

ORDER NO. 13 281

ENTERED AUG 05 2013

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

AR 571

In the Matter of Revision to OAR 860-021-
0015(1) to Clarify Utilities' Retention
Period for Dispute Records.

ORDER

DISPOSITION: MODIFICATIONS TO RULE ADOPTED

This proceeding was convened to clarify the retention requirements for utility-customer or utility-applicant dispute records. The current rule contains an incorrect rule reference and the intended reference does not specifically address the retention of the dispute records. Staff proposed a rulemaking to correct the rule reference and to specify that the utility must retain records of the dispute for 36 months.

On May 10, 2013, we filed a Notice of Proposed Rulemaking and Statement of Need and Fiscal Impact with the Secretary of State. On May 10, 2013, notice was provided to all interested persons on the service lists maintained pursuant to OAR 860-001-0030(1)(b) and to certain legislators specified in ORS 183.335(1)(d). Notice of the rulemaking was published in the June 2013 *Oregon Bulletin*.

As specified in the notice, the deadline for filing written comments was June 25, 2013. Comments were received from Northwest Natural Gas Company, dba NW Natural; the Citizens' Utility Board of Oregon (CUB); Avista Corporation, dba Avista Utilities; and Idaho Power Company. None of the comments oppose the proposed changes.

NW Natural suggests a further revision, "The utility must retain records of the dispute for not less than 36 months" to ensure that utilities, if they wanted to keep these records longer, are not restricted to a 36-month retention period. CUB does not object to NW Natural's proposed addition but notes that the addition is superfluous because the language proposed does not indicate that the records cannot be retained longer than 36 months. We agree with CUB that the proposed rulemaking language sets a minimum, but not a maximum, retention period and decline to adopt NW Natural's proposed addition.

Staff's proposed modifications to OAR 860-021-0015(1) should be adopted.


ORDER


IT IS ORDERED that:

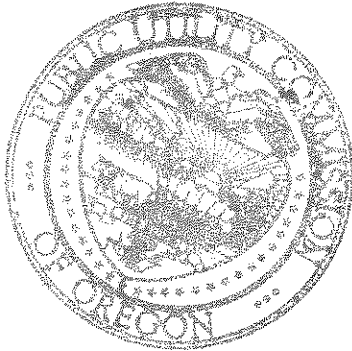
1. The modifications to Oregon Administrative Rule 860-021-0015, as shown in Appendix A, are adopted.
2. The rule changes become effective upon filing with the Secretary of State.

Made, entered, and effective AUG 05 2013.


Susan K. Ackerman
Chair


John Savage
Commissioner


Stephen M. Bloom
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.

860-021-0015**Dispute Resolution**

(1) When a dispute occurs between a customer or applicant and a utility about any bill, charge, or service, the utility **shall must** thoroughly investigate the matter and promptly report the results of its investigation to the customer or applicant. Each utility **shall must** prepare a written record showing the name and address of the customer or applicant involved, the date and character of the dispute, and the disposition of the matter. The utility **shall must** retain records of the dispute ~~pursuant to OAR 860-028-0010~~ **for 36 months.**

(2) The utility shall inform the customer or applicant of the right to supervisory review of any dispute, including but not limited to, establishment of credit and termination of service. If a dispute is not resolved, the utility shall notify the customer or applicant of the Commission's dispute resolution procedure and its toll-free telephone number.

(3) A customer or applicant may request the Commission's assistance in resolving the dispute by contacting the Commission's Consumer Services Division. The Commission shall notify the utility upon receipt of such a request.

(4) The Commission's Consumer Services Division shall assist the complainant and the utility in an effort to reach an informal resolution of the dispute.

(5) If a registered dispute cannot be resolved informally, the Commission's Consumer Services Division shall advise the complainant of the right to file a formal written complaint with the Commission. The complaint shall state the facts of the dispute and the relief requested. The utility shall answer the complaint within 15 days of service of the complaint. The matter shall then be set for expedited hearing. A hearing may be held on less than ten days' notice when good cause is shown.

(6) Pending resolution of the dispute, the complainant's obligation to pay undisputed amounts continues.

(7) A customer or applicant who has a registered dispute or formal complaint pending with the Commission shall be entitled to continued or restored service provided:

(a) Service was not terminated for theft of service or failure to establish credit;

(b) A bona fide dispute exists in which the facts asserted by the customer or applicant entitle the customer or applicant to service;

(c) When termination is based on nonpayment, the customer or applicant makes adequate arrangement to avoid future loss to the utility, such as prepaying estimated monthly utility charges; and

(d) The customer or applicant diligently pursues conflict resolution under the Commission's rules.

(8) If the conditions in section (7) of this rule are not satisfied, the utility has no obligation to provide continued service. A utility discontinuing service because of a failure to meet the conditions of subsections (7)(c) or (7)(d) of this rule shall give the customer five-day notice served in the same manner as provided by OAR 860-021-0405 or OAR 860-021-0505, whichever applies, except the notice need only describe the defect in performance, the date and time when utility service will terminate, and the toll-free number of the Commission's Consumer Services Division. In deciding whether the conditions are met, the utility shall consult with the Commission's Consumer Services Division. A customer or applicant who has filed a formal complaint, the utility, or the

Commission's Consumer Services Division may ask the Commission for a hearing to decide if the conditions are met. Unless extraordinary circumstances exist, the hearing will be conducted by telephone conference within three business days from the date requested. Notice of hearing will be given to the customer, the utility, and the Commission's Consumer Services Division at least 12 hours before the date and time of the hearing. Notice is effective when given in person, by telephone, or in writing delivered to the party's last known address. Mailed notice is effective two days after deposit in the U.S. mail, excluding Sundays and holidays.

Stat. Auth.: ORS Ch. 183, 756, 757 & 759

Stats. Implemented: ORS 756.040, 756.500 & 756.512

Hist.: PUC 164, f. 4-18-74. ef. 5-11-74 (Order No. 74-307); PUC 5-1983, f. 5-31-83, ef. 6-1-83 (Order No. 83-284); PUC 12-1983, f. & ef. 10-7-83 (Order No. 83-623); PUC 1-1985, f. & ef. 2-1-85 (Order No. 85-075); PUC 4-1985, f. & ef. 4-22-85 (Order No. 85-350); PUC 5-1987, f. & ef. 7-2-87 (Order No. 87-723); PUC 16-1990, f. 9-28-90, cert. ef. 10-1-90 (Order No. 90-1105); PUC 11-1998, f. & ef. 5-7-98 (Order No. 98-188); PUC 8-1999, f. & ef. 10-18-99 (Order No. 99-632); PUC 11-2003, f. & ef. 7-3-03 (Order No. 03-369)