

ORDER NO. 20-461

ENTERED Dec 03 2020

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1631

In the Matter of

NORTHWEST NATURAL GAS  
COMPANY, dba NW NATURAL,

Application for a Partial Waiver of  
OAR 860-021-0410, 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. CA5

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

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

**DATE:** November 20, 2020

**TO:** Public Utility Commission

**FROM:** Curtis Dlouhy and Kathy Zarate

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

**SUBJECT:** NORTHWEST NATURAL:  
(Docket No. UM 1631)  
Application for a Partial Waiver of OAR 860-021-0410, Emergency Medical  
Certificate for Residential Electric and Gas Service.

**STAFF RECOMMENDATION:**

Approve Northwest Natural Gas Company's (NW Natural or Company) request for a partial waiver of OAR 860-021-0410(4).

**DISCUSSION:**

Issue

Whether the Commission should approve NW Natural's request to extend the partial waiver of OAR 860-021-0410(4) extending the 15-day timeframe to six months through October 1, 2022.

Applicable Rule

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.

Under OAR 860-021-0410(4), the medical certificate shall be valid only for the length of time the health endangerment is certified to exist, but no longer than six months without renewal for certificates not specifying chronic illnesses, and no longer than twelve months for certificates specifying illnesses identified as chronic by a "Qualified Medical

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Professional” as defined in this rule. At least 15 days before the certificate’s expiration date, an energy utility will give the customer written notice of the date the certificate expires unless it is renewed with the utility before that day arrives.

Under OAR 860-021-0005, the Commission can grant waivers 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,<sup>1</sup> 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 No. 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 No. 20-65 (November 17, 2020). 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 April 17, 2020, NW Natural initially filed a petition in this docket to extend the 15-day renewal timeframe to six months for a period of 60 days. This was granted in Order No. 20-138 and then renewed in Order No. 20-190.

NW Natural filed the pending request for waiver on November 11, 2020, requesting a waiver to extend the 15-day renewal timeframe to six months through October 1, 2022.

#### *Conditions necessitating a waiver*

The ongoing COVID-19 pandemic has created added difficulty in renewing emergency medical certificates. In Docket No. UM 2114, 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.<sup>2</sup> 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.

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<sup>1</sup> Executive Order 20-03 (March 8, 2020).

<sup>2</sup> 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.<sup>3</sup> 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 changes are made to the rule.

Though a waiver of OAR 860-021-0410(4) was not specifically mentioned in Staff's UM 2114 report, Staff finds that the requested waiver does indeed ease the burden on utility customers who need to renew an emergency medical certificate.

### Conclusion

Based on the circumstances outlined above, Staff concludes that NW Natural's request for a waiver to OAR 860-021-0410(4) demonstrates good cause and satisfies the conditions of OAR 860-021-0005.

### **PROPOSED COMMISSION MOTION:**

Approve NW Natural's request for a partial waiver of OAR 860-021-0410(4) extending the 15-day renewal timeframe to six months through October 1, 2022.

NWN UM 1631 Emergency Medical Certificate Waiver Request.

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<sup>3</sup> See UM 2114, Order No. 20-401, Appendix A at 34-35.