

ORDER NO. 20-459

ENTERED Dec 03 2020

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1631

In the Matter of

PACIFICORP, dba PACIFIC POWER,

Application for a Partial Waiver of
OAR 860-021-0410(2), Emergency Medical
Certificate for Residential Electric and Gas
Service.

ORDER

DISPOSITION: STAFF'S RECOMMENDATION ADOPTED

At its public meeting on December 1, 2020, the Public Utility Commission of Oregon adopted Staff's recommendation in this matter. The Staff Report with the recommendation is attached as Appendix A.

BY THE COMMISSION:



A handwritten signature in blue ink, appearing to read "Nolan Moser".

Nolan Moser
Chief Administrative Law Judge

A party may request rehearing or reconsideration of this order under ORS 756.561. A request for rehearing or reconsideration must be filed with the Commission within 60 days of the date of service of this order. The request must comply with the requirements in OAR 860-001-0720. A copy of the request must also be served on each party to the proceedings as provided in OAR 860-001-0180(2). A party may appeal this order by filing a petition for review with the Circuit Court for Marion County in compliance with ORS 183.484.

ITEM NO. CA2

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: December 1, 2020**

REGULAR ____ **CONSENT** X **EFFECTIVE DATE** _____ N/A

DATE: November 23, 2020

TO: Public Utility Commission

FROM: Curtis Dlouhy and Kathy Karate

THROUGH: Bryan Conway, John Crider, and Matt Muldoon **SIGNED**

SUBJECT: PACIFIC POWER:
(Docket No. UM 1631)
Application for a Partial Waiver of OAR 860-021-0410(2).

STAFF RECOMMENDATION:

Approve PacifiCorp dba Pacific Power's (PacifiCorp, PAC, or Company) request for a partial waiver of OAR 860-021-0410(2) through October 1, 2022, to conform to Commission Order No. 20-401.

DISCUSSION:

Issues

Whether the Commission should approve PacifiCorp's request for a partial waiver of OAR 860-021-0410(2) through October 1, 2022. The waiver allows residential utility customers to self-certify for their emergency medical certificates and an additional two months to submit required documents from a qualified medical professional.

Applicable Rules

OAR 860-021-0410(1) states that an energy utility shall not disconnect residential service if the customer submits certification from a qualified medical professional stating that disconnection would significantly endanger the physical health of the customer or a member of the customer's household.

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OAR 860-021-0410(2) states that an energy utility must have the oral certification confirmed in writing within 14 days by a qualified medical professional prescribing medical care.

Under OAR 860-021-0005, the Commission may waive any of Division 21 rules for good cause shown.

Analysis

Background

On March 8, 2020, Oregon Governor Kate Brown declared a state of emergency due to the public health threat posed by COVID-19, and directed Oregonians to stay at home to the greatest extent possible in Executive Order No. 20-12 (March 23, 2020). The state of emergency has been extended, most recently in Executive Order 20-59 (October 27, 2020). Various orders governing social activity and economic activity in light of the pandemic have been issued, the most recent of which is Executive Order 20-65 (November 17, 2020) imposing a limited-duration freeze on certain activities. At the time of the initial declaration, it was expected that the emergency circumstances would cause an added burden to utility customers that need to renew their emergency medical certificates.

On June 9, 2020, the Commission conducted a Special Public meeting on the “Impact to Utility Customers during the COVID-19 Pandemic and Future Economic Recovery.” As a result of this meeting, Docket UM 2114 was opened to address the challenges caused by the COVID-19 Pandemic. A stipulated Agreement in Docket UM 2114 was approved by the Commission in Order No. 20-401 on November 5, 2020.

Conditions necessitating a waiver

The ongoing COVID-19 pandemic has created added difficulty in renewing emergency medical certificates and has created added financial burden on many ratepayers. In Order No. 20-401, the Commission adopted a stipulation addressing the effects of the pandemic on energy utility customers. The terms of this order include a provision, paragraph 14, under which utilities are required to allow customers to initially self-certify for a medical certificates when it is required and submit a confirming certification from a qualified medical professional.¹ This requirement extends through October 1, 2022, though the parties to the stipulation have agreed to confer on or about October 1, 2021, to determine whether to request that the Commission modify the October 1, 2022, end date.

¹ See UM 2114, Order No. 20-401, Appendix A at 16.

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Under the terms of the stipulation approved in Order No. 20-401, Staff agreed to review relevant administrative rules, including OAR 860-021-0410, and notify a utility if a waiver would be necessary.² Staff's report to the Commission presenting the stipulation notes that it had already begun the required review, and that each utility will need to request a waiver of OAR 860-021-0410(2) through October 1, 2022, unless and until any permanent change are made to the rule.

Staff finds that the requested waiver would indeed ease the burden on residential utility customers as well as being necessary to conform to Order No. 20-401. The COVID-19 pandemic is ongoing and in fact has recently worsened so much that the Governor announced on November 13, 2020, a two-week freeze from November 18, 2020, to December 2, 2020. Staff also notes that PacifiCorp is taking the actions suggested by Staff in Docket UM 2114 with regards to OAR 860-021-0410(2).

Conclusion

Based on the circumstances outlined above, Staff concludes that PacifiCorp's request for a waiver of OAR 860-021-0410(2) to conform to the stipulation adopted in Order No. 20-401 is warranted.

PROPOSED COMMISSION MOTION:

Approve PacifiCorp's request for a partial waiver of OAR 860-021-0410(2) through October 1, 2022, to conform to Commission Order No. 20-401.

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² See UM 2114, Order No. 20-401, Appendix A at 34-35.