



825 NE Multnomah, Suite 2000
Portland, Oregon 97232

January 19, 2021

VIA ELECTRONIC FILING

Public Utility Commission of Oregon
201 High Street SE, Suite 100
Salem, OR 97301-3398

Attn: Filing Center

RE: UM 1631—PacifiCorp's Petition for a Waiver of OAR 860-021-0405(9) & (11)

PacifiCorp d/b/a Pacific Power, pursuant to the provisions of ORS 756.040 and in accordance with OAR 860-021-0005 encloses for filing its Motion to Amend Order No. 19-063. PacifiCorp requests expedited consideration consistent with OAR 860-001-0420(6) to ensure that Order No. 19-063 not be allowed to lapse on March 1, 2019.

PacifiCorp respectfully requests that all communications related to this filing be addressed to:

Oregon Dockets
PacifiCorp
825 NE Multnomah Street, Suite 2000
Portland, OR 97232
oregondockets@pacificorp.com

Ajay Kumar
Attorney
825 NE Multnomah Street, Suite 2000
Portland, OR 97232
Ajay.kumar@pacificorp.com

Additionally, it is respectfully requested that all formal data requests to the Company regarding this filing be addressed to the following:

By e-mail (preferred): datarequest@pacificorp.com

By regular mail: Data Request Response Center
PacifiCorp
825 NE Multnomah Street, Suite 2000
Portland, OR 97232

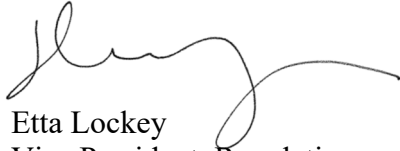
If you have questions about this filing, please contact Jennifer Angell, Regulatory Projects Manager, at (503) 331-4414.

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Sincerely,

A handwritten signature in black ink, appearing to read 'Etta Locky', with a long, sweeping horizontal line extending to the right.

Etta Locky
Vice President, Regulation

Enclosures

cc: Phil Boyle/OPUC Staff
Bob Jenks/CUB
Keith Kueny/CAPO

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1631

In the Matter of

PACIFICORP d/b/a PACIFIC POWER

Application for Waiver of OAR 860-021-0405(9)
& (11), Notice of Pending Disconnection of
Residential Electric or Gas Utility Service

**MOTION TO AMEND ORDER
NO. 19-063**

PacifiCorp, d/b/a/ Pacific Power (PacifiCorp or the Company) files this motion pursuant to the provisions of ORS 756.568 and in accordance with OAR 860-021-0005. PacifiCorp requests the Public Utility Commission of Oregon (Commission) amend Order No. 19-063 and extend the temporary waiver of OAR 860-021-0405(9) and (11) until the rules are revised through a Division 21 rulemaking. Good cause exists for a waiver of this rule.

OAR 860-021-0405 (9) and (11) require employees performing disconnection of service to make personal contact on the date of disconnection and accept payment while onsite for disconnection of service. PacifiCorp is requesting the extension of the existing waiver of these requirements. Due to the ongoing pandemic, and consistent with Order No. 20-401, PacifiCorp is not currently disconnecting residential customers. Additionally, this waiver request does not seek to modify or change any of the notice or disconnection requirements that are outlined in Order No. 20-401. PacifiCorp is simply seeking to extend a waiver that has been granted previously and will be lapsing on March 1, 2021.

Consistent with the requirements of OAR 860-021-0405(9)(b)(B), PacifiCorp already places the requisite phone calls—two calls over a period of three days—to its customers with

meters that have remote disconnect capability. However, PacifiCorp still has meters without the remote disconnect capability, that require a manual disconnect for nonpayment, and respectfully asks the waiver approved in Order No. 19-063 be extended so that the Company may continue its practice of not taking payments in the field, and allow the expanded timeframe of the evening call to occur between the hours of 5:30 p.m. and 8:30 pm.

I. BACKGROUND

On November 25, 2013, PacifiCorp filed a petition for a waiver of OAR 860-021-0405 (9) and (11), specifically the sections associated with making physical contact at the customer premises and collecting payment during a disconnection for non-payment visit.¹ In the petition for waiver, PacifiCorp provided information regarding the growing threat of physical incidents involving employees visiting a customer's residence and argued that employees carrying or collecting money were inherently at a greater risk. The Commission approved PacifiCorp's petition for waiver on February 18, 2014 in Order No. 14-049, with a sunset date of March 1, 2017.

In the Staff Report adopted by Order 14-049, Staff acknowledged that a Division 21 rulemaking would occur within 18 months of the order, with Staff holding workshops to discuss changes to the rule requiring personal contact. On January 6, 2017, PacifiCorp filed to extend the waiver requirement for making contact at the customer's door and collecting payment.² PacifiCorp also requested to increase the time available to perform outbound calls by one hour to increase the likelihood the Company could reach customers prior to disconnection of service. The petition was approved on February 21, 2017 in Order No. 17-

¹ See, *In Re PacifiCorp Petition for a Waiver of OAR 860-021-0405(9) & (11)* in Docket No. UM 1631 (November 25, 2013).

² See, *In Re PacifiCorp Petition for a Waiver of OAR 860-021-0405(9) & (11)* in Docket No. UM 1631 (January 6, 2017).

061, with a sunset date of March 1, 2019, again, in anticipation of the Division 21 rulemaking. On February 19, 2019, PacifiCorp requested to extend the waiver until a Division 21 rulemaking was opened.³ Order No. 19-063 declined to indefinitely extend the waiver but did extend the waiver for another two years until March 1, 2021.

In Order 20-401, the Commission approved a stipulated agreement for the energy utilities in Oregon that deals with the effects of the COVID-19 pandemic. Among other provisions, this order suspended disconnections for small commercial customers until December 1, 2020 and residential customers until April 1, 2021.⁴ These agreement also included certain additional notice provisions, and contemplated a possible rulemaking to certain Commission Division 21 rules, including OAR 860-021-0405.⁵ Therefore, PacifiCorp is seeking to continue the waiver until a Division 21 rulemaking is completed.

II. GOVERNING AUTHORITY

Commission rules require utility employees make personal contact and accept payment from customers while onsite to disconnect service, and where remote disconnection capability is installed make outbound calls to the customer during specific hours of the day prior to disconnection of service for non-payment.

OAR 860-021-0405(9) provides as follows:

The energy utility must make a good-faith effort to personally contact the customer or an adult at the residence to be disconnected on the day the energy utility expects to disconnect service or, where the service address has remote disconnection capability installed, at least three business days prior to the day the energy utility expects to disconnect service:

³ See, *In Re PacifiCorp Petition for a Waiver of OAR 860-021-0405(9) & (11)* in Docket No. UM 1631 (February 19, 2019).

⁴ *In the Matter of the Investigation into the Effects of the COVID-19 Pandemic on Utility Customers*, Docket No. UM 2114, Order No. 20-401, Attachment A at 13 (Nov. 5, 2020).

⁵ *Id.* at 18.

OAR 860-021-0405 (9)(b)(B) provides as follows:

Attempt to contact the customer at a service address where remote disconnect capability is installed via the telephone at least twice a day for the three consecutive days prior to the proposed disconnection, and at least one call must be placed during the morning or afternoon (8:00 am to 5:00 pm) and another call placed during early evening (6:00 pm to 8:00 pm). Where an answering machine or service is available, the utility must leave a message at the end of each calling day informing the customer of the proposed disconnection. Initial implementation of section 7(b)(B) may not occur during the winter heating season (November 1 through April 30).

OAR 860-021-0405(11) provides:

When the energy utility makes personal contact under this rule, the utility's representatives making contact is empowered to accept reasonable partial payment of the overdue balance under the time-payment provisions of OAR 860-021-0415.

III. ARGUMENT

A. Safety remains a concern.

Threats made against PacifiCorp and its employees are an ongoing safety concern. Between January 2019 and December 2020, the Company received 35 direct threats (e.g., brandishing firearms, discharging firearms, and verbal threats of physical violence) from Oregon customers and 74 threats company wide. PacifiCorp closely monitors both physical and verbal threats made to the Company and its employees and evaluates each to determine the threat level and appropriate response. This data is used, in part, to inform employees before they visit a customer premise, so they are aware of the potential danger. PacifiCorp has 256 Oregon addresses requiring precautions—ranging from increased employee awareness to requiring a police escort—for any employee attempting to access the property to perform work (e.g., facilities inspections, meter reading, vegetation management, or disconnection of service for nonpayment of bills).

Additionally, disconnects may resume while the COVID-19 virus is still circulating among the population, and it will likely remain prudent to reduce in-person contact with customers. Promoting the safety of employees and customers is in the public interest. Continuing the waiver minimizes personal contact and protects PacifiCorp's employees and customers.

B. Granting extension of the waiver will not harm customers; they will continue to receive multiple notices before disconnection.

Disconnecting electric service for non-payment is a measure of last resort.

PacifiCorp provides, and will continue to provide, customers with multiple notices of account balances and potential disconnection of service before service is disconnected. Specifically, PacifiCorp provides the following notices before sending an employee to disconnect service:

1. A monthly bill with amount due and the due date, as required by OAR 860-021-0120 & OAR 860-021-0125;
2. A past due notice for any arrears from prior bills with bold letter indicating the account past due and the due date, as required by OAR 860-021-0405;
3. Optional texts or emails for past due notices and final notices;
4. Mailed final notices in red font and clearly stating the past due amount and the date payment must be received to avoid disconnection of service, as required by OAR 860-021-0405; and
5. After receiving the final notice, all customers receive up to six outbound calls over the span of three separate days with two attempts per day. If the customer has not provided PacifiCorp with a phone number, the Company will leave a 48-hour door hanger prior to disconnection.

These billing and collection processes provide customers with a variety of notifications and multiple opportunities to make a payment prior to dispatching an employee to disconnect the service. Since OAR 860-021-0405 was adopted, more methods of notifications are offered to customers as well as more ways to make payment.

C. PacifiCorp continues to offer numerous payment options.

The Company offers several convenient payment options customers can use to pay prior to disconnection. Customers who prefer to pay electronically may pay online via the Company's website or by phone using the Company's integrated voice response system. Customers who need to pay with cash or want to pay in-person can pay at one of the Company's 182 payment stations.⁶ Additionally, since most Fred Meyers and Walmart's accept PacifiCorp payments, customers in danger of being disconnected can make a payment even if they are outside of PacifiCorp's service territory. Payments processed electronically through a payment station or other electronic technology will post to the customer's accounts within the hour and pending collection activity is cancelled.

D. Granting the expanded timeframe for second daily call does not harm customers.

The purpose of the outbound phone calls in OAR 860-021-0405(9) (b) (B) is two-fold: notify customers of pending disconnection and allow direct communication with the utility prior to the disconnection of service. The rule permits one of the outbound phone calls to be placed between the hours of 6:00 p.m. and 8:00 p.m. To ensure the Company can quickly respond to any additional call volume, Pacific Power requests to continue to extend

⁶ Payments made at a payment station are generally processed electronically. However, PacifiCorp has a small number of payment stations where payments are manually processed. These payment stations have signage notifying customers of possible payment processing delays and customer agents will request customers in jeopardy of being disconnected call back with a payment receipt number to cancel collection activity.

the timeframe from 5:30 pm to 8:30 pm. The additional hour increases the odds of reaching a customer during the day. To date, neither the Company nor the Commission has received any escalated customer issues or complaints due to this change in notification hours.

E. The number customers affected by this waiver is decreasing due to the increased number of meters with remote disconnection capability.

Since AMI meters can remotely disconnect service, in-person disconnections and the opportunity for collecting at the door will only occur in limited circumstances. The majority of customers have remote disconnection capability installed and are contacted consistent with the requirements of OAR 860-021-0405(9)(b). However, the small number of meters for customers who opted out of AMI and complex metering for larger loads will require a site visit to disconnect service. In these cases, an employee will be on the property and the Company requests to continue the practice that has existed under waiver, where the representative will not make contact nor accept payment for these customers. PacifiCorp respectfully seeks to extend the existing waiver for both items until the issue can be resolved through Division 21 rulemaking.

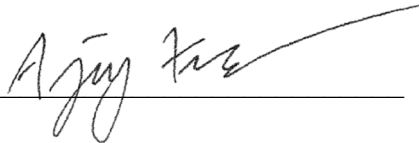
IV. CONCLUSION

OAR 860-021-0005 allows the Commission to grant waivers of Division 21 rules for good cause shown. PacifiCorp respectfully seeks an amendment of Order No. 19-063 to extend the waiver of the specific provisions of OAR 860-021-0405(9), OAR 860-021-0405 (9) (b) (B), and OAR 860-021-0405 (11) requiring the utility to make personal contact on the date of disconnection of service, collect payment from customers during the site contact, and perform outbound calls during the hours of 6:00 p.m. and 8:00 p.m. Good cause exists to grant the Company's request to extend the waiver. Continuation of the waiver would allow

PacifiCorp the ability to increase the safety of employees without sacrificing customer service and provide more time to reach customers prior to disconnection of service.

Dated this 19th day of January, 2021.

Respectfully submitted,

By  _____

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