



**Portland General Electric**  
121 SW Salmon Street • Portland, OR 97204  
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September 30, 2022

Public Utility Commission of Oregon  
Attn: Filing Center  
201 High Street, S.E.  
P.O. Box 1088  
Salem, OR 97308-1088

**RE: UM 1631 PGE's Application of a Partial Waiver of Division 21 Rulemaking**

Pursuant to Oregon Administrative Rule (OAR) 860-021-0005, Portland General Electric Company (PGE) hereby submits a temporary waiver request of OARs 860-021-0126(3), Late-Payment Charge; 860-021-0330(1)(2), Reconnection Fee for Utility Service; 860-021-0405(3)(5), Notice of Pending Disconnection of Residential Electric or Gas Utility Service; and 860-021-0420, Field Visit Charge.

PGE requests this waiver to allow the Company's IT Department sufficient time to implement the system changes required for compliance with new Division 21 rules adopted in AR 653 and by Commission Order 22-353. Excluding Low Income Customers from fees and charges related to late payment, certain reconnection and field visits necessitates adjustments to PGE's current billing processes that we expect to be completed by November 2022; however, the Company is seeking a waiver until January 1, 2023, out of an abundance of caution.

The IT effort needed to expand 860-021-0405(3)(5), PGE's notice of disconnection for non-payment, from 15 days to 20 days is significant yet delayed because the Company is currently undergoing an upgrade to our Customer Care & Billing (CCB) system that is expected to conclude in April 2023. PGE is requesting a waiver of this rule until the end of Q2 2023.

Should you have any questions or comments regarding this filing, please contact Ashleigh Keene at [ashleigh.keene@pgn.com](mailto:ashleigh.keene@pgn.com). Please direct all formal correspondence and requests to the following email address [pge.opuc.filings@pgn.com](mailto:pge.opuc.filings@pgn.com).

Sincerely,

*\s\ Robert Macfarlane*

Robert Macfarlane  
Manager, Pricing & Tariffs

Enclosure

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

**UM 1631**

In the Matter of Requests for Waiver of Rule Provisions

**APPLICATION OF PORTLAND  
GENERAL ELECTRIC COMPANY  
FOR WAIVER OF OARs 860-021-  
0126(3), 860-021-0330(1)(2), 860-021-  
0405(3)(5), AND 860-021-0420  
(EXPEDITED CONSIDERATION  
REQUESTED)**

Pursuant to OAR 860-021-0005,<sup>1</sup> Portland General Electric Company (“PGE” or the “Company”) hereby requests the Commission issue an order authorizing the temporary waiver of the following rules of Chapter 860, Division 21 adopted in Docket AR 653 and by Commission Order No. 22-353:

1. OAR 860-021-0126(3), Late-Payment Charge, which requires that the Company not impose late-payment charges on the accounts of low-income Residential Customers, as defined in OAR 860-021-0180;<sup>2</sup>
2. OAR 860-021-0330(1)(2), Reconnection Fee for Utility Service, which requires that the Company not impose initial reconnection fees on the accounts of low-income residential customers, as defined in OAR 860-021-0180;<sup>2</sup>
3. OAR 860-021-0405(3)(5), Notice of Pending Disconnection of Residential Electric or Gas Utility Service; directing the Company to provide written notice at least 20 days

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<sup>1</sup> OAR 860-021-0005 provides in pertinent part that ‘[up]on request ...the Commission may waive any of the Division 021 rules for good cause shown.’

<sup>2</sup> Low-income Customers are defined as Customers who received LIHEAP or OEAP in the past 12 months or are enrolled in PGE’s Income Qualified Bill Discount Program.

before disconnecting Residential service; and,

4. OAR 860-021-0420, Field Visit Charge, which requires that the Company waive the first field visit charge within a 12-month window to low-income residential customers.

PGE has discussed the four rule waiver requests with the Commission's Consumer Services Staff ("Staff").

#### **A. Background**

On June 10, 2022, following an informal collaborative process between Staff, community advocates and the investor-owned utilities, the Commission issued Order No. 22-214, approving Staff's recommendation to open the AR 653 rulemaking docket. AR 653 began the formal rulemaking process to consider permanent changes to Division 21 rules concerning protections to residential customers and low-income customers. The Commission held two rulemaking hearings on July 21, 2022, and September 1, 2022, and requested several rounds of comments, concluding on September 7, 2022. A final order was issued on September 29, 2022, adopting revisions to the existing Division 21 rules with immediate effect.

#### **B. Discussion**

Due to the nature of some of the rule revisions and the timing in which the revised regulations will go into effect, PGE faces logistical challenges that impede its ability to comply with some revisions on their effective date. More specifically, the new exemptions for low-income residential customers from late payment fees (OAR 860-021-0126(3)), initial reconnection fees (OAR 860-021-0330(1)(2)), and initial field visit charges (OAR 860-021-0420) necessitate a new process for identifying eligible customers and ensuring the proper information is applied in the billing system. The Company anticipates being able to implement the eligible fee/charge waivers

in November. However, out of an abundance of caution, the Company is seeking a temporary waiver of those three rules for the remainder of 2022.

PGE also requests a temporary waiver through July 1, 2023, from the new 20-day disconnection notice requirement in OAR 860-021-0405(3)(5). The Company is currently undergoing a foundational upgrade to the Customer Care & Billing (CCB) system that prevents implementing structural changes to the underlying billing logic until after the upgrade is complete. The CCB system upgrade has been planned since August 2021 and is not expected to be completed until April 2023. A workaround to avoid the CCB system upgrade issue has been devised for the fee/charge rule revisions. That workaround requires the use of a temporary manual process and the configuration of a new automation process that is not dependent on the CCB system.

Unfortunately, a similar workaround is not feasible for the revised 20-day billing notice requirement in OAR 860-021-0405(3)(5) without significant effort and risks. The 20-day billing notice requirement is dependent on PGE's billing system upgrade because structural adjustments to the underlying bill-system logic are needed. Due to the complexity involved with interconnected systems relying on the billing system information, changing to a 20-day billing notice during the critical juncture of the CCB system upgrade is currently unfeasible and comes at a high degree of risk that inaccurate information would be communicated to customers. While the CCB system upgrades are expected to be completed by the end of April 2023, additional time will then be needed to ensure the necessary adjustments are functional and working as intended.

During the informal and formal rulemaking process in AR 653, PGE identified the CCB system upgrade as an issue that would prevent the Company from implementing a proposed

extension of the written disconnection notice from fifteen to twenty days.<sup>3</sup> The Company explained that it likely would be unable to implement a permanent system solution by the first quarter of 2023. There were indications that the Commission would expect utilities to seek waivers for issues involving the ability to implement the rule changes after they went into effect.

Pursuant to OAR 860-021-0005, the Commission may grant a waiver of any of the Division 21 rules for good cause shown. Good cause exists to grant PGE the requested waivers. It will avoid the excessive costs and risks of stopping a major project like the CCB system upgrade, which is currently underway. Granting the waivers will extend the process that was in place prior to the revisions. Since the waivers will only extend the charges and billing methods allowed under the prior rules for a relatively short duration, customers should not be harmed. Furthermore, the Company is making all reasonable efforts to comply with the new rule requirements as soon as possible.

### **C. Communications**

Communications regarding this application should be addressed to the following email address: [pge.opuc.filings@pgn.com](mailto:pge.opuc.filings@pgn.com)

With copies to:

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<sup>3</sup> During the informal phase of the Division 21 rulemaking, PGE indicated in response to OPUC Information Request 047 that “the earliest PGE would be able to start this work is Q2 of 2023 with a target completion of the end of Q2 2023.” In AR 653 Joint Utility comments submitted on August 22, 2022, PGE noted that most rule changes would be implemented by Q1 2023, with the exception of the 20-day notice. PGE did not provide a specific implementation date for the 20-day notice as the Company was still researching alternative options to become rule compliant more quickly but was unable to develop a solution achieving this.

**D. Conclusion**

As shown above, good cause exists for the Commission to temporarily waive the requirements under OARs 860-021-0126(3), 860-021-0330(1)(2), 860-021-0405(3)(5), and 860-021-0420. PGE will expedite work on implementing these Division 21 Rule changes and will take steps to mitigate harm to customers. To ensure the Company is acting consistent with the Commission's rules and orders, the Company requests this application be considered as expeditiously as possible.

WHEREFORE, PGE respectfully requests the Commission grant the waiver of OARs 860-021-0126(3), 860-021-0330(1)(2), and 860-021-0420 as requested from the rules' effective date until January 1, 2023; and the waiver of OAR 860-021-0405(3)(5) as requested from the rule's effective date until July 1, 2023.

DATED this 30th day of September, 2022.

*\s\ Kim S. Burton*

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