



# Oregon

Kate Brown, Governor

7/21/2016

Memo to:

Heather Qualey – Pacific Power  
Terri Bowman – Portland General Electric  
Tami White – Idaho Power  
Onita King – Northwest Natural  
Shawn Bonfield – Avista Utilities  
Mike Parvinen – Cascade Gas  
Bob Jenks – Citizens Utility Board  
Keith Kueny – Community Action Partnership of Oregon

Subject: AR 601 – Severe Weather Moratorium Considerations

As you are no doubt aware, at the Commission's July 5, 2016 public meeting, the Commissioners opened a docket (AR 601, Order 16-254) to develop an administrative rule to implement a severe weather moratorium on service disconnection for energy utilities. In my staff report of June 20, 2016, I noted that each utility's decision about when to enact their voluntary moratorium was largely subjective, and varied widely from utility to utility. I noted that each utility should be allowed to design a moratorium which best serves the company's needs taking into consideration variability of local weather conditions and geography. I also cautioned that there were certain thresholds which any plan must include. The staff report was silent about any specific thresholds, but staff has a definite concept of what those minimum thresholds should look like.

Northwest Natural offered the following suggestion for a rule:

*"Each utility must establish, with the Commission's approval, a uniform policy governing the utilities practices for handling disconnections of service for non-payment during periods of severe weather."*

Staff believes this language would allow each utility too much discretion. In order to have some consistency from utility to utility, the rule should contain certain language that would be applicable to each type of utility detailing temperature triggers.

I conducted some research into the language other states use for their severe weather moratoriums, and I found that most included very specific temperature triggers (see attachment). Many states initiate their winter moratoriums anytime the temperature is forecast to drop to 32 degrees or below in the next 24 or 48 hours

Staff envisions a rule that might look something like this:

**Public Utility Commission**

201 High St SE Suite 100

Salem, OR 97301

**Mailing Address:** PO Box 1088

Salem, OR 97308-1088

**Consumer Services**

1-800-522-2404

Local: 503-378-6600

**Administrative Services**

503-373-7394

***Severe Weather Moratorium on Involuntary Disconnections***

- a. Residential service shall not be disconnected for non-payment by,*
- 1. Electric and gas utilities when the National Weather Service has forecast a high temperature of 30 degrees or less for two consecutive days or any single day forecast of 25 degrees or less, to occur within the succeeding 24 hours, and*
  - 2. Electric utilities on any day where the National Weather Service has forecast a high temperature of 100 degrees or more for two consecutive days, or any single day forecast of 105 degrees or more, to occur within the succeeding 24 hours.*
- b. Disconnections may resume when the National Weather Service forecast for succeeding days has dropped below the thresholds in a.,*
- c. Temperature triggers for any location shall be determined at the nearest National Weather Service station.*

At our initial workshop we will want to consider the following issues;

1. Should the rule allow each utility the discretion to formulate its own plan or should the Commission prescribe the standards to use?
2. What are the appropriate winter and summer temperature triggers?
3. Period of time trigger must be met before a moratorium is initiated (e.g. 24 hours, 48 hours).
4. How long should the moratorium remain in effect and under what conditions should it end?
5. Should there be different triggers for different geographic areas (e.g. Eastern Oregon vs Western Oregon vs Southern Oregon)?
6. Are there other circumstances under which a moratorium should be put into effect?
7. What will it cost utilities to implement a severe weather program?

These ideas are for thought and consideration at the first workshop which I am planning for September. After I set a time for the workshop, I will send out an agenda.

Sincerely,

Phil Boyle  
Manager of Consumer Services  
Oregon PUC  
503.373.1827

Cc: Wendy Gerlitz – Northwest Energy Efficiency Alliance  
Beth Duncan Vargas – Oregon Municipal Electric Association

# Georgia

## Rule 515-3-2-.04 Seasonal Restrictions

- (1) Other rules notwithstanding, a utility shall not discontinue service to a residential customer for an unpaid bill between November 15 and March 15 if:
    - (a) The customer agrees in writing to pay the past-due balance including customer charges in equal installments for a maximum duration beginning with the first billing period after March 15 and concluding prior to the following October 15, unless the customer fails to comply with such agreement;
    - (b) In addition, the customer agrees in writing to pay all bills by their due date for current service received after said agreement unless the customer fails to comply with such agreement;
    - (c) The forecasted local low temperature for a 24-hour period beginning at 8:00 A.M. on the date of the proposed disconnection is below 32° F.
  
  - (2) Other rules notwithstanding, an electric utility shall not discontinue service to a residential customer for an unpaid bill if:

Prior to 8:00 A.M. on the date of the scheduled disconnection, a National Weather Service Heat Advisory or Excessive Heat Warning is in effect, or is forecasted to be in effect by the National Weather Service, for the county in which the meter scheduled for disconnection is located.
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# Montana

## 38.5.1410 TERMINATION OF SERVICE DURING WINTER MONTHS

(1) During the period November 1st to April 1st and on any day when the reported ambient air temperature at 8:00 a.m. is at or below freezing or if the U.S. Weather Service forecasts a snowstorm or freezing temperatures for the succeeding 24-hour period, no termination of residential service may take place if the customer establishes that he or she is unable to pay, or able to pay only installments, that he or she or a member of the household is at least 62 years old or that he or she or a member of the household is handicapped.

(2) No termination of service may take place during the period of November 1st to April 1st except with specific prior approval of the Commission.

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# Iowa

## **20.4(15) Refusal or disconnection of service**

(d)(8) Severe cold weather. A disconnection may not take place where electricity is used as the only source of space heating or to control or operate the only space heating equipment at the residence on any day when the National Weather Service forecast for the following 24 hours covering the area in which the residence is located includes a forecast that the temperature will be 20 degrees Fahrenheit or colder. In any case where the utility has posted a disconnect notice in compliance with subparagraph 20.4(15)"d"(5) but is precluded from disconnecting service because of a National Weather Service forecast, the utility may immediately proceed with appropriate disconnection procedures, without further notice, when the temperature in the area where the residence is located rises above 20 degrees Fahrenheit and is forecasted to be above 20 degrees Fahrenheit for at least 24 hours, unless the customer has paid in full the past due amount or is entitled to postponement of disconnection under some other provision of paragraph 20.4(15)"d."

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# Delaware

## Title 26 Public Utilities

### 3000 Energy Regulations

#### 3002 Regulations Governing Termination of Residential Electric or Natural Gas Service by Public Utilities for Non-Payment During Extreme Seasonal Temperature Conditions

##### 1.0 General

###### 1.2 Application and Purpose

These regulations establish uniform procedures which must be followed prior to termination of service for non-payment during the heating or cooling season and apply to all covered utilities. The purpose of these regulations is to protect public health, safety, and property by taking reasonable steps to insure that an individual has the opportunity to act to avoid termination of certain utility services for non-payment during the heating or cooling season without imposing substantial additional cost on other utility customers. Notwithstanding anything stated in these regulations to the contrary, the provisions of these regulations do not apply during the cooling season to a customer of a natural gas utility, unless the natural gas utility provides natural gas service for space cooling to the customer's dwelling unit.

##### 2.0 Definitions

“Cooling Season” means that portion of the calendar year extending from June 1 through September 30.

“Heat Index” a measure utilized by the National Weather Service of the apparent temperature (how hot it feels) when relative humidity is added to the actual air temperature.

“Heating Season” means that portion of the calendar year extending from November 15 to March 31.

##### 6.0 Prohibition On Termination During Extreme Seasonal Temperature Conditions

###### 6.1 Conditions of Termination

###### 6.1.1 Heating Season

Under no circumstances may a covered utility terminate service for non-payment to a dwelling unit on a day when the National Weather Service reports that the 8:00 A.M. temperature measured at a location in the State of Delaware that is within fifty (50) miles of the subject dwelling unit is thirty-two degrees Fahrenheit (32°F) or below on the morning of the date when said service is scheduled for termination.

###### 6.1.2 Cooling Season

Under no circumstances may a covered utility terminate service for non-payment to a dwelling unit on a day when the 8:00 A.M. National Weather Service forecast contains a special weather statement or other information predicting that the Heat Index measured at a location in the State of Delaware that is within fifty (50) miles of the subject dwelling unit may equal or exceed one-hundred five degrees Fahrenheit (105°F) on the date when said service is scheduled for termination.

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# South Carolina

Unable to locate administrative rules.

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## Missouri

### **4 CSR 240-13.055 Cold Weather Maintenance of Service:** Provision of Residential Heat-Related Utility Service During Cold Weather

**PURPOSE:** This rule protects the health and safety of residential customers receiving heat-related utility service by placing restrictions on discontinuing and refusing to provide heat-related utility service from November 1 through March 31 due to delinquent accounts of those customers.

(5) Weather Provisions. Discontinuance of gas and electric service to all residential users, including all residential tenants of apartment buildings, for nonpayment of bills where gas or electricity is used as the source of space heating or to control or operate the only space heating equipment at the residence is prohibited— (A) On any day when the National Weather Service local forecast between 6:00 a.m. to 9:00 a.m., for the following twenty-four (24) hours predicts that the temperature will drop below thirty-two degrees Fahrenheit (32°F); or (B) On any day when utility personnel will not be available to reconnect utility service during the immediately succeeding day(s) (Period of Unavailability) and the National Weather Service local forecast between 6:00 a.m. to 9:00 a.m. predicts that the temperature during the Period of Unavailability will drop below thirty-two degrees Fahrenheit (32°F); or (C) From November 1 through March 31, for any registered low income elderly or low income disabled customer (as defined in this rule), provided that such customer has entered into a cold weather rule payment plan, made the initial payment required by section (10) of this rule and has made and continues to make payments during the effective period of this rule that are at a minimum the lesser of fifty percent (50%) of: 1. The actual bill for usage in that billing period; or 2. The levelized payment amount agreed to in the cold weather rule payment plan. Such reductions in payment amounts may be recovered by adjusting the customer's subsequent levelized payment amounts for the months following March 31. (D) Nothing in this section shall prohibit a utility from establishing a higher temperature threshold below which it will not discontinue utility service.

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## Maryland

### 20.31.03.03

#### .03 Winter Restrictions.

E. Temporary Restriction. In addition to the provisions of §A of this regulation, a utility may not terminate service because of nonpayment to any customer in a utility's designated weather station area for that customer in which the forecast temperature made at 6 a.m. is 32 degrees Fahrenheit or below in that weather station area during an extreme weather period.

### 20.31.03.04

#### .04 Temporary Residential Summer Restriction.

A utility may not terminate, either gas service that is used for cooling if the customer has notified the gas utility of that usage, or electric service, because of nonpayment, for any customer occupying a residential building, for which the temperature forecast made for the utility's weather station area for that customer at 6 a.m. is 95 degrees Fahrenheit or above in that weather station area during an extreme weather period.

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## Oklahoma

### 165:45-11-14. Delays to disconnection of residential service

(b) **Temporary ban on disconnections.** The Commission shall have the authority to order a temporary ban on any or all disconnections during periods of extremely severe weather or when circumstances exist such that disconnection could create a situation dangerous to the life or health of consumers or to property.

(c) **Severe weather.**

(1) If the high temperature is actually, or predicted to be, 32 degrees Fahrenheit or below on the day of disconnection or the nighttime low is predicted to be 20 degrees Fahrenheit or less, the utility shall suspend its disconnection of service if the gas service is used for heating purposes.

(2) If the service is utilized for cooling and the temperature is actually, or predicted to be, 101 degrees heat index or higher on the day of disconnection, the utility shall suspend its disconnection of service activity.

(3) Nothing in this Section shall prohibit a utility from establishing a higher temperature threshold for residential heating purposes below which it will not discontinue utility service or from establishing a lower temperature threshold for residential cooling purposes above which it will not discontinue utility service.

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## Arkansas

### Rule 6.15. Cold Weather Rule

- A. Electric and gas utilities may not suspend residential service on a day when the National Weather Service forecasts that a temperature of 32 degrees Fahrenheit or lower will occur at any time during the following 24 hour period. The utility must obtain the most recent forecast for the customer's weather zone from the National Weather Service reports on the morning of the day that the customer's shut-off is scheduled.
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## Vermont

### 3.304 Winter Disconnections

No gas or electric utility may disconnect service to any residential ratepayer between November 1 and March 31, inclusive, unless, in addition to complying with all other requirements of this rule, the utility has complied with the following:

(D) (1) Prior to disconnection during the winter period, the utility shall confirm that outdoor temperatures, as predicted by a current National Weather Service (phone 862-2475) forecast for the Burlington, Vt., area, or by another weather service approved by the Public Service Board, will not drop under 10 degrees Fahrenheit during a 48-hour period beginning between 7 a.m. and 10 a.m. on the anticipated date of disconnection. When temperatures are forecast to fall below 10 degrees Fahrenheit during the winter period, the utility is prohibited from performing disconnections.

(2) Utility service to households with any member aged 62 or older shall not be disconnected during the winter period if outdoor temperatures are forecast to fall below 32 degrees Fahrenheit during a 48-hour period beginning between 7 and 10 a.m. on the anticipated date of disconnection, provided that the account holder furnishes advance written notice to the utility that the household qualifies under this paragraph. The utility may require reasonable proof of such qualification under this subparagraph.

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## Alabama

### **RULE 12 Collection of Delinquent Accounts and Discontinuance of Service to Customers for Nonpayment**

(B) (5) No residential electric or natural gas service shall be disconnected for nonpayment when the temperature at that location is forecasted to be 32 degrees Fahrenheit or below for that calendar day. The controlling forecasted temperature for a particular location shall be the temperature forecasted by the National Weather Service for that location on the calendar day in question.

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## Arizona

### **R14-2-201. Definitions**

46. "Weather especially dangerous to health."

That period of time commencing with the scheduled termination date when the local weather forecast, as predicted by the National Oceanographic and Administration Service, indicates that the temperature will not exceed 32 degrees Fahrenheit for the next day's forecast. The Commission may determine that other weather conditions are especially dangerous to health as the need arises.

### **R14-2-211. Termination of Service**

- A. Non-permissible reasons to disconnect service. A utility may not disconnect service for any of the reasons stated below:
    - 5. A utility shall not terminate residential service where the customer has an inability to pay and:
      - c. Where weather will be especially dangerous to health as defined or as determined by the Commission
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## Mississippi

### **CHAPTER 8: DISCONTINUANCE OF SERVICE**

#### **RULE 8**

#### **125. OTHER EXCEPTIONS TO UTILITY DISCONTINUANCE OF SERVICE**

##### **3. EXEMPTIONS FOR TEMPERATURE**

a. No utility shall discontinue electrical or natural gas service to a residential customer for nonpayment of bills if, as of 8:00 a.m. on the scheduled 15 disconnection day, a freeze warning has been issued by the National Weather Service for the county of the scheduled disconnection. b. No utility shall discontinue electrical service to a residential customer for nonpayment of bills if, as of 8:00 a.m. on the scheduled disconnection day, an Excessive Heat Warning has been issued by the National Weather Service for the county of the scheduled disconnection.

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## Kansas

Unable to locate administrative rules.

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## Illinois

TITLE 83: PUBLIC UTILITIES

CHAPTER I: ILLINOIS COMMERCE COMMISSION

SUBCHAPTER b: PROVISIONS APPLICABLE TO MORE THAN ONE KIND OF UTILITY

PART 280

SUBPART I: DISCONNECTION

### Section 280.130 Disconnection of Service

n) Temperature Prohibitions:

- 1) Cold weather: Termination of gas and electric utility service to all residential users, including all tenants of apartment buildings where gas or electricity is used as the only source of space heating or to control or operate the only space heating equipment, is prohibited:
  - A) On any day when the National Weather Service forecast for the following 24 hours covering the area of the utility in which the residence or master-metered apartment building is located includes a forecast that the temperature will be 32 degrees Fahrenheit or below; or
  - B) On any day preceding a holiday or weekend when the National Weather Service forecast covering the area of the utility in which the residence or master-metered apartment building is located includes a forecast that the temperature will be 32 degrees Fahrenheit or below at any time during the holiday or weekend. [220 ILCS 5/8-205(a)]
- 2) Hot weather: If gas or electricity is used as the only source of space cooling or to control or operate the only space cooling equipment at a residence or master-metered apartment building, then a utility with over 100,000 residential customers may not terminate gas or electric utility service to the residential user, including all tenants of master-metered apartment buildings:
  - A) On any day when the National Weather Service forecast for the following 24 hours covering the area of the utility in which the residence or master-metered apartment building is located includes a forecast that the temperature will be 95 degrees Fahrenheit or above; or
  - B) On any day preceding a holiday or weekend when the National Weather Service forecast covering the area of the utility in which the residence or master-metered apartment building is located includes a forecast that the temperature will be 95 degrees Fahrenheit or above at any time during the holiday or weekend.

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## Nebraska

**Title 291 – Nebraska Public Service Commission**

**Chapter 9 – Natural Gas and Pipeline Rules and Regulations**

013.05A Temporary Ban on Disconnections:

The Commission shall have the authority to order a temporary ban on any or all disconnections for jurisdictional utilities during periods of extremely severe weather or when circumstances exist such that disconnection could create a situation dangerous to the life or health of customers or to property.

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## Nevada

### **NAC 704.375 Termination of service: Miscellaneous restrictions.**

7. As used in this section:

(a) "Forecasted period of extreme temperature" means any period of 24 hours for which the National Weather Service has issued a forecast predicting that, at some point during the period of 24 hours, the outside temperature:

(1) Within the northern Nevada service territory of Sierra Pacific Power Company will be:

(I) Ninety-five degrees Fahrenheit or higher for an electric customer who is subject to the provisions of [NAC 704.390](#);

(II) One hundred five degrees Fahrenheit or higher for an electric customer who is not subject to the provisions of [NAC 704.390](#);

(III) Twenty degrees Fahrenheit or lower for an electric customer who is subject to the provisions of [NAC 704.390](#); or

(IV) Fifteen degrees Fahrenheit or lower for an electric customer who is not subject to the provisions of [NAC 704.390](#).

(2) Within the southern Nevada service territory of Nevada Power Company will be:

(I) One hundred degrees Fahrenheit or higher for an electric customer who is subject to the provisions of [NAC 704.390](#) and who lives in a mobile home constructed before January 1, 2000;

(II) One hundred three degrees Fahrenheit or higher for an electric customer who is subject to the provisions of [NAC 704.390](#) and who does not live in a mobile home constructed before January 1, 2000;

(III) One hundred five degrees Fahrenheit or higher for an electric customer who is not subject to the provisions of [NAC 704.390](#);

(IV) Twenty degrees Fahrenheit or lower for an electric customer who is subject to the provisions of [NAC 704.390](#); or

(V) Fifteen degrees Fahrenheit or lower for an electric customer who is not subject to the provisions of [NAC 704.390](#).

(3) Within the service territory of any gas utility will be, for all customers:

(I) One hundred five degrees Fahrenheit or higher; or

(II) Fifteen degrees Fahrenheit or lower.

(b) "National Weather Service" means the National Weather Service of the National Oceanic and Atmospheric Administration of the United States Department of Commerce.

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## New Jersey

### **§ 14:3-3A.2 Discontinuance for nonpayment**

(e) A utility shall not discontinue a customer's service for nonpayment under the following circumstances:

1. Whenever the high temperature is forecast to be 32 degrees Fahrenheit or below during the next 24 hours, electric and gas utilities shall not, within any portion of their service territories, disconnect residential service for nonpayment, failure to pay a cash security deposit or guarantee, or failure to comply with the terms of a deferred payment plan. This limit applies to all residential customers, including those eligible for or enrolled in the Winter Termination Program at N.J.A.C. 14:3-3A.5;

3. If a customer is eligible for the Winter Termination Program and the high temperature is forecast to be 95 degrees Fahrenheit or more at any time during the following 48 hours, an electric utility shall not discontinue residential service to a customer for reasons of nonpayment, failure to pay a cash security deposit or guarantee, or failure to comply with a deferred payment agreement;

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## Texas

### CHAPTER 25. SUBSTANTIVE RULES APPLICABLE TO ELECTRIC SERVICE PROVIDERS.

#### Subchapter B. CUSTOMER SERVICE AND PROTECTION.

##### §25.29. Disconnection of Service.

- (i) Disconnection during extreme weather. An electric utility cannot disconnect a customer anywhere in its service territory on a day when: (1) the previous day's highest temperature did not exceed 32 degrees Fahrenheit, and the temperature is predicted to remain at or below that level for the next 24 hours, according to the nearest National Weather Service (NWS) reports; or (2) the NWS issues a heat advisory for any county in the electric utility's service territory, or when such advisory has been issued on any one of the preceding two calendar days.
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## Wisconsin

### Chapter PSC 113

#### SERVICE RULES FOR ELECTRICAL UTILITIES

##### Subchapter III — Disconnection and Reconnection of Electric Service

##### PSC 113.0301 Disconnections, residential.

(16) The utility may not disconnect services in affected counties when a heat advisory, heat warning, or heat emergency issued by the national weather service is in effect. A utility shall make reasonable attempts to reconnect service to an occupied dwelling that has been disconnected when an occupant states that there is a potential threat to health or life that results from the combination of the heat and loss of service. The utility may require that an occupant produce a licensed physician's statement or notice from a public health, social services, or law enforcement official which identifies the medical emergency for the occupant. Upon expiration of the heat advisory, heat warning, or heat emergency, the utility may disconnect service to a property that was reconnected during this period without further notice if an appropriate payment arrangement has not been established.

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## Wyoming

### CHAPTER 3: ELECTRIC, GAS AND WATER UTILITIES

#### Section 9. Discontinuation of Service to Customers.

(j) The utility shall not discontinue service for bill nonpayment:

- (x) If the temperature is forecasted by the National Weather Service or other reputable source to be below 32° F in the impending 48 hours, or if conditions are otherwise especially dangerous to health, and the customer is:
  - (A) Unable to pay for service in accordance with the utility's billing requirements and is actively seeking government assistance or has exhausted such assistance; or
  - (B) Able to pay for service in installments only.