

ITEM NO. RM1

PUBLIC UTILITY COMMISSION OF OREGON  
AHD REPORT  
PUBLIC MEETING DATE: June 19, 2018

REGULAR \_\_\_\_\_ CONSENT X EFFECTIVE DATE \_\_\_\_\_ N/A \_\_\_\_\_

DATE: May 8, 2018

TO: Public Utility Commission

FROM: Patrick Power *PP*

THROUGH: Diane Davis *dd*, Michael Grant *MG*

SUBJECT: OREGON PUBLIC UTILITY COMMISSION ADMINISTRATIVE HEARINGS DIVISION: (Docket No. AR 602) Adopts Rule Regarding Service Disconnection Reports for Energy Utilities.

**AHD RECOMMENDATION:**

Adopt the proposed permanent rule in the attached draft order.

**DISCUSSION:**

This rulemaking adopts a new rule requiring energy utilities to report quarterly by zip code the number of residential disconnections in total, with the numbers for energy assistance recipients and emergency medical certificate customers stated separately. The information will be used by PUC Staff, utilities, and consumer assistance organizations to monitor programs to reduce involuntary disconnections.

Portland General Electric Company expressed concern about third parties obtaining the information and using it for purposes not intended by the rule. The information provided in the reports will not enable a third party to identify any specific customer. The other active stakeholders supported or did not oppose the proposed rule. The attached draft order includes discussion of the comments.

**PROPOSED COMMISSION MOTION:**

Adopt new permanent rule as set forth in Appendix A of the attached draft order.

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

AR 602

In the Matter of

Rulemaking Regarding Service Disconnection  
Reports for Energy Utilities.

ORDER

DISPOSITION: RULE ADOPTED

**I. INTRODUCTION**

At the February 27, 2018, Regular Public Meeting, we adopted Staff's recommendation to issue a notice of proposed rulemaking to require energy utilities to file periodic reports on the number of non-payment disconnections performed. The rulemaking was first proposed by Staff in its Staff Report dated June 20, 2016, in Dockets UM 1787, AR 601, and AR 602. We adopted that preliminary recommendation in Order No. 16-254.

**II. BACKGROUND**

Staff held a workshop and received two rounds of comments from stakeholders to gather input to frame its proposed rule. On March 1, 2018, we filed a Notice of Proposed Rulemaking and Statement of Need and Fiscal Impact for this rulemaking with the Secretary of State, and we provided notice to all interested persons on the service lists established under OAR 860-001-0030(1)(b) and to legislators specified in ORS 183.335(1)(d). Notice of the rulemaking was published in the April 2017 *Oregon Bulletin*, establishing a hearing date of April 17, 2018, and a comment due date of May 1, 2018. The proposed rule requires that each energy utility report quarterly the number of service disconnections for nonpayment of bills broken down into specified categories, by zip code.

**III. COMMENTS**

Portland General Electric Company was the only participant to appear at the hearing and make comments on the proposed rule. PGE stated its concern about the sharing of confidential customer information and use by third parties. PGE noted that it raised this concern in the Staff Workshop and in the informal comments.<sup>1</sup> PGE stated it would like to

---

<sup>1</sup> See PGE's Comments dated August 14 and October 2, 2017 in the Informal Phase of this docket.

see (a) the intent of information reported clearly stated in the rule and (b) the rule provide specific protection for confidential information. No others in attendance offered comments.

Northwest Natural Gas Company, PacifiCorp, Avista, and CUB each submitted letters supporting or not opposing the proposed rules. In written comments filed on April 30, 2018, PGE reiterated its concerns regarding the ability for a third party to obtain the disconnection reports submitted to the Commission and the risk that such third parties may use the data in ways not intended by the rules, perhaps working to the detriment of the customers and the utilities. PGE encourages protection for the information submitted by recommending that the rules be explicit about the intent of the rules to help reduce misuse and provide confidentiality protections for the customer information.

#### **IV. DISCUSSION**

We adopt the rules as proposed in the Notice of Proposed Rulemaking. We do not incorporate any language requiring that the reports be treated as confidential because we do not find that the information in the reports will enable any third party to identify individual customers.

The rule requires that the utilities disclose quarterly, by zip code, the number of disconnections in total, with the numbers for energy assistance recipients and emergency medical certificate customers stated separately. While we cannot validate PGE's broad concerns that third parties might use such information in ways that are not intended by the rule, PGE may designate its reports as protected under OAR 860-001-0070(2), thus exempting the records from public disclosure to the extent permitted by the Public Records Law.

As to PGE's request that we be explicit about the intent of the rule, we repeat our statement of the need for the rule taken from the Notice of Proposed Rulemaking: "This rule is needed to provide information to the Commission and its Staff about the numbers of residential customers being disconnected for non-payment and the timeframe for reconnection. This information will be useful to Staff, consumer organizations, and utilities to monitor programs to reduce involuntary disconnections."

**IV. ORDER**

IT IS ORDERED that:

1. The new Division 21 rule is adopted as set forth in Appendix A to this order.
2. The new rule becomes effective upon filing with the Secretary of State.

Made, entered, and effective \_\_\_\_\_.

---

**Megan W. Decker**  
Chair

---

**Stephen M. Bloom**  
Commissioner

---

**Letha Tawney**  
Commissioner

A person may petition the Public Utility Commission of Oregon for the amendment or repeal of a rule under ORS 183.390. A person may petition the Oregon Court of Appeals to determine the validity of a rule under ORS 183.400.

**860-021-0408**

**Disconnect Reporting Rule**

(1) As used in this rule:

(a) “Energy assistance recipient” means a residential customer who has received bill payment assistance with an energy bill from any federal, state, ratepayer-funded, or utility-supported bill payment assistance fund or program at least once within the past 12 months.

(b) “Companywide” means the geographic area served by a particular energy utility within the state of Oregon.

(c) “Local service area” means a smaller geographic unit within an energy utility’s companywide service area, such as zip code, city, county, or other similar unit.

(2) Each energy utility must file a quarterly report with the Commission detailing the number of residential disconnections for non-payment and subsequent reconnections as prescribed in this rule. An electronic report must be filed in a text-searchable Microsoft Word, Microsoft Excel, or .pdf (Adobe Acrobat) format.

(a) For quarterly reporting purposes, the following four time periods apply: February 1 to April 30, May 1 to July 31, August 1 to October 31, and November 1 to January 31.

(b) Each energy utility must file its initial quarterly report following the first full quarter after the effective date of this rule, unless an alternative initial reporting date is set for the utility by the Commission’s Consumer Services Section.

(c) The energy utility must file a quarterly report as required under this rule within 20 days of the end of each reporting period.

(3) The quarterly report must provide the following information for each month within the quarter for an energy utility’s residential accounts:

(a) On a companywide basis:

(A) Number of active residential accounts;

(B) Number of service disconnections for non-payment;

(C) Percentage of accounts with service disconnections for non-payment;

(D) Number of service disconnections for non-payment on energy assistance recipient accounts;

(E) Number of service disconnections for non-payment on medical certificate holder accounts;

(F) Number of service disconnections reported under both paragraph (D) and paragraph (E) above, i.e., disconnections for non-payment on medical certificate holder accounts that are also energy assistance recipient accounts;

(G) Number of service reconnections following a disconnection for non-payment on the same day or next calendar day following disconnection (Days 0-1); and

(H) Number of service reconnections following a disconnection for non-payment that occur more than one day and within 7 calendar days following disconnection (Days 2-7).

(b) For each local service area within the companywide area used for reporting:

(A) Number of active residential accounts;

(B) Number of service disconnections for non-payment;

(C) Number of service disconnections for non-payment on energy assistance recipient accounts;

(D) Number of service disconnections for non-payment on emergency medical certificate holder accounts;

(E) Number of service disconnections reported under both paragraph (C) and paragraph (D) above, i.e., disconnections for non-payment on medical certificate holder accounts that are also energy assistance recipient accounts; and

(F) Number of days on which the energy utility was required to impose a moratorium on service disconnection for severe weather per OAR 860-021-0407.

(c) Zip codes must be used to identify a local service area unless a different unit is pre-approved by the Commission's Consumer Services Section for a utility's use in its reporting under this rule.

(4) Upon request of the Commission's Consumer Services Section, when made within one year of the date a quarterly report is filed with the Commission, the energy utility must provide a breakdown by zip code of the of service disconnection data reported under section (3) of this rule.

STAT. AUTH.: ORS 756.060

STATS. IMPLEMENTED: ORS 756.040

HIST.: NEW