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Diane Davis
Public Utility Commission of Oregon
550 Capitol St. NE, Suite 215
Salem, OR 97301-2551

Via First Class Mail and Electronic Filing at puc.FilingCenter@state.or.us

Re: Rule Comments –OAR 860-021-0550
OAR 860-021-0575
OAR 860-034-0275
OAR 860-034-0276

Dear Ms. Davis:

I am writing to comment on the above-proposed rules in my capacity as the Family Law State Support Unit Attorney with the Oregon Law Center (OLC). OLC is a private, nonprofit law firm that provides civil legal assistance to low income Oregonians. OLC has offices throughout the state that prioritize the provision of legal services to victims of domestic violence, sexual assault and stalking. In addition, OLC attorneys are members of a number of statewide and local councils and committees that work to coordinate and improve the community response to victims. At OLC, I provide support and technical assistance to these legal services lawyers and advocates and work with partners statewide on a variety of matters relating to these topics.

Please note that Sybil Hebb, who is Director of Legislative Advocacy at OLC and submitted testimony in favor of SB 983 last year, has reviewed and supports these comments. We both believe that SB 983 was an extremely significant legislative measure in the effort to reduce violence in our state. We appreciate the work of the Public Utilities Commission in implementing this important new law.

Comments re: OAR 860-021-0550 and OAR 860-034-0275

Because OAR 860-21-0550 and OAR 860-034-0275 are identical, except that the former affects large and the latter affects small telecommunications utilities, the comments below are directed at both rules.

- **OAR 860-021-0550(3) and ORS 860-034-0275(3):** Victims of domestic violence, stalking, abuse of the elderly and disabled and sexual assault have enhanced safety concerns and are at risk for further violence. Consequently, maintaining the confidentiality of the information that they provide in the course of requesting a reasonable time payment agreement is critical. This might

include ensuring that the smallest number of employees have access to the documents, that employees who do have access are adequately trained and understand the importance of maintaining their confidentiality and that the documents or their contents are not made available to the public. For that reason, I would suggest that language be added at the end of each proposed rule as follows: “A ...telecommunications utility must establish and maintain procedures for receiving affidavits and orders from customers and **for ensuring the confidentiality of these records.**”

- **OAR 860-021-0550(4)(b) and OAR 860-034-0275(4)(b):** I have two comments regarding this rule. First, in order to mirror the exact language of Chapter 290, Section 2 (4), Oregon Laws 2005, the word “reasonable” should be added to the first sentence of each rule as follows: “Must enter into a **reasonable** time payment agreement...” Second, these rules provide that customers submitting affidavits and orders must make a time payment agreement within 10 days of submission. The rules, however, do not explicitly state that the utility is precluded from terminating service during that 10 day period. For purposes of clarification, the following sentence should be added to this rule: **“Local exchange service may not be terminated during this 10 day period.”**

Comments re: OAR 860-021-0575 and OAR 860-034-0276

These rules mirror the language of current OAR 860-034-0270 which relates to the terms of time payment agreements for customers with emergency medical certificates. The law authorizing this rule, however, is markedly different from the law authorizing time payment agreements for customers at significant risk of domestic violence, unwanted sexual contact, abuse because they are elderly or disabled or stalking. Chapter 290, section 2 (5), Oregon Laws 2005 specifically states in part that:

Customers are required to enter into a **reasonable** payment agreement with the telecommunication public utility if an overdue balance exists. Local exchange residential service may be terminated if a customer refuses to enter into or fails to abide by the terms of a **reasonable** payment agreement. (emphasis added)

Chapter 290, section 5(5) Oregon Laws 1987 relating to emergency medical certificates does not require specifically that the time payment agreements be reasonable. The inclusion of the word “reasonable” in Chapter 290, Oregon Law 2005, is substantively different and suggests a legislative intent that utilities take into account the particular circumstances of individual customers in reaching the terms of time payment agreements. The rules as proposed require the application of a specific formula to each customer and do not require any consideration of whether that formula is reasonable in the case of an individual customer at significant risk.

In order to address the omission of the requirement that time payment agreements be reasonable, the following changes could be made a part of OAR 860-021-0575(1) and OAR 860-034-0276(1).

- (1) A time payment agreement must contain, at a minimum, the following terms:
 - (a) An initial customer down payment of \$10 or 25 percent of the balance owing for tariffed or price-listed ... telecommunications utility services on file with the Commission, whichever is greater **or for a customer proceeding pursuant to OAR 860-021-0550 (or OAR 860-034-0275), other reasonable terms.**
 - (b) Full payment of the overdue balance within 90 day **or for customers proceeding pursuant to OAR 860-021-0550 or OAR 860-034-0275, other reasonable period of time.**

Also, for the same reason, the last sentence of proposed OAR 860-021-0575(3) and OAR 860-034-0275(3) should reflect that a customer at significant risk cannot extend the agreement beyond “90 days **or other reasonable period of time** without the consent of the ...telecommunications utility.

Alternatively, the concept of reasonableness for customers at significant risk could be incorporated directly into OAR 860-021-0550 and OAR 860-034-0275.

Thank you for your consideration of these comments.

Very truly yours,

Robin Selig
State Support Unit Attorney