer refund is appropriate, utility must credit customer at least ½ of monthly bill until refund has been paid.</p> <p>Utility may assess customer costs incurred for meter relocation requested for customer convenience.</p> <p>* Note that in revising 860-036-1100 we decided to move the language in that section to 860-036-1350. The language is: "Upon request by an applicant or customer, a water utility must provide information about how to read meters (if the water utility is providing metered service)." We will need to consider how this would apply to smart meters, which are complicated to read and require some training or detailed instruction.</p>

Table Comparing Existing and Proposed New OARs 806-036-1230 through 1450

Customer Requested Meter Tests

OLD (860-036-0115)	NEW (860-036-1360)
<p>Customer may ask utility to test meter; utility shall test within 20 working days of request at no cost.</p> <p>Customer or representative may be present at test; must be conducted at a mutually acceptable time during regular business hours.</p> <p>Utility must provide written report to customer within 10 working days from date of test showing:</p> <ul style="list-style-type: none"> (a) customer name & address where installed, (c) date test requested and date test performed; (d) meter identification number; and (d) test result. <p>If customer requests more than one test within 12-month period, utility may charge customer to recover reasonable cost of test, unless meter outside 2% standard.</p>	<p>Customer may ask utility to test meter once every 12 months at no cost. Utility must test meter within 7 calendar days unless meter is not accessible.</p> <p>Customer or representative may be present at on-site test; must be conducted at mutually acceptable time.</p> <p>Within 7 calendar days of the test, utility must provide a report to customer showing:</p> <ul style="list-style-type: none"> (a) information required by OAR 860-036-1100(4); (b) name and address of customer; (c) date test requested and date test performed; (d) name of person performing test; (e) meter identification number and location; (f) beginning and ending meter readings; and (g) actual test results and conclusion. <p>If customer requests more than one meter test within 12-month period and results indicate the meter is within 2% standard, customer may be assessed a reasonable charge if such charge is included in the tariff.</p>

Table Comparing Existing and Proposed New OARs 806-036-1230 through 1450

Meter Readings

OLD (860-036-0120)	NEW (860-036-1370)
<p>All meters shall, as nearly as possible, be read monthly on the same day.</p> <p>Other intervals allowed if Commission is given notice and does not object; utility may be required to return to monthly reading. Must provide customer a written statement explaining disadvantages of having meter read less often. If the Commission determines that circumstances warrant, a utility may be required to return to monthly meter reading.</p> <p>Upon written request by a customer, the utility shall cause the meter reader, when the customer's meter is read, to leave on such meter or with such customer, a card showing the actual meter reading and the date and time such reading was made.</p> <p>Each customer shall provide the utility with regular access to the meter on the customer's property. Failure to permit the water utility access at reasonable times and after reasonable written notice of requested access is grounds for disconnection.</p>	<p>Utility must read meters used to calculate bill monthly and as near as possible on the same day unless otherwise indicated in tariff.</p> <p>Upon customer request, utility manually reading meters must leave reading information at the customer's premise at the time of meter reading, with date, time and data.</p> <p>Customer must provide utility with regular access to meter. Failure to permit reasonable access is grounds for disconnection under OAR 860-036-1500.</p> <p>When access to meter is difficult due to location or other circumstances, utility may seek customer's cooperation in obtaining readings.</p>

Table Comparing Existing and Proposed New OARs 806-036-1230 through 1450

Customer Billings

OLD (860-036-0120, 0125)	NEW (860-036-1400)
<p>Upon written request by customer, utility shall cause reader to leave card showing the reading, date, and time.</p> <p>Each customer shall provide utility with access to meter. Failure to permit access at reasonable times and after reasonable written notice is grounds for disconnection.</p> <p>When access is difficult, utility shall seek customer's cooperation in obtaining monthly readings (for example, having customer complete and return a meter reading form). Any customer reading shall be subject to actual utility verification at least every 4 months.</p> <p>Utility must indicate on meter the units of service, except when automatic meter reading systems preclude such facilities.</p> <p>Utilities shall make reasonable efforts to prepare opening and closing bills from actual meter readings.</p> <p>Bills must show:</p> <ul style="list-style-type: none"> (a) beginning/ending readings for bill period bills, (b) date of readings, (c) number of units of service supplied, (d) schedule number under which bill computed, and (e) any other information needed to compute bill. <p>Must state delinquent date and utility's telephone. For good reason, estimated bills may be submitted.</p>	<p>Utility must provide customers with timely billings every month or as indicated in its tariffs.</p> <p>Utility must prepare bills, including opening and closing bills, from actual meter readings. It may prepare bills using estimated consumption only when conditions prevent actual meter reading. If billings are based on estimate, utility must clearly note estimated consumption on bill and verify actual reading at least once every 4 months and adjust the bill as needed.</p> <p>Customer bills must include information required by OAR 860-036-1100(4).</p> <p>Utility must provide information in the bill sufficient for customer to understand and compute charges being assessed, including:</p> <ul style="list-style-type: none"> (a) separate line items for past due balance, payments and credits, new charges, late fees, and total account balance; (b) date new charges are due (at least 15 calendar days from the date the bill was served); (c) calculation of new charges including base or flat rate, usage billing tiers and rates, beginning and ending meter readings, the dates the meter was read, rate schedule, billing period, and number of days in the billing period; and (d) date any late payment charge was applied and explanation of terms of late payment charge; i.e., "A late charge of (insert charge) may be applied to all past due balances carried forward to the next billing cycle."

Application of Partial Payments

OLD (860-036-0045(2))	NEW (860-036-1410)
<p>When an installment payment for a deposit or a deposit is made with a payment for service, the amount paid shall first be applied toward payment of the amount due for deposit.</p>	<p>Absent written instructions from customer, and consistent with OAR 860-036-1240(6), utility must apply payments in following order:</p> <ul style="list-style-type: none"> (1) Past due regulated tariff or statement of rates services; (2) Currently due regulated tariff or statement of rates services; and (3) Non-regulated services.

Table Comparing Existing and Proposed New OARs 806-036-1230 through 1450

Time-Payment Plans for Residential Water Service

OLD (860-036-0125(2))	NEW (860-036-1420)
<p>Utility may not disconnect residential service for non-payment if customer enters into written time-payment plan.</p> <p>Utility will offer customers a choice of payment agreements. At a minimum, customer may choose between levelized and an equal-pay arrearage plan.</p>	<p>A customer with residential service who has past-due amount may enter into time-payment plan, i.e., customer pays past-due amount over a period of time, while also paying for current service. Customer must make initial payment within 1 business day of agreeing to plan.</p> <p><u>Except:</u> Utility is not required to offer time payment plan for past due amounts related to theft of service, tampering, unauthorized use of water, or failure to abide by terms of time-payment plan.</p> <p>Utility must offer customer option to choose between levelized- or equal-pay-arrearage plan:</p> <ul style="list-style-type: none"> (a) customer who selects levelized-pay must make initial payment of 1/12 the sum of average annual bill and past-due balance. Customer will then make a like payment each month for next 11 months. Utility must review plan within 4-6 months and modify payments any change in rates or significant variations in customer's consumption. (b) customer who selects equal-pay arrearage plan must make initial payment equal to 1/12 the account amount and a like payment for each next 11 months, plus pay monthly amounts billed for current usage. <p>Utility and customer may agree to alternate time-payment plan provided utility informs customer of options above.</p> <p>Upon request, utility must provide written explanation of terms of time-payment plan.</p> <p>If customer changes residence within utility's area during time-payment plan, terms of the plan continue.</p> <p>Customer's failure to abide by terms of plan is grounds for disconnection after notice required by OAR 860-036-1510(4)(b).</p>

Table Comparing Existing and Proposed New OARs 806-036-1230 through 1450

Late-Payment Charge

OLD (860-036-0130)	NEW (860-036-1430)
<p>Except as provided below, if utility's late payment charge is included in its tariffs, utility may apply late-payment charge to customer accounts not paid in full each month.</p> <p>Late-payment charge must be based on monthly late-payment rate applied to only overdue account balances at time of preparing subsequent month's bill for residential accounts or by bill due date for all other accounts.</p> <p>Late-payment charge may not be applied to time-payment or equal-payment accounts that are current.</p> <p>For rate-regulated utilities, Commission will determine late-payment rate based on survey of prevailing market rates for late-payment charges of commercial enterprises and will advise utilities of changes.</p> <p>The current late-payment rate and conditions for its application to accounts must be specified on the bill.</p>	<p>Utility may include late payment charge in its tariff that:</p> <ul style="list-style-type: none"> (a) may be applied to residential accounts with a past-due balance at time utility prepares subsequent bill for next billing cycle; (b) may be applied to all other accounts with a past-due balance if payment is not received by bill due date; but (c) may not be applied to residential account with a current time-payment plan. <p>For rate-regulated utilities, Commission determines late-payment rate based on survey of prevailing market rates for late-payment rates of commercial enterprises.</p> <p>Commission will advise all rate-regulated water utilities of any change in rate used to determine late-payment charges on past-due customer accounts.</p>

Table Comparing Existing and Proposed New OARs 806-036-1230 through 1450

Adjustment of Utility Bills

OLD (860-036-0135)	NEW (860-036-1440)
<p>If utility determines a current or former customer was under- or over-billed:</p> <ul style="list-style-type: none"> (a) utility may issue a bill to collect amounts previously under-billed during 12-month period ending date the customer was last under-billed; may not bill for services provided more than 2 years before date utility discovered under-billing. (b) utility must refund or credit amounts previously over-billed during 12-month period ending the date customer was last over-billed; not required to refund or credit for amounts over-billed more than 3 years before date utility discovered over-billing. <p>Notwithstanding the above, if under-billing was result of fraud, tampering, diversion, theft, misinformation, false identification, or other unlawful conduct by customer, utility may collect full payment for any amount owed without limitation.</p> <p>When utility issues bill to collect under-billed amounts, customer may enter into time-payment agreement as provided in OAR 860-036-0125. If customer is already on a time-payment plan, utility must offer to renegotiate payment plan to include under-billing error. If customer and utility cannot agree upon terms, Commission will establish terms and conditions. This not apply if corrected billing is the result of fraud, etc.</p> <p>When utility requires payment for amounts previously under-billed, utility must provide written notice of:</p> <ul style="list-style-type: none"> (a) circumstance and time period of under-billing; (b) corrected bill amount and amount of necessary adjustment, (c) Commission’s consumer complaint process; and (d) right for a current or former customer to enter into a time-payment agreement. <p>A billing adjustment is not required if meter registers less than 2% error under conditions of normal operation.</p> <p>Utility may waive rebilling or issuing a refund check when costs make such action uneconomical.</p>	<p>Except as provided in [last 2 paragraphs below], if utility determines a current or former customer was under- or over-billed for a service under schedule or tariff in effect when service was provided:</p> <ul style="list-style-type: none"> (a) utility may issue a bill to collect amounts previously under-billed during 12-month period ending date customer was last under-billed; utility may not bill for services provided more than 2 years before utility discovered under-billing. (b) utility must refund or credit amounts previously over-billed during 12-month period ending date customer was last over-billed; not required to refund or credit amounts over-billed over 3 years before date utility discovered the over-billing. <p>Notwithstanding the above, if under-billing was the result of fraud, tampering, diversion, theft, misinformation, false identification, or other unlawful conduct on the part of customer, utility may collect full payment for any amount owed without limitation.</p> <p>When utility issues bill to collect under-billed amounts, customer may enter into time-payment agreement per OAR 860-036-1420. If already on a plan, utility must offer to renegotiate to include under-billing error. If cannot agree, Commission will establish terms and conditions. This does not apply if corrected billing is result of fraud, etc.</p> <p>When utility requires payment for amounts previously under-billed, must provide written notice that explains:</p> <ul style="list-style-type: none"> (a) circumstance and time period of under-billing; (b) corrected bill amount and amount of adjustment; (c) Commission’s consumer complaint process; (d) right to enter into time-payment agreement. <p>A billing adjustment is not required if meter registers less than 2% error under normal operation.</p> <p>Utility may waive rebilling or issuing refund check when costs make such action uneconomical.</p>

Table Comparing Existing and Proposed New OARs 806-036-1230 through 1450

Transfer Billings

OLD (860-036-0140)	NEW (860-036-1450)
<p>If utility identifies a balance a customer owes the utility from customer's prior account for Oregon service, utility has option to transfer amount to customer's current account.</p> <p>Utility must give customer prior notice of transfer, including amount due under prior account, period when balance was incurred, and service address where incurred; or utility may send a separate notice to customer giving the same information as included in the transfer, but collecting amount due separately from customer's current account.</p> <p>If the bill is identified when a customer changes residences, the provisions of this rule apply.</p> <p>If customer has an amount remaining on an existing time-payment agreement, the customer may enter into a new time-payment agreement to include the transfer.</p>	<p>If utility identifies an amount a customer from a prior account, it may transfer the prior account balance to the customer's current account.</p> <p>The utility must give customer separate, written notice of transfer, including amount owing, time when balance was incurred, and service address where balance owing was incurred.</p> <p><u>Except:</u> Utility may not transfer balance owing on a non-residential account to a residential account.</p> <p>If customer has balance owing on an existing time-payment plan, customer may enter into a new time-payment plan under OAR 860-036-1420 incorporating all amounts owing.</p>