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BEFORE THE PUBLIC UTILITY COMMISSION

OR OREGON

AR 601

In the Matter of Rulemaking)
Regarding Severe Weather Moratorium on)
Service Disconnection Opened at the July 5,) STAFF COMMENTS
2016 Public Meeting)

The Public Utility Commission of Oregon Staff (Staff) submits these comments after further consideration of the proposed rules that are the subject of this rulemaking. Staff continues to support adoption of the proposed rules. At the public comment hearing held on April 5, 2017 in this docket, no public comment was heard. However, the Administrative Law Judge posed a couple of questions that Staff wishes to provide further comment on below.

I. “Winter Protection Program” Definition.

At the public comment hearing held on April 5, 2017, the Administrative Law Judge questioned whether there is a definition for the term “winter protection program” as used in Section (8) of the proposed rules. Staff confirms the term is not defined in the proposed rules or elsewhere. Staff has no objection to adding a definition of this term for clarity.

Staff suggests modifying *proposed* OAR 860-021-0407(3) to read:

(8) The temperature threshold specified in section (1) of this rule is 25 degrees if an energy utility offers a winter protection program under which a household with an unemancipated minor under the age of 18, an individual age 65 or older, or an infirm person may participate and be protected from service disconnection from December through February. For purposes of this section, “infirm person” refers to an individual having a condition of weakness or illness that affects the individual’s ability to maintain a state of health when exposed to extreme temperatures **and “winter protection program” means a Commission-approved program that a utility may offer in addition to its payment plans, that provides protection from disconnection of residential service based on nonpayment during an extended period of time, which must include the winter months, to eligible customers who opt into the program.**

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1 **II. “Winter Protection Program” Participation.**

2 During the April 5, 2017 public comment hearing, the Administrative Law Judge sought
3 clarification as to whether a person who is not eligible for a winter protection program offered by
4 his or her utility under Section (8) of the proposed rule would be subject to the lower temperature
5 threshold of 25 degrees Fahrenheit. On consideration of this question, Staff submits the
6 following comment regarding participation in a winter protection program.

7 Under the proposed rule, when a utility does not have a winter protection program in
8 place in the area where a residential customer resides, the bottom temperature threshold is 32
9 degrees Fahrenheit. Any day on which the high temperature is forecast to be less than 32
10 degrees is a day on which the utility may not disconnect service until the start of the next
11 business day, under the rule. The threshold for the prohibition on disconnections for non-
12 participating customers drops to 25 degrees Fahrenheit when the utility offers a winter protection
13 program. Under proposed Section (8), a utility may offer a winter protection program, in which
14 case participating customers are protected from disconnection due to nonpayment for a minimum
15 of three months during the winter.

16 Staff continues to support the proposed rule as the lower threshold is balanced by the
17 prohibition on disconnection over a longer period for more vulnerable customers. The rule as
18 proposed provides utilities with the flexibility to offer a program that protects vulnerable
19 customers from the possibility of disconnection during the winter months, regardless of the
20 temperature on a given day. However, Staff acknowledges that enrollment by eligible customers
21 is essential to successful implementation of a winter protection program. Otherwise, eligible
22 customers who have not signed up for the program will be subject to the lower temperature
23 threshold of 25 degrees. Staff intends to review a utility’s methods for communicating with
24 customers regarding any winter protection program available under proposed Section (8) to
25 ensure eligible customers are aware of the option to enroll in a winter protection program if one
26 is offered by a utility.

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III. Conclusion

Staff supports adoption of the proposed permanent rules in Docket AR 601 as proposed with consideration of the revision noted in the comments above.

DATED this 13th day of April 2017.

Respectfully submitted,

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Attorney General



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