



Oregon Citizens' Utility Board

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Public Utility Commission of Oregon
201 High Street SE, Suite 100
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Re: AR 602 Involuntary Service Disconnection Reporting Requirements for Energy Utilities; CUB Follow-Up Comments

CUB applauds the commitment on the part of low-income issues stakeholders – particularly Public Utility Commission (PUC) staff, Community Action Partnership of Oregon (CAPO), Northwest Energy Coalition (NVEC), and the energy utilities – to find consensus around involuntary service disconnection reporting requirements.

CUB's comments are in response to questions posed after the July 12, 2017 workshop.

Sunset Clause vs. Reporting Review

CUB does not endorse implementing a sunset clause under any circumstance. However, CUB does endorse a data review period after three years from the date energy utilities begin reporting on involuntary service disconnections. CUB recommends energy utilities initiate reporting processes by no later than October 1, 2017. PUC would convene low-income issues stakeholders for a data review period on or after October 1, 2020, with the understanding any such a review may trigger changes to reporting processes and disconnection policy.

Data confidentiality

CUB disagrees with any defense of disconnection data confidentiality. Cascade Natural Gas, in particular, failed to prove “geographically-specific disconnection data is a “trade secret” per ORS 192.501(2).”

Under Oregon's Administrative Procedure Act, a “trade secret” is information that would give Cascade “an opportunity to obtain a business advantage over competitors who do not know or use” the relevant information. The crux of Cascade's argument is publicly available involuntary service disconnections data may aid some unnamed third party, who could then target Cascade's customers with harmful products.

Cascade does not support this argument, nor does its argument meet the definition of a “trade secret.” As a regulated monopoly, Cascade has no competitors in the provision of natural gas to its customers. Moreover, the relevant information (service disconnection data) does not clearly provide Cascade a business advantage. Rather, the goal of sharing geographically specific disconnection data is to improve policy outcomes for economically vulnerable groups. Cascade does not support its

attenuated “risk of bad actors” argument, and its withholding of information, which could otherwise serve crucial public policy goals, is problematic.

Lastly, Cascade fails to justify why data from a geographically specific service territory is not a trade secret, while data from a geographically specific area within a given service territory is a trade secret.

Assistance Programs

Involuntary disconnection reports should acknowledge Low-Income Energy Assistance Program (LIHEAP) and Oregon Energy Assistance Program (OEAP) participants.

Safe Harbor Provision

CUB recommends energy utilities implement reporting processes by no later than October 1, 2017. The October 1 date coincides with LIHEAP delivery.

Distinguishing Reconnect Data

There is a worthwhile distinction between individual/household service reconnections within two days (days one and two), between days three to six, and beyond seven days. Disconnection reports should clearly reflect these distinctions via three separate data points.

Geographic Reporting

During the July 12 workshop, CUB recommended energy utilities identify the functionality of their customer databases. Assuming Cascade has the ability (CUB does not see why it would not), energy utilities should report data by Zip Code. As opposed to County, reporting by Zip Code will facilitate a greater understanding among stakeholders of the extent to which a disparity exists among demographic groups, with regard to involuntary service disconnections.

Reporting Period vs. Data

As expressed in previous comments, as well as during the July 12 workshop, CUB recommends either a quarterly or a biannual reporting schedule. CUB prefers quarterly reporting and notes such an interval seems entirely feasible, given both CAPO and Oregon Housing and Community Services provide quarterly OEAP spending reports to the energy utilities. If reported biannually, then the data must coincide with the heating and cooling seasons. CUB recommends the intervals of November 1 to April 30, and May 1 to October 31. Ending the winter heating season on April 30 would accurately reflect disconnections, because of winter arrears.

Usefulness of Report

CUB has serious concerns about energy utilities continuing to insist involuntary disconnection reports may prove useless. Involuntary service disconnection reports have significant “use” insofar as they acknowledge the number and frequency of involuntary service disconnections. CUB sees significant value in understanding the extent to which a disparity exists among demographic groups, with regard to involuntary service disconnections.

For example, the March 2017 report “Lights Out in the Cold: Reforming Utility Shut-Off Policies as if Human Rights Matter”, authored by the NAACP¹, highlights the disproportionate impact faced by vulnerable populations, especially low-income groups and people of color. While NAACP considers

¹ http://www.naacp.org/wp-content/uploads/2017/04/Lights-Out-in-the-Cold_NAACP-ECJP-4.pdf

Oregon a national standard-bearer for humane disconnection policy, Oregon does not have available data suggesting incidence of involuntary disconnection are inconsistent with national inequity trends.

Severe Weather Moratorium

CUB is interested to see any identifiable relationship between severe weather moratorium days and involuntary service disconnections. Climate experts anticipate extreme weather events to increase in the coming years. Such events may increase the number of shutoff moratorium days. Disconnection reports must account for any increase in the number moratorium days.

Respectfully,

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Oregon Citizens' Utility Board